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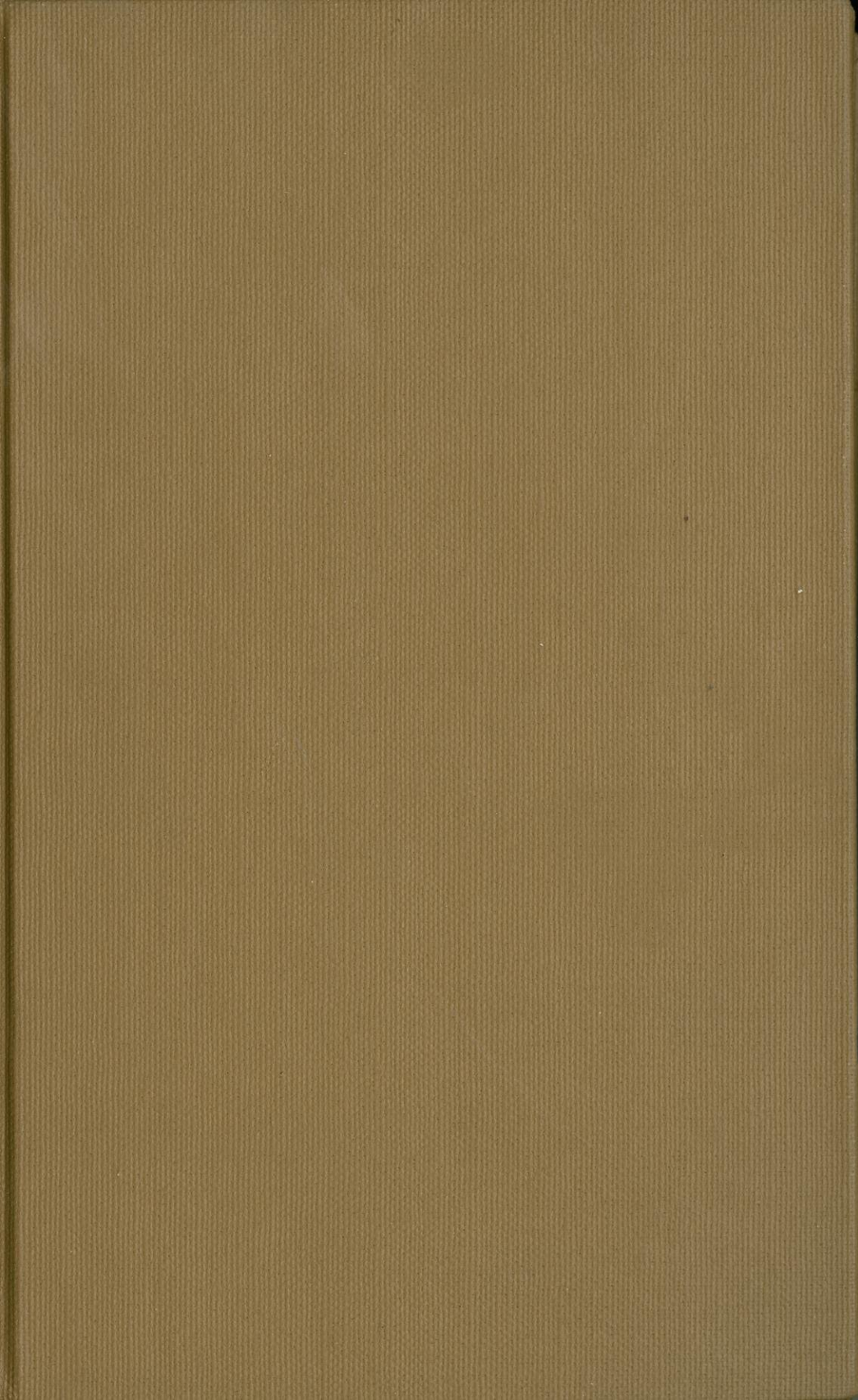
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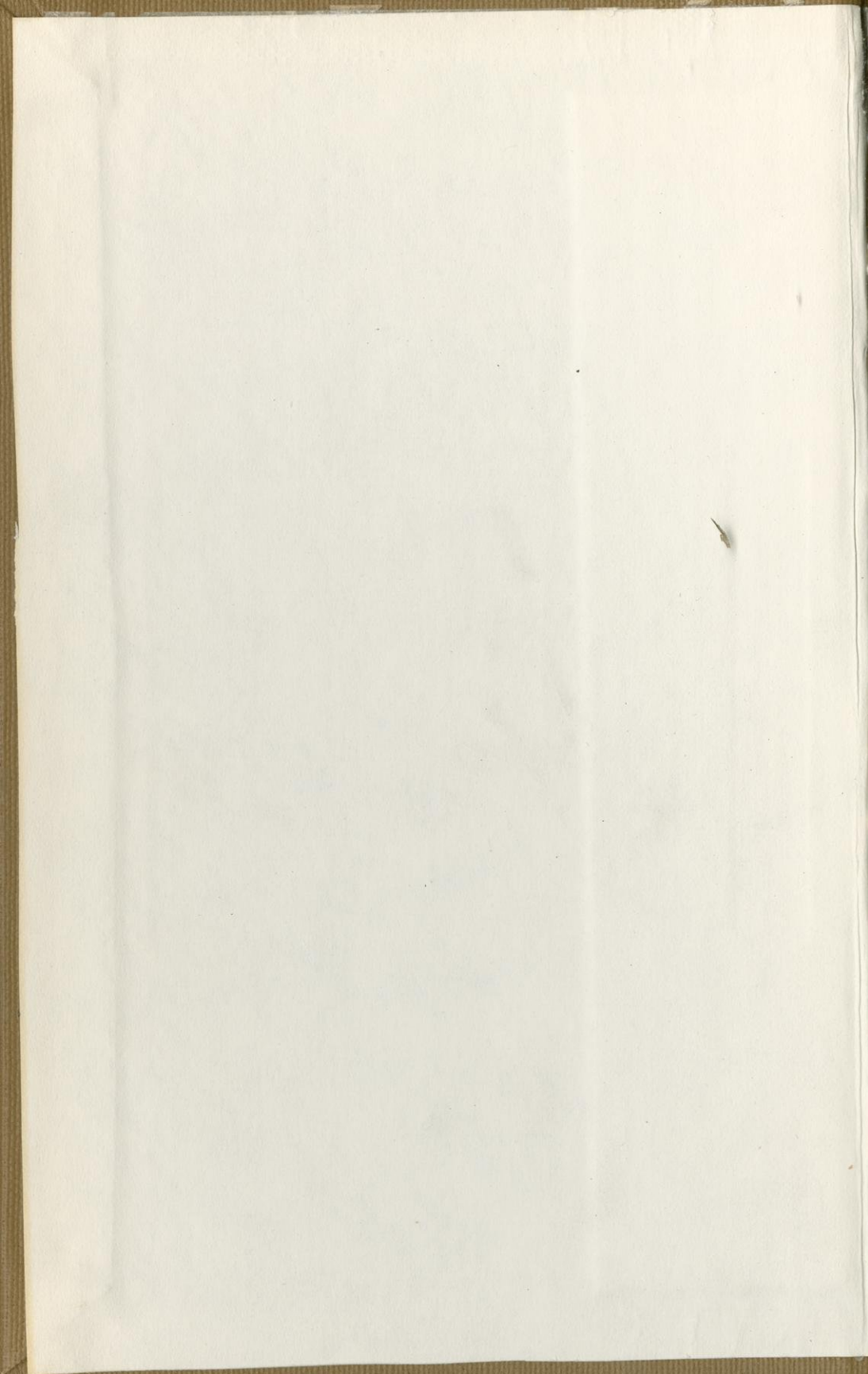
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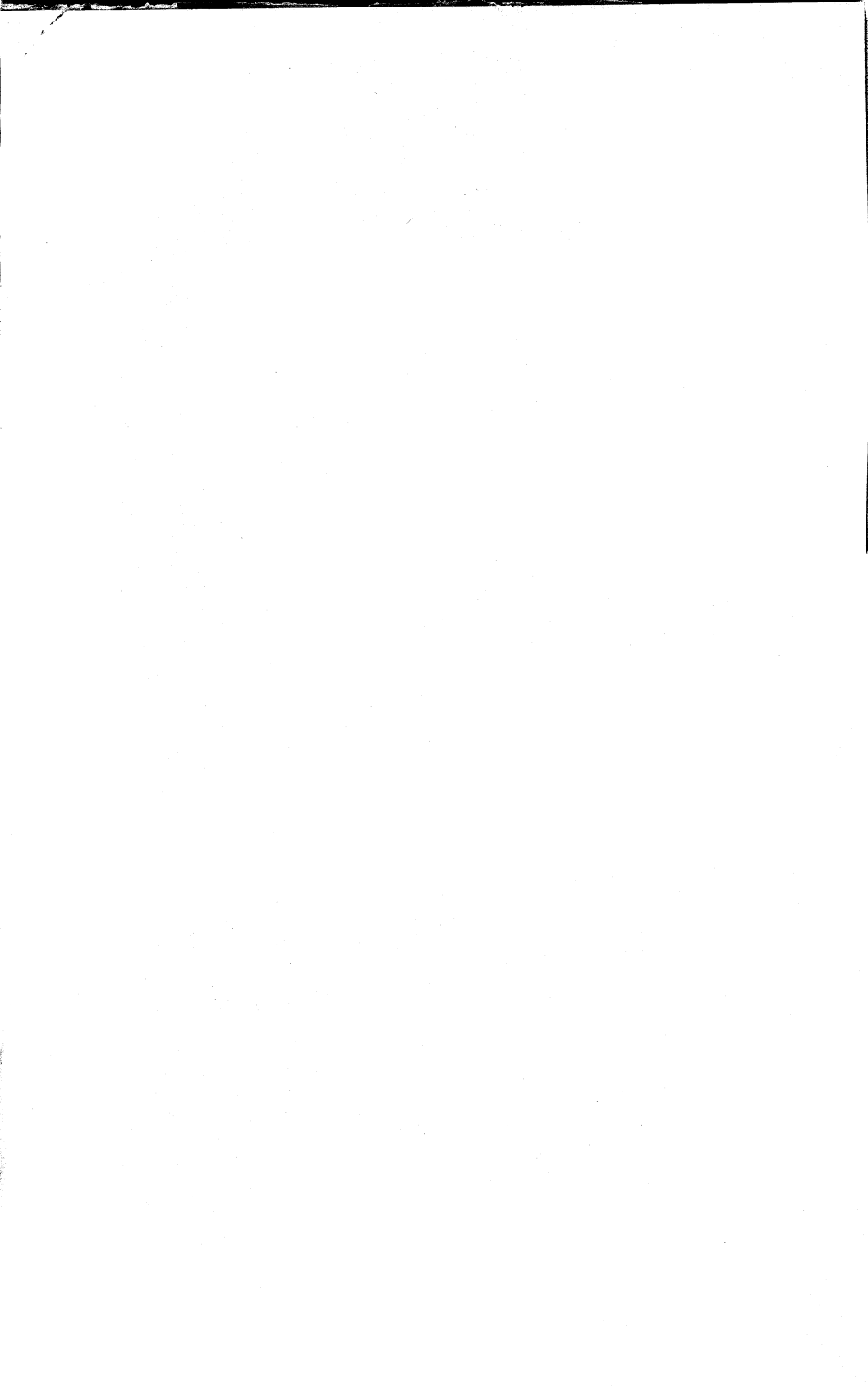
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# EXECUTIVE DOCUMENTS

PRINTED BY ORDER OF

## THE HOUSE OF REPRESENTATIVES

DURING THE

SECOND SESSION OF THE FORTIETH CONGRESS,

1867-'68.

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IN TWENTY VOLUMES.

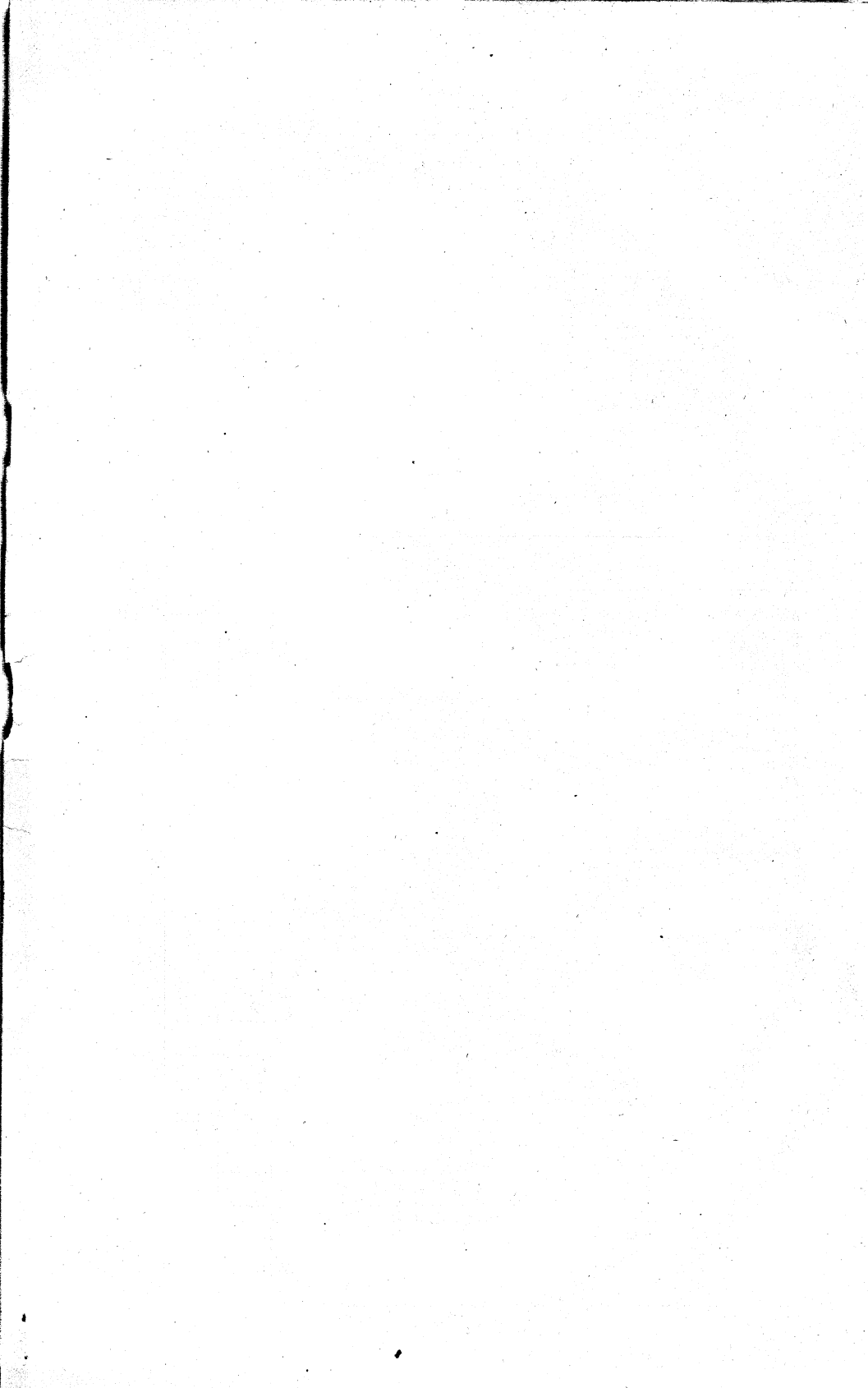
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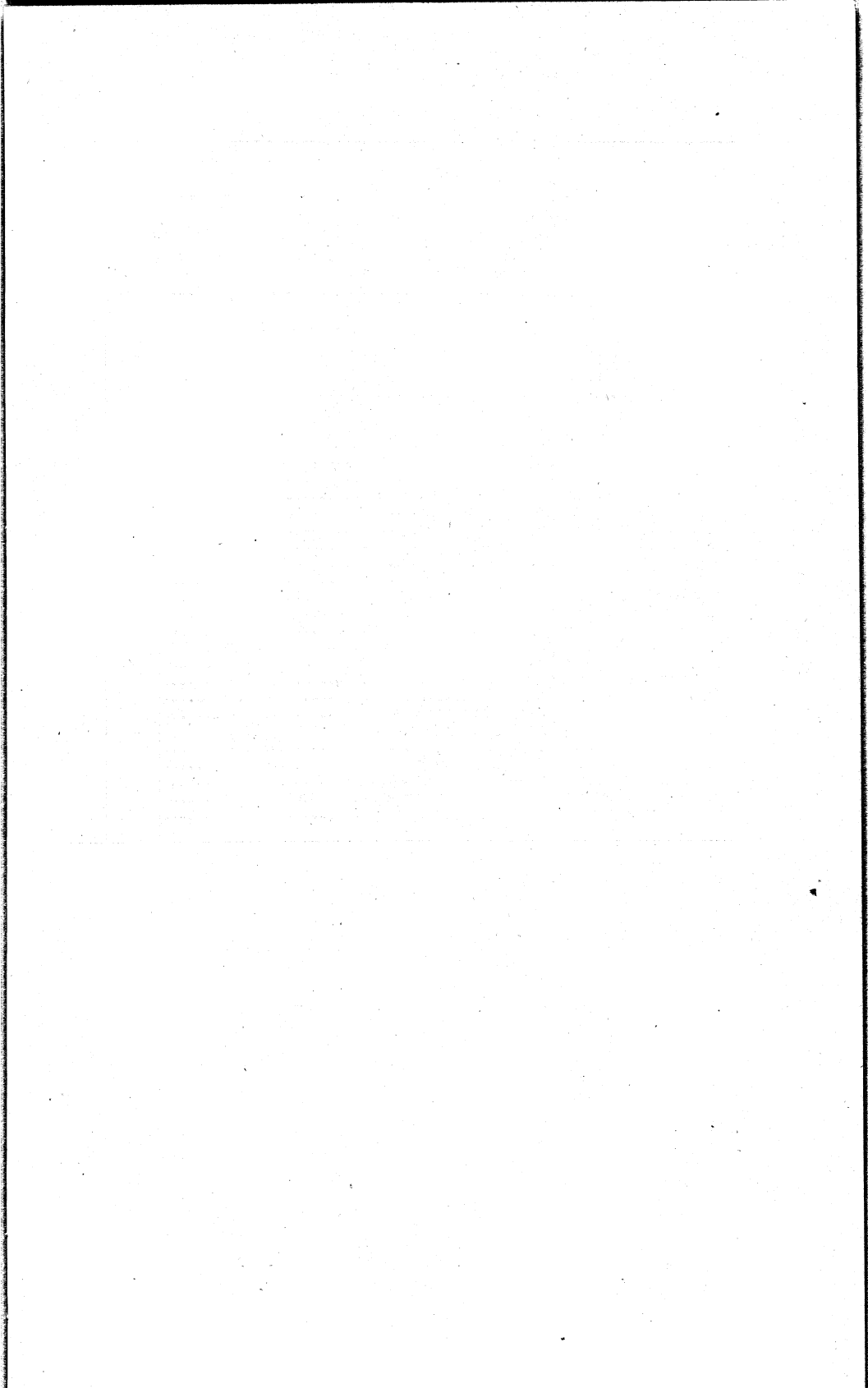
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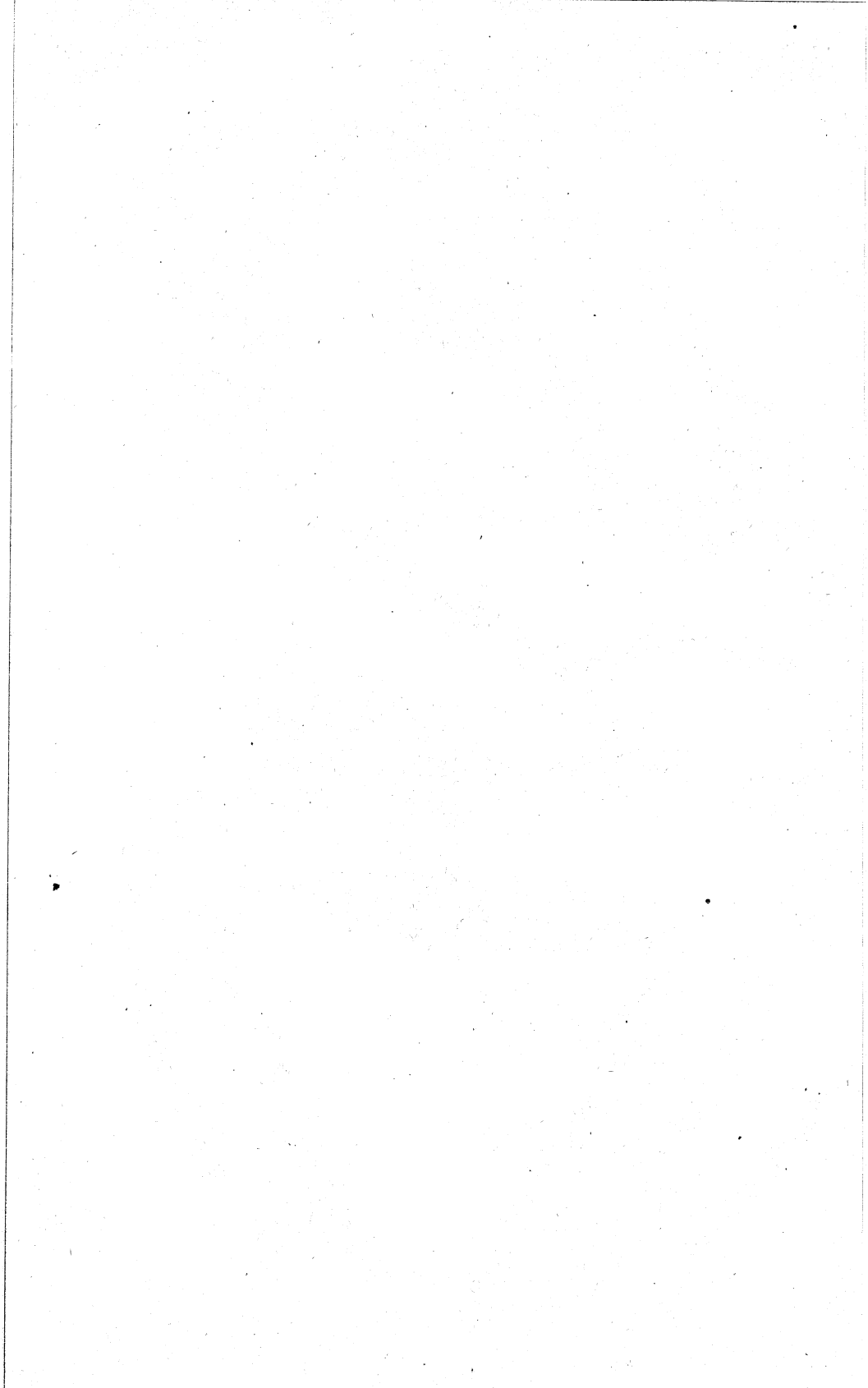
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40TH CONGRESS, }  
2d Session. }

HOUSE OF REPRESENTATIVES.

{ Ex. Doc.  
{ No. 1.

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M E S S A G E

OF THE

PRESIDENT OF THE UNITED STATES

AND

ACCOMPANYING DOCUMENTS,

TO THE

TWO HOUSES OF CONGRESS

AT THE

COMMENCEMENT OF THE SECOND SESSION OF THE FORTIETH CONGRESS.

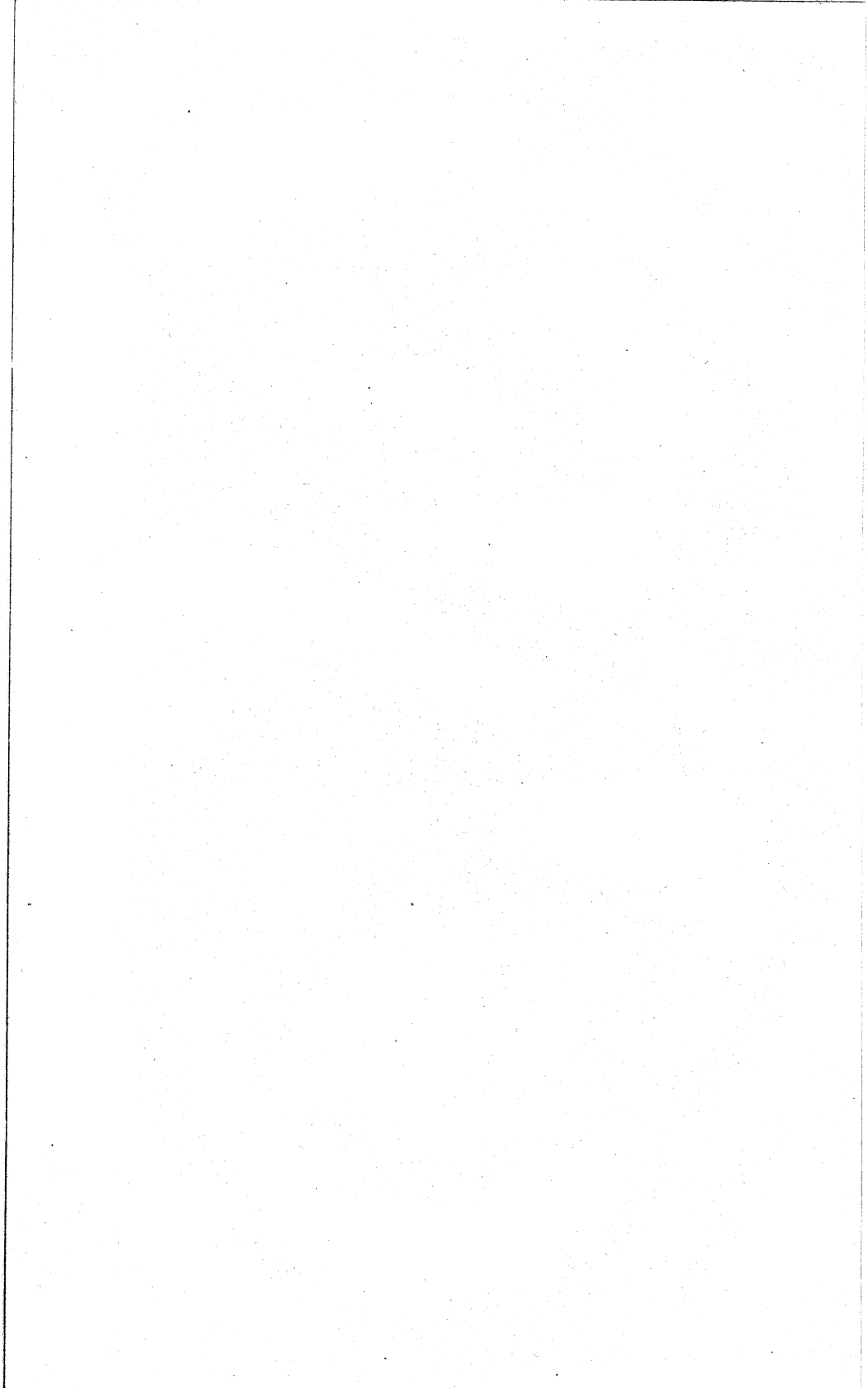
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RELATING TO

## FOREIGN AFFAIRS.

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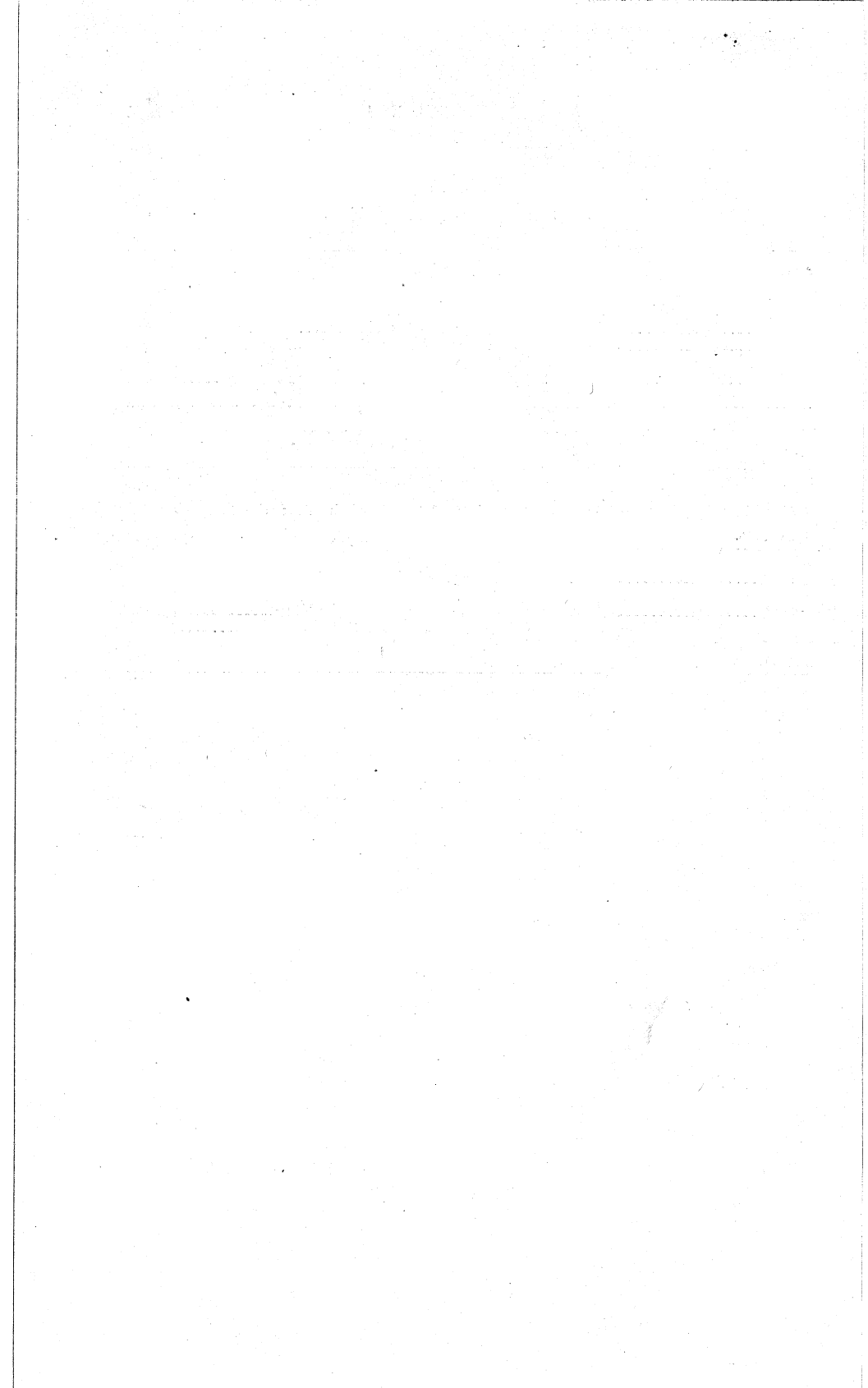
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# MESSAGE.

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*Fellow-citizens of the Senate and House of Representatives :*

The continued disorganization of the Union, to which the President has so often called the attention of Congress, is yet a subject of profound and patriotic concern. We may, however, find some relief from that anxiety in the reflection that the painful political situation, although before untried by ourselves, is not new in the experience of nations. Political science, perhaps as highly perfected in our own time and country as in any other, has not yet disclosed any means by which civil wars can be absolutely prevented. An enlightened nation, however, with a wise and beneficent constitution of free government, may diminish their frequency and mitigate their severity by directing all its proceedings in accordance with its fundamental law.

When a civil war has been brought to a close, it is manifestly the first interest and duty of the state to repair the injuries which the war has inflicted, and to secure the benefit of the lessons it teaches as fully and as speedily as possible. This duty was, upon the termination of the rebellion, promptly accepted, not only by the executive department, but by the insurrectionary States themselves, and restoration, in the first moment of peace, was believed to be as easy and certain as it was indispensable. The expectations, however, then so reasonably and confidently entertained, were disappointed by legislation from which I felt constrained, by my obligations to the Constitution, to withhold my assent.

It is therefore a source of profound regret that, in complying with the obligation imposed upon the President by the Constitution, to give to Congress from time to time information of the state of the Union, I am unable to communicate any definitive adjustment, satisfactory to the American people, of the questions which, since the close of the rebellion, have agitated the public mind. On the contrary, candor compels me to declare that at this time there is no Union as our fathers understood the term, and as they meant it to be understood by us. The Union which they established can exist only where all the States are represented in both houses of Congress; where one State is as free as another to regulate its internal concerns according to its own will; and where the laws of the central government, strictly confined to matters of national jurisdiction, apply with equal force to all the people of every section. That such is not the present "state of the Union" is a melancholy fact; and we must all acknowledge that the restoration of the States to their proper legal relations with the federal government and with one another, according to the terms of the original compact, would be the greatest temporal blessing which God, in his kindest providence, could bestow upon this nation. It becomes our imperative duty to consider whether or not it is impossible to effect this most desirable consummation.

The Union and the Constitution are inseparable. As long as one is obeyed by

all parties, the other will be preserved; and if one is destroyed, both must perish together. The destruction of the Constitution will be followed by other and still greater calamities. It was ordained not only to form a more perfect union between the States, but to "establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." Nothing but implicit obedience to its requirements in all parts of the country will accomplish these great ends. Without that obedience, we can look forward only to continual outrages upon individual rights, incessant breaches of the public peace, national weakness, financial dishonor, the total loss of our prosperity, the general corruption of morals, and the final extinction of popular freedom. To save our country from evils so appalling as these, we should renew our efforts again and again.

To me the process of restoration seems perfectly plain and simple. It consists merely in a faithful application of the Constitution and laws. The execution of the laws is not now obstructed or opposed by physical force. There is no military or other necessity, real or pretended, which can prevent obedience to the Constitution, either north or south. All the rights and all the obligations of States and individuals can be protected and enforced by means perfectly consistent with the fundamental law. The courts may be everywhere open; and if open, their process would be unimpeded. Crimes against the United States can be prevented or punished by the proper judicial authorities, in a manner entirely practicable and legal. There is, therefore, no reason why the Constitution should not be obeyed, unless those who exercise its powers have determined that it shall be disregarded and violated. The mere naked will of this government, or of some one or more of its branches, is the only obstacle that can exist to a perfect union of all the States.

On this momentous question, and some of the measures growing out of it, I have had the misfortune to differ from Congress, and have expressed my convictions without reserve, though with becoming deference to the opinion of the legislative department. Those convictions are not only unchanged, but strengthened by subsequent events and further reflection. The transcendent importance of the subject will be a sufficient excuse for calling your attention to some of the reasons which have so strongly influenced my own judgment. The hope that we may all finally concur in a mode of settlement, consistent at once with our true interests and with our sworn duties to the Constitution, is too natural and too just to be easily relinquished.

It is clear to my apprehension that the States lately in rebellion are still members of the national Union. When did they cease to be so? The "ordinances of secession" adopted by a portion (in most of them a very small portion) of their citizens, were mere nullities. If we admit now that they were valid and effectual for the purpose intended by their authors, we sweep from under our feet the whole ground upon which we justified the war. Were those States afterwards expelled from the Union by the war? The direct contrary was averred by this government to be its purpose, and was so understood by all those who gave their blood and treasure to aid in its prosecution. It cannot be that a successful war, waged for the preservation of the Union, had the legal effect

of dissolving it. The victory of the nation's arms was not the disgrace of her policy; the defeat of secession on the battle-field was not the triumph of its lawless principle. Nor could Congress, with or without the consent of the Executive, do anything which would have the effect, directly or indirectly, of separating the States from each other. To dissolve the Union is to repeal the Constitution which holds it together, and that is a power which does not belong to any department of the government, or to all of them united.

This is so plain that it has been acknowledged by all branches of the federal government. The Executive (my predecessor as well as myself) and the heads of all the departments have uniformly acted upon the principle that the Union is not only undissolved, but indissoluble. Congress submitted an amendment of the Constitution to be ratified by the southern States, and accepted their acts of ratification as a necessary and lawful exercise of their highest function. If they were not States, or were States out of the Union, their consent to a change in the fundamental law of the Union would have been nugatory, and Congress, in asking it, committed a political absurdity. The judiciary has also given the solemn sanction of its authority to the same view of the case. The judges of the Supreme Court have included the southern States in their circuit, and they are constantly, *in banc* and elsewhere, exercising jurisdiction which does not belong to them, unless those States are States of the Union.

If the southern States are component parts of the Union, the Constitution is the supreme law for them, as it is for all the other States. They are bound to obey it, and so are we. The right of the federal government, which is clear and unquestionable, to enforce the Constitution upon them, implies the correlative obligation on our part to observe its limitations and execute its guarantees. Without the Constitution we are nothing; by, through, and under the Constitution we are what it makes us. We may doubt the wisdom of the law, we may not approve of its provisions, but we cannot violate it merely because it seems to confine our powers within limits narrower than we could wish. It is not a question of individual, or class, or sectional interest, much less of party predominance, but of duty—of high and sacred duty—which we are all sworn to perform. If we cannot support the Constitution with the cheerful alacrity of those who love and believe in it, we must give to it at least the fidelity of public servants who act under solemn obligations and commands which they dare not disregard.

The constitutional duty is not the only one which requires the States to be restored. There is another consideration which, though of minor importance, is yet of great weight. On the 22d day of July, 1861, Congress declared, by an almost unanimous vote of both houses, that the war should be conducted solely for the purpose of preserving the Union, and maintaining the supremacy of the federal Constitution and laws, without impairing the dignity, equality, and rights of the States or of individuals, and that when this was done the war should cease. I do not say that this declaration is personally binding on those who joined in making it, any more than individual members of Congress are personally bound to pay a public debt created under a law for which they voted. But it was a solemn, public, official pledge of the national honor, and I cannot



imagine upon what grounds the repudiation of it is to be justified. If it be said that we are not bound to keep faith with rebels, let it be remembered that this promise was not made to rebels only. Thousands of true men in the south were drawn to our standard by it, and hundreds of thousands in the north gave their lives in the belief that it would be carried out. It was made on the day after the first great battle of the war had been fought and lost. All patriotic and intelligent men then saw the necessity of giving such an assurance, and believed that without it the war would end in disaster to our cause. Having given that assurance in the extremity of our peril, the violation of it now, in the day of our power, would be a rude rending of that good faith which holds the moral world together; our country would cease to have any claim upon the confidence of men; it would make the war not only a failure but a fraud.

Being sincerely convinced that these views are correct, I would be unfaithful to my duty if I did not recommend the repeal of the acts of Congress which place ten of the southern States under the domination of military masters. If calm reflection shall satisfy a majority of your honorable bodies that the acts referred to are not only a violation of the national faith, but in direct conflict with the Constitution, I dare not permit myself to doubt that you will immediately strike them from the statute book.

To demonstrate the unconstitutional character of those acts, I need do no more than refer to their general provisions. It must be seen at once that they are not authorized. To dictate what alterations shall be made in the constitutions of the several States; to control the elections of State legislators and State officers, members of Congress and electors of President and Vice-President, by arbitrarily declaring who shall vote and who shall be excluded from that privilege; to dissolve State legislatures or prevent them from assembling; to dismiss judges and other civil functionaries of the State, and appoint others without regard to State law; to organize and operate all the political machinery of the States; to regulate the whole administration of their domestic and local affairs according to the mere will of strange and irresponsible agents, sent among them for that purpose—these are powers not granted to the federal government or to any one of its branches. Not being granted, we violate our trust by assuming them, as palpably as we would by acting in the face of a positive interdict; for the Constitution forbids us to do whatever it does not affirmatively authorize, either by express words or by clear implication. If the authority we desire to use does not come to us through the Constitution, we can exercise it only by usurpation; and usurpation is the most dangerous of political crimes. By that crime the enemies of free government in all ages have worked out their designs against public liberty and private right. It leads directly and immediately to the establishment of absolute rule; for undelegated power is always unlimited and unrestrained.

The acts of Congress in question are not only objectionable for their assumption of ungranted power, but many of their provisions are in conflict with the direct prohibitions of the Constitution. The Constitution commands that a republican form of government shall be guaranteed to all the States; that no person shall be deprived of life, liberty, or property without due process of law,

arrested without a judicial warrant, or punished without a fair trial before an impartial jury; that the privilege of *habeas corpus* shall not be denied in time of peace; and that no bill of attainder shall be passed even against a single individual. Yet the system of measures established by these acts of Congress does totally subvert and destroy the form as well as the substance of republican government in the ten States to which they apply. It binds them hand and foot in absolute slavery, and subjects them to a strange and hostile power, more unlimited and more likely to be abused than any other now known among civilized men. It tramples down all those rights in which the essence of liberty consists, and which a free government is always most careful to protect. It denies the *habeas corpus* and the trial by jury. Personal freedom, property, and life, if assailed by the passion, the prejudice, or the rapacity of the ruler, have no security whatever. It has the effect of a bill of attainder, or bill of pains and penalties, not upon a few individuals, but upon whole masses, including the millions who inhabit the subject States, and even their unborn children. These wrongs being expressly forbidden, cannot be constitutionally inflicted upon any portion of our people, no matter how they may have come within our jurisdiction, and no matter whether they live in States, Territories, or districts.

I have no desire to save from the proper and just consequences of their great crime those who engaged in rebellion against the government, but as a mode of punishment the measures under consideration are the most unreasonable that could be invented. Many of those people are perfectly innocent; many kept their fidelity to the Union untainted to the last; many were incapable of any legal offence; a large proportion even of the persons able to bear arms were forced into rebellion against their will, and of those who are guilty with their own consent, the degrees of guilt are as various as the shades of their character and temper. But these acts of Congress confound them all together in one common doom. Indiscriminate vengeance upon classes, sects, and parties, or upon whole communities, for offences committed by a portion of them against the governments to which they owed obedience, was common in the barbarous ages of the world. But Christianity and civilization have made such progress that recourse to a punishment so cruel and unjust would meet with the condemnation of all unprejudiced and right-minded men. The punitive justice of this age, and especially of this country, does not consist in stripping whole States of their liberties, and reducing all their people, without distinction, to the condition of slavery. It deals separately with each individual, confines itself to the forms of law, and vindicates its own purity by an impartial examination of every case before a competent judicial tribunal. If this does not satisfy all our desires with regard to southern rebels, let us console ourselves by reflecting that a free Constitution, triumphant in war and unbroken in peace, is worth far more to us and our children than the gratification of any present feeling.

I am aware it is assumed that this system of government for the southern States is not to be perpetual. It is true this military government is to be only provisional, but it is through this temporary evil that a greater evil is to be made perpetual. If the guarantees of the Constitution can be broken provisionally to serve a temporary purpose, and in a part only of the country, we can destroy

them everywhere and for all time. Arbitrary measures often change, but they generally change for the worse. It is the curse of despotism that it has no halting place. The intermitted exercise of its power brings no sense of security to its subjects, for they can never know what more they will be called to endure when its red right hand is armed to plague them again. Nor is it possible to conjecture how or where power, unrestrained by law, may seek its next victims. The States that are still free may be enslaved at any moment; for if the Constitution does not protect all, it protects none.

It is manifestly and avowedly the object of these laws to confer upon negroes the privilege of voting, and to disfranchise such a number of white citizens as will give the former a clear majority at all elections in the southern States. This, to the minds of some persons, is so important that a violation of the Constitution is justified as a means of bringing it about. The morality is always false which excuses a wrong because it proposes to accomplish a desirable end. We are not permitted to do evil that good may come. But in this case the end itself is evil, as well as the means. The subjugation of the States to negro domination would be worse than the military despotism under which they are now suffering. It was believed beforehand that the people would endure any amount of military oppression for any length of time rather than degrade themselves by subjection to the negro race. Therefore they have been left without a choice. Negro suffrage was established by act of Congress, and the military officers were commanded to superintend the process of clothing the negro race with the political privileges torn from white men.

The blacks in the south are entitled to be well and humanely governed, and to have the protection of just laws for all their rights of person and property. If it were practicable at this time to give them a government exclusively their own, under which they might manage their own affairs in their own way, it would become a grave question whether we ought to do so, or whether common humanity would not require us to save them from themselves. But, under the circumstances, this is only a speculative point. It is not proposed merely that they shall govern themselves, but that they shall rule the white race, make and administer State laws, elect Presidents and members of Congress, and shape to a greater or less extent the future destiny of the whole country. Would such a trust and power be safe in such hands?

The peculiar qualities which should characterize any people who are fit to decide upon the management of public affairs for a great state have seldom been combined. It is the glory of white men to know that they have had these qualities in sufficient measure to build upon this continent a great political fabric, and to preserve its stability for more than ninety years, while in every other part of the world all similar experiments have failed. But if anything can be proved by known facts, if all reasoning upon evidence is not abandoned, it must be acknowledged that in the progress of nations negroes have shown less capacity for government than any other race of people. No independent government of any form has ever been successful in their hands. On the contrary, wherever they have been left to their own devices they have shown a constant tendency to relapse into barbarism. In the southern States, however, Congress has

undertaken to confer upon them the privilege of the ballot. Just released from slavery, it may be doubted whether as a class they know more than their ancestors how to organize and regulate civil society. Indeed, it is admitted that the blacks of the south are not only regardless of the rights of property, but so utterly ignorant of public affairs that their voting can consist in nothing more than carrying a ballot to the place where they are directed to deposit it. I need not remind you that the exercise of the elective franchise is the highest attribute of an American citizen, and that when guided by virtue, intelligence, patriotism, and a proper appreciation of our free institutions, it constitutes the true basis of a democratic form of government, in which the sovereign power is lodged in the body of the people. A trust artificially created, not for its own sake, but solely as a means of promoting the general welfare, its influence for good must necessarily depend upon the elevated character and true allegiance of the elector. It ought therefore to be reposed in none except those who are fitted morally and mentally to administer it well; for if conferred upon persons who do not justly estimate its value and who are indifferent as to its results, it will only serve as a means of placing power in the hands of the unprincipled and ambitious, and must eventuate in the complete destruction of that liberty of which it should be the most powerful conservator. I have, therefore, heretofore urged upon your attention the great danger "to be apprehended from an untimely extension of the elective franchise to any new class in our country, especially when the large majority of that class, in wielding the power thus placed in their hands, cannot be expected correctly to comprehend the duties and responsibilities which pertain to suffrage. Yesterday, as it were, four millions of persons were held in a condition of slavery that had existed for generations; to-day they are freemen, and are assumed by law to be citizens. It cannot be presumed, from their previous condition of servitude, that as a class they are as well informed as to the nature of our government as the intelligent foreigner who makes our land the home of his choice. In the case of the latter, neither a residence of five years, and the knowledge of our institutions which it gives, nor attachment to the principles of the Constitution, are the only conditions upon which he can be admitted to citizenship. He must prove, in addition, a good moral character, and thus give reasonable ground for the belief that he will be faithful to the obligations which he assumes as a citizen of the republic. Where a people—the source of all political power—speak by their suffrages, through the instrumentality of the ballot-box, it must be carefully guarded against the control of those who are corrupt in principle and enemies of free institutions, for it can only become to our political and social system a safe conductor of healthy popular sentiment when kept free from demoralizing influences. Controlled through fraud and usurpation by the designing, anarchy and despotism must inevitably follow. In the hands of the patriotic and worthy, our government will be preserved upon the principles of the Constitution inherited from our fathers. It follows, therefore, that in admitting to the ballot-box a new class of voters not qualified for the exercise of the elective franchise, we weaken our system of government instead of adding to its strength and durability." "I yield to no one in attachment to that rule of general suffrage which distinguishes our policy as a nation.

But there is a limit, wisely observed hitherto, which makes the ballot a privilege and a trust, and which requires of some classes a time suitable for probation and preparation. To give it indiscriminately to a new class wholly unprepared by previous habits and opportunities to perform the trust which it demands, is to degrade it, and finally to destroy its power; for it may be safely assumed that no political truth is better established than that such indiscriminate and all-embracing extension of popular suffrage must end at last in its overthrow and destruction."

I repeat the expression of my willingness to join in any plan within the scope of our constitutional authority which promises to better the condition of the negroes in the south, by encouraging them in industry, enlightening their minds, improving their morals, and giving protection to all their just rights as freedmen. But the transfer of our political inheritance to them would, in my opinion, be an abandonment of a duty which we owe alike to the memory of our fathers and the rights of our children.

The plan of putting the southern States wholly, and the general government partially, into the hands of negroes, is proposed at a time peculiarly unpropitious. The foundations of society have been broken up by civil war. Industry must be reorganized, justice re-established, public credit maintained, and order brought out of confusion. To accomplish these ends would require all the wisdom and virtue of the great men who formed our institutions originally. I confidently believe that their descendants will be equal to the arduous task before them, but it is worse than madness to expect that negroes will perform it for us. Certainly we ought not to ask their assistance till we despair of our own competency.

The great difference between the two races in physical, mental, and moral characteristics will prevent an amalgamation or fusion of them together in one homogeneous mass. If the inferior obtains the ascendancy over the other, it will govern with reference only to its own interests—for it will recognize no common interest—and create such a tyranny as this continent has never witnessed. Already the negroes are influenced by promises of confiscation and plunder. They are taught to regard as an enemy every white man who has any respect for the rights of his own race. If this continues, it must become worse and worse, until all order will be subverted, all industry cease, and the fertile fields of the south grow up into a wilderness. Of all the dangers which our nation has yet encountered, none are equal to those which must result from the success of the effort now making to Africanize the half of our country.

I would not put considerations of money in competition with justice and right. But the expenses incident to "reconstruction" under the system adopted by Congress aggravate what I regard as the intrinsic wrong of the measure itself. It has cost uncounted millions already, and if persisted in will add largely to the weight of taxation, already too oppressive to be borne without just complaint, and may finally reduce the treasury of the nation to a condition of bankruptcy. We must not delude ourselves. It will require a strong standing army, and probably more than two hundred millions of dollars per annum, to maintain the supremacy of negro governments after they are established. The sum thus thrown away would, if properly used, form a sinking fund large enough to pay

the whole national debt in less than fifteen years. It is vain to hope that negroes will maintain their ascendancy themselves. Without military power they are wholly incapable of holding in subjection the white people of the South.

I submit to the judgment of Congress whether the public credit may not be injuriously affected by a system of measures like this. With our debt, and the vast private interests which are complicated with it, we cannot be too cautious of a policy which might, by possibility, impair the confidence of the world in our government. That confidence can only be retained by carefully inculcating the principles of justice and honor on the popular mind, and by the most scrupulous fidelity to all our engagements of every sort. Any serious breach of the organic law, persisted in for a considerable time, cannot but create fears for the stability of our institutions. Habitual violation of prescribed rules, which we bind ourselves to observe, must demoralize the people. Our only standard of civil duty being set at naught, the sheet-anchor of our political morality is lost, the public conscience swings from its moorings, and yields to every impulse of passion and interest. If we repudiate the Constitution, we will not be expected to care much for mere pecuniary obligations. The violation of such a pledge as we made on the 22d day of July, 1861, will assuredly diminish the market value of our other promises. Besides, if we acknowledge that the national debt was created, not to hold the States in the Union, as the tax-payers were led to suppose, but to expel them from it and hand them over to be governed by negroes, the moral duty to pay it may seem much less clear. I say it may *seem* so; for I do not admit that this or any other argument in favor of repudiation can be entertained as sound; but its influence on some classes of minds may well be apprehended. The financial honor of a great commercial nation, largely indebted, and with a republican form of government administered by agents of the popular choice, is a thing of such delicate texture, and the destruction of it would be followed by such unspeakable calamity, that every true patriot must desire to avoid whatever might expose it to the slightest danger.

The great interests of the country require immediate relief from these enactments. Business in the South is paralyzed by a sense of general insecurity, by the terror of confiscation, and the dread of negro supremacy. The southern trade, from which the North would have derived so great a profit under a government of law, still languishes, and can never be revived until it ceases to be fettered by the arbitrary power which makes all its operations unsafe. That rich country—the richest in natural resources the world ever saw—is worse than lost if it be not soon placed under the protection of a free Constitution. Instead of being, as it ought to be, a source of wealth and power, it will become an intolerable burden upon the rest of the nation.

Another reason for retracing our steps will doubtless be seen by Congress in the late manifestations of public opinion upon this subject. We live in a country where the popular will always enforces obedience to itself, sooner or later. It is vain to think of opposing it with anything short of legal authority, backed by overwhelming force. It cannot have escaped your attention that from the day on which Congress fairly and formally presented the proposition to govern the southern States by military force, with a view to the ultimate establishment of

negro supremacy, every expression of the general sentiment has been more or less adverse to it. The affections of this generation cannot be detached from the institutions of their ancestors. Their determination to preserve the inheritance of free government in their own hands, and transmit it undivided and unimpaired to their own posterity, is too strong to be successfully opposed. Every weaker passion will disappear before that love of liberty and law for which the American people are distinguished above all others in the world.

How far the duty of the President, "to preserve, protect, and defend the Constitution," requires him to go in opposing an unconstitutional act of Congress, is a very serious and important question, on which I have deliberated much, and felt extremely anxious to reach a proper conclusion. Where an act has been passed according to the forms of the Constitution by the supreme legislative authority, and is regularly enrolled among the public statutes of the country, Executive resistance to it, especially in times of high party excitement, would be likely to produce violent collision between the respective adherents of the two branches of the government. This would be simply civil war; and civil war must be resorted to only as the last remedy for the worst of evils. Whatever might tend to provoke it should be most carefully avoided. A faithful and conscientious magistrate will concede very much to honest error, and something even to perverse malice, before he will endanger the public peace; and he will not adopt forcible measures, or such as might lead to force, as long as those which are peaceable remain open to him or to his constituents. It is true that cases may occur in which the Executive would be compelled to stand on its rights, and maintain them, regardless of all consequences. If Congress should pass an act which is not only in palpable conflict with the Constitution, but will certainly, if carried out, produce immediate and irreparable injury to the organic structure of the government, and if there be neither judicial remedy for the wrongs it inflicts, nor power in the people to protect themselves without the official aid of their elected defender; if, for instance, the legislative department should pass an act even through all the forms of law to abolish a co-ordinate department of the government—in such a case the President must take the high responsibilities of his office, and save the life of the nation at all hazards. The so-called reconstruction acts, though as plainly unconstitutional as any that can be imagined, were not believed to be within the class last mentioned. The people were not wholly disarmed of the power of self-defence. In all the northern States they still held in their hands the sacred right of the ballot, and it was safe to believe that in due time they would come to the rescue of their own institutions. It gives me pleasure to add that the appeal to our common constituents was not taken in vain, and that my confidence in their wisdom and virtue seems not to have been misplaced.

It is well and publicly known that enormous frauds have been perpetrated on the treasury, and that colossal fortunes have been made at the public expense. This species of corruption has increased, is increasing, and if not diminished will soon bring us into total ruin and disgrace. The public creditors and the tax-payers are alike interested in an honest administration of the finances, and neither class will long endure the large-handed robberies of the recent past. For

this discreditable state of things there are several causes. Some of the taxes are so laid as to present an irresistible temptation to evade payment. The great sums which officers may win by connivance at fraud create a pressure which is more than the virtue of many can withstand; and there can be no doubt that the open disregard of constitutional obligations avowed by some of the highest and most influential men in the country has greatly weakened the moral sense of those who serve in subordinate places. The expenses of the United States, including interest on the public debt, are more than six times as much as they were seven years ago. To collect and disburse this vast amount requires careful supervision as well as systematic vigilance. The system, never perfected, was much disorganized by the "Tenure-of-office bill," which has almost destroyed official accountability. The President may be thoroughly convinced that an officer is incapable, dishonest, or unfaithful to the Constitution, but, under the law which I have named, the utmost he can do is to complain to the Senate, and ask the privilege of supplying his place with a better man. If the Senate be regarded as personally or politically hostile to the President, it is natural, and not altogether unreasonable, for the officer to expect that it will take his part as far as possible, restore him to his place, and give him a triumph over his executive superior. The officer has other chances of impunity arising from accidental defects of evidence, the mode of investigating it, and the secrecy of the hearing. It is not wonderful that official malfeasance should become bold in proportion as the delinquents learn to think themselves safe. I am entirely persuaded that under such a rule the President cannot perform the great duty assigned to him of seeing the laws faithfully executed, and that it disables him most especially from enforcing that rigid accountability which is necessary to the due execution of the revenue laws.

The Constitution invests the President with authority to *decide* whether a removal should be made in any given case; the act of Congress declares, in substance, that he shall only accuse such as he supposes to be unworthy of their trust. The Constitution makes him sole *judge* in the premises; but the statute takes away his jurisdiction, transfers it to the Senate, and leaves him nothing but the odious and sometimes impracticable duty of becoming a *prosecutor*. The prosecution is to be conducted before a tribunal whose members are not, like him, responsible to the whole people, but to separate constituent bodies, and who may hear his accusation with great disfavor. The Senate is absolutely without any known standard of decision applicable to such a case. Its judgment cannot be anticipated, for it is not governed by any rule. The law does not define what shall be deemed good cause for removal. It is impossible even to conjecture what may or may not be so considered by the Senate. The nature of the subject forbids clear proof. If the charge be incapacity, what evidence will support it? Fidelity to the Constitution may be understood or misunderstood in a thousand different ways, and by violent party men, in violent party times, unfaithfulness to the Constitution may even come to be considered meritorious. If the officer be accused of dishonesty, how shall it be made out? Will it be inferred from acts unconnected with public duty, from private history, or from general reputation? Or must the President await the commission of an



actual misdemeanor in office? Shall he, in the mean time, risk the character and interest of the nation in the hands of men to whom he cannot give his confidence? Must he forbear his complaint until the mischief is done and cannot be prevented? If his zeal in the public service should impel him to anticipate the overt act, must he move at the peril of being tried himself for the offence of slandering his subordinate? In the present circumstances of the country, some one must be held responsible for official delinquency of every kind. It is extremely difficult to say where that responsibility should be thrown, if it be not left where it has been placed by the Constitution. But all just men will admit that the President ought to be entirely relieved from such responsibility, if he cannot meet it by reason of restrictions placed by law upon his action.

The unrestricted power of removal from office is a very great one to be trusted even to a magistrate chosen by the general suffrage of the whole people, and accountable directly to them for his acts. It is undoubtedly liable to abuse, and at some periods of our history has been abused. If it be thought desirable and constitutional that it should be so limited as to make the President merely a common informer against other public agents, he should at least be permitted to act in that capacity before some open tribunal, independent of party politics, ready to investigate the merits of every case, furnished with the means of taking evidence, and bound to decide according to established rules. This would guarantee the safety of the accuser when he acts in good faith, and at the same time secure the rights of the other party. I speak of course with all proper respect for the present Senate, but it does not seem to me that any legislative body can be so constituted as to insure its fitness for these functions.

It is not the theory of this government that public offices are the property of those who hold them. They are given merely as a trust for the public benefit, sometimes for a fixed period, sometimes during good behavior, but generally they are liable to be terminated at the pleasure of the appointing power, which represents the collective majesty and speaks the will of the people. The forced retention in office of a single dishonest person may work great injury to the public interests. The danger to the public service comes not from the power to remove, but from the power to appoint. Therefore it was that the framers of the Constitution left the power of removal unrestricted, while they gave the Senate a right to reject all appointments which, in its opinion, were not fit to be made. A little reflection on this subject will probably satisfy all who have the good of the country at heart that our best course is to take the Constitution for our guide, walk in the path marked out by the founders of the republic, and obey the rules made sacred by the observance of our great predecessors.

The present condition of our finances and circulating medium is one to which your early consideration is invited.

The proportion which the currency of any country should bear to the whole value of the annual produce circulated by its means is a question upon which political economists have not agreed. Nor can it be controlled by legislation, but must be left to the irrevocable laws which everywhere regulate commerce and trade. The circulating medium will ever irresistibly flow to those points where it is in greatest demand. The law of demand and supply is as uner-

ring as that which regulates the tides of the ocean; and indeed currency, like the tides, has its ebbs and flows throughout the commercial world.

At the beginning of the rebellion the bank-note circulation of the country amounted to not much more than two hundred millions of dollars; now the circulation of national bank notes and those known as "legal tenders" is nearly seven hundred millions. While it is urged by some that this amount should be increased, others contend that a decided reduction is absolutely essential to the best interests of the country. In view of these diverse opinions, it may be well to ascertain the real value of our paper issues, when compared with a metallic or convertible currency. For this purpose, let us inquire how much gold and silver could be purchased by the seven hundred millions of paper money now in circulation. Probably not more than half the amount of the latter—showing that when our paper currency is compared with gold and silver, its commercial value is compressed into three hundred and fifty millions. This striking fact makes it the obvious duty of the government, as early as may be consistent with the principles of sound political economy, to take such measures as will enable the holder of its notes and those of the national banks to convert them, without loss, into specie or its equivalent. A reduction of our paper circulating medium need not necessarily follow. This, however, would depend upon the law of demand and supply, though it should be borne in mind that by making legal-tender and bank notes convertible into coin or its equivalent, their present specie value in the hands of their holders would be enhanced one hundred per cent.

Legislation for the accomplishment of a result so desirable is demanded by the highest public considerations. The Constitution contemplates that the circulating medium of the country shall be uniform in quality and value. At the time of the formation of that instrument, the country had just emerged from the war of the Revolution, and was suffering from the effects of a redundant and worthless paper currency. The sages of that period were anxious to protect their posterity from the evils that they themselves had experienced. Hence, in providing a circulating medium, they conferred upon Congress the power to coin money and regulate the value thereof, at the same time prohibiting the States from making anything but gold and silver a tender in payment of debts.

The anomalous condition of our currency is in striking contrast with that which was originally designed. Our circulation now embraces, first, notes of the national banks, which are made receivable for all dues to the government, excluding imposts, and by all its creditors, excepting in payment of interest upon its bonds and the securities themselves; second, legal-tender notes, issued by the United States, and which the law requires shall be received as well in payment of all debts between citizens as of all government dues, excepting imposts; and third, gold and silver coin. By the operation of our present system of finance, however, the metallic currency, when collected, is reserved only for one class of government creditors, who, holding its bonds, semi-annually receive their interest in coin from the national treasury. They are thus made to occupy an invidious position, which may be used to strengthen the arguments of those who would

bring into disrepute the obligations of the nation. In the payment of all its debts, the plighted faith of the government should be inviolably maintained. But while it acts with fidelity toward the bond-holder who loaned his money that the integrity of the Union might be preserved, it should at the same time observe good faith with the great masses of the people, who, having rescued the Union from the perils of rebellion, now bear the burdens of taxation, that the government may be able to fulfil its engagements. There is no reason which will be accepted as satisfactory by the people, why those who defend us on the land and protect us on the sea; the pensioner upon the gratitude of the nation, bearing the scars and wounds received while in its service; the public servants in the various departments of the government; the farmer who supplies the soldiers of the army and the sailors of the navy; the artisan who toils in the nation's workshops, or the mechanics and laborers who build its edifices and construct its forts and vessels of war, should, in payment of their just and hard-earned dues, receive depreciated paper, while another class of their countrymen, no more deserving, are paid in coin of gold and silver. Equal and exact justice requires that all the creditors of the government should be paid in a currency possessing a uniform value. This can only be accomplished by the restoration of the currency to the standard established by the Constitution; and by this means we would remove a discrimination which may, if it has not already done so, create a prejudice that may become deep-rooted and wide-spread, and imperil the national credit.

The feasibility of making our currency correspond with the constitutional standard may be seen by reference to a few facts derived from our commercial statistics.

The production of precious metals in the United States from 1849 to 1857, inclusive, amounted to \$579,000,000; from 1858 to 1860, inclusive, to \$137,500,000; and from 1861 to 1867, inclusive, to \$457,500,000—making the grand aggregate of products since 1849, \$1,174,000,000. The amount of specie coined from 1849 to 1857, inclusive, was \$439,000,000; from 1858 to 1860, inclusive, \$125,000,000; and from 1861 to 1867, inclusive, \$310,000,000—making the total coinage since 1849, \$874,000,000. From 1849 to 1857, inclusive, the net exports of specie amounted to \$271,000,000; from 1858 to 1860, inclusive, to \$148,000,000; and from 1861 to 1867, inclusive, \$322,000,000—making the aggregate of net exports since 1849, \$741,000,000. These figures show an excess of product over net exports of \$433,000,000. There are in the treasury \$111,000,000 in coin, something more than \$40,000,000 in circulation on the Pacific coast, and a few millions in the national and other banks—in all about \$160,000,000. This, however, taking into account the specie in the country prior to 1849, leaves more than three hundred millions of dollars which have not been accounted for by exportation, and therefore may yet remain in the country.

These are important facts, and show how completely the inferior currency will supersede the better, forcing it from circulation among the masses, and causing it to be exported as a mere article of trade, to add to the money capital of foreign lands. They show the necessity of retiring our paper money, that the return of

gold and silver to the avenues of trade may be invited, and a demand created which will cause the retention at home of at least so much of the productions of our rich and inexhaustible gold-bearing fields as may be sufficient for purposes of circulation. It is unreasonable to expect a return to a sound currency so long as the government, by continuing to issue irredeemable notes, fills the channels of circulation with depreciated paper. Notwithstanding a coinage by our mints, since 1849, of eight hundred and seventy-four millions of dollars, the people are now strangers to the currency which was designed for their use and benefit, and specimens of the precious metals bearing the national device are seldom seen, except when produced to gratify the interest excited by their novelty. If depreciated paper is to be continued as a permanent currency of the country, and all our coin is to become a mere article of traffic and speculation, to the enhancement in price of all that is indispensable to the comfort of the people, it would be wise economy to abolish our mints, thus saving the nation the care and expense incident to such establishments, and let all our precious metals be exported in bullion. The time has come, however, when the government and national banks should be required to take the most efficient steps and make all necessary arrangements for a resumption of specie payments at the earliest practicable period. Specie payments having been once resumed by the government and banks, all notes or bills of paper issued by either of a less denomination than twenty dollars should by law be excluded from circulation, so that the people may have the benefit and convenience of a gold and silver currency which in all their business transactions will be uniform in value at home and abroad.

“Every man of property or industry, every man who desires to preserve what he honestly possesses, or to obtain what he can honestly earn, has a direct interest in maintaining a safe circulating medium—such a medium as shall be real and substantial, not liable to vibrate with opinions, not subject to be blown up or blown down by the breath of speculation, but to be made stable and secure. A disordered currency is one of the greatest political evils. It undermines the virtues necessary for the support of the social system, and encourages propensities destructive of its happiness; it wars against industry, frugality, and economy, and it fosters the evil spirits of extravagance and speculation.” It has been asserted by one of our profound and most gifted statesmen, that “of all the contrivances for cheating the laboring classes of mankind, none has been more effectual than that which deludes them with paper money. This is the most effectual of inventions to fertilize the rich man’s fields by the sweat of the poor man’s brow. Ordinary tyranny, oppression, excessive taxation—these bear lightly on the happiness of the mass of the community compared with a fraudulent currency, and the robberies committed by depreciated paper. Our own history has recorded for our instruction enough and more than enough of the demoralizing tendency, the injustice, and the intolerable oppression on the virtuous and well-disposed of a degraded paper currency, authorized by law or in any way countenanced by government.” It is one of the most successful devices, in times of peace or war, expansions or revulsions, to accomplish the transfer of all the precious metals from the great mass of the people into the hands of the few, where they are hoarded in secret places or deposited in strong

boxes under bolts and bars, while the people are left to endure all the inconvenience, sacrifice, and demoralization resulting from the use of a depreciated and worthless paper money.

The condition of our finances and the operations of our revenue system are set forth and fully explained in the able and instructive report of the Secretary of the Treasury. On the 30th of June 1866, the public debt amounted to \$2,783,425,870; on the 30th of June last it was \$2,692,199,215, showing a reduction during the fiscal year of \$91,226,664. During the fiscal year ending June 30, 1867, the receipts were \$490,634,010, and the expenditures \$346,729,129, leaving an available surplus of \$143,904,880. It is estimated that the receipts for the fiscal year ending June 30, 1868, will be \$417,161,928, and that the expenditures will reach the sum of \$393,269,226, leaving in the treasury a surplus of \$23,892,702. For the fiscal year ending June 30, 1869, it is estimated that the receipts will amount to \$381,000,000, and that the expenditures will be \$372,000,000, showing an excess of \$9,000,000 in favor of the government.

The attention of Congress is earnestly invited to the necessity of a thorough revision of our revenue system. Our internal revenue laws and impost system should be so adjusted as to bear most heavily on articles of luxury, leaving the necessaries of life as free from taxation as may be consistent with the real wants of the government economically administered. Taxation would not then fall unduly on the man of moderate means; and while none would be entirely exempt from assessment, all, in proportion to their pecuniary abilities, would contribute towards the support of the state. A modification of the internal revenue system, by a large reduction in the number of articles now subject to tax, would be followed by results equally advantageous to the citizen and the government. It would render the execution of the law less expensive and more certain, remove obstructions to industry, lessen the temptations to evade the law, diminish the violations and frauds perpetrated upon its provisions, make its operations less inquisitorial, and greatly reduce in numbers the army of tax-gatherers created by the system, who "take from the mouth of honest labor the bread it has earned." Retrenchment, reform, and economy should be carried into every branch of the public service, that the expenditures of the government may be reduced and the people relieved from oppressive taxation; a sound currency should be restored, and the public faith in regard to the national debt sacredly observed. The accomplishment of these important results, together with the restoration of the union of the States upon the principles of the Constitution, would inspire confidence at home and abroad in the stability of our institutions, and bring to the nation prosperity, peace, and good will.

The report of the Secretary of War *ad interim* exhibits the operations of the army and of the several bureaus of the War Department. The aggregate strength of our military force, on the 30th of September last, was 56,315. The total estimate for military appropriations is \$77,124,707, including a deficiency in last year's appropriation of \$13,600,000. The payments at the treasury on account of the service of the War Department from January 1 to October 29,

1867—a period of ten months—amounted to \$109,807,000. The expenses of the military establishment, as well as the numbers of the army, are now three times as great as they have ever been in time of peace; while the discretionary power is vested in the Executive to add millions to this expenditure by an increase of the army to the maximum strength allowed by the law.

The comprehensive report of the Secretary of the Interior furnishes interesting information in reference to the important branches of the public service connected with his department. The menacing attitude of some of the warlike bands of Indians inhabiting the district of country between the Arkansas and Platte rivers, and portions of Dakota Territory, required the presence of a large military force in that region. Instigated by real or imaginary grievances, the Indians occasionally committed acts of barbarous violence upon emigrants and our frontier settlements; but a general Indian war has been providentially averted. The commissioners under the act of 20th July, 1867, were invested with full power to adjust existing difficulties, negotiate treaties with the disaffected bands, and select for them reservations remote from the travelled routes between the Mississippi and the Pacific. They entered without delay upon the execution of their trust, but have not yet made any official report of their proceedings. It is of vital importance that our distant Territories should be exempt from Indian outbreaks, and that the construction of the Pacific railroad, an object of national importance, should not be interrupted by hostile tribes. These objects, as well as the material interests and the moral and intellectual improvement of the Indians, can be most effectually secured by concentrating them upon portions of country set apart for their exclusive use, and located at points remote from our highways and encroaching white settlements.

Since the commencement of the second session of the thirty-ninth Congress, five hundred and ten miles of road have been constructed on the main line and branches of the Pacific railway. The line from Omaha is rapidly approaching the eastern base of the Rocky mountains, while the terminus of the last section of constructed road in California, accepted by the government on the 24th day of October last, was but eleven miles distant from the summit of the Sierra Nevada. The remarkable energy evinced by the companies offers the strongest assurance that the completion of the road from Sacramento to Omaha will not be long deferred.

During the last fiscal year seven million forty-one thousand one hundred and fourteen acres of public land were disposed of, and the cash receipts from sales and fees exceeded by one-half million dollars the sum realized from those sources during the preceding year. The amount paid to pensioners, including expenses of disbursements, was \$18,619,956, and thirty-six thousand four hundred and eighty-two names were added to the rolls. The entire number of pensioners on the 30th of June last was one hundred and fifty-five thousand four hundred and seventy-four. Eleven thousand six hundred and fifty-five patents and designs were issued during the year ending September 30, 1867, and at that date the balance in the treasury to the credit of the patent fund was \$286,607.

The report of the Secretary of the Navy states that we have seven squadrons

actively and judiciously employed, under efficient and able commanders, in protecting the persons and property of American citizens, maintaining the dignity and power of the government, and promoting the commerce and business interests of our countrymen in every part of the world. Of the two hundred and thirty-eight vessels composing the present navy of the United States, fifty-six, carrying five hundred and seven guns, are in squadron service. During the year the number of vessels in commission has been reduced twelve, and there are thirteen less on squadron duty than there were at the date of the last report. A large number of vessels were commenced and in the course of construction when the war terminated, and although Congress had made the necessary appropriations for their completion, the department has either suspended work upon them or limited the slow completion of the steam vessels, so as to meet the contracts for machinery made with private establishments. The total expenditures of the Navy Department for the fiscal year ending June 30, 1867, were \$31,034,011. No appropriations have been made or required since the close of the war for the construction and repair of vessels, for steam machinery, ordnance, provisions and clothing, fuel, hemp, &c., the balances under these several heads having been more than sufficient for current expenditures. It should also be stated to the credit of the department that, besides asking no appropriations for the above objects for the last two years, the Secretary of the Navy, on the 30th of September last, in accordance with the act of May 1, 1820, requested the Secretary of the Treasury to carry to the surplus fund the sum of sixty-five millions of dollars, being the amount received from the sales of vessels and other war property, and the remnants of former appropriations.

The report of the Postmaster General shows the business of the Post Office Department and the condition of the postal service in a very favorable light, and the attention of Congress is called to its practical recommendations. The receipts of the department for the year ending June 30, 1867, including all special appropriations for sea and land service and for free mail matter, were \$19,978,693. The expenditures for all purposes were \$19,235,483, leaving an unexpended balance in favor of the department of \$743,210, which can be applied towards the expenses of the department for the current year. The increase of postal revenue, independent of specific appropriations, for the year 1867, over that of 1866, was \$850,040. The increase of revenue from the sale of stamps and stamped envelopes was \$783,404. The increase of expenditures for 1867 over those of the previous year was owing chiefly to the extension of the land and ocean mail service. During the past year new postal conventions have been ratified and exchanged with the United Kingdom of Great Britain and Ireland, Belgium, the Netherlands, Switzerland, the North German Union, Italy, and the colonial government at Hong Kong, reducing very largely the rates of ocean and land postages to and from and within those countries.

The report of the Acting Commissioner of Agriculture concisely presents the condition, wants, and progress of an interest eminently worthy the fostering care of Congress, and exhibits a large measure of useful results achieved during the year to which it refers.

The re-establishment of peace at home, and the resumption of extended trade,

travel, and commerce abroad, have served to increase the number and variety of questions in the department for foreign affairs. None of these questions, however, have seriously disturbed our relations with other states.

The republic of Mexico, having been relieved from foreign intervention, is earnestly engaged in efforts to re-establish her constitutional system of government. A good understanding continues to exist between our government and the republics of Hayti and San Domingo, and our cordial relations with the Central and South American States remain unchanged. The tender, made in conformity with a resolution of Congress, of the good offices of the government, with a view to an amicable adjustment of peace between Brazil and her allies on one side and Paraguay on the other, and between Chili and her allies on the one side and Spain on the other, though kindly received, has in neither case been fully accepted by the belligerents. The war in the valley of the Parana is still vigorously maintained. On the other hand, actual hostilities between the Pacific states and Spain have been more than a year suspended. I shall, on any proper occasion that may occur, renew the conciliatory recommendations which have been already made. Brazil, with enlightened sagacity and comprehensive statesmanship, has opened the great channels of the Amazon and its tributaries to universal commerce. One thing more seems needful to assure a rapid and cheering progress in South America. I refer to those peaceful habits without which states and nations cannot, in this age, well expect material prosperity or social advancement.

The Exposition of universal industry at Paris has passed, and seems to have fully realized the high expectations of the French government. If due allowance be made for the recent political derangement of industry here, the part which the United States has borne in this exhibition of invention and art may be regarded with very high satisfaction. During the exposition a conference was held of delegates from several nations, the United States being one, in which the inconveniences of commerce and social intercourse resulting from the diverse standards of money value were very fully discussed, and plans were developed for establishing, by universal consent, a common principle for the coinage of gold. These conferences are expected to be renewed, with the attendance of many foreign states not hitherto represented. A report of these interesting proceedings will be submitted to Congress, which will no doubt justly appreciate the great object, and be ready to adopt any measure which may tend to facilitate its ultimate accomplishment.

On the 25th of February, 1862, Congress declared by law that treasury notes without interest, authorized by that act, should be legal tender in payment of all debts, public and private, within the United States. An annual remittance of \$30,000, less stipulated expenses, accrues to claimants under the convention made with Spain in 1834. These remittances, since the passage of that act, have been paid in such notes. The claimants insist that the government ought to require payment in coin. The subject may be deemed worthy of your attention.

No arrangement has yet been reached for the settlement of our claims for British depredations upon the commerce of the United States. I have felt it



my duty to decline the proposition of arbitration made by her Majesty's government, because it has hitherto been accompanied by reservations and limitations incompatible with the rights, interest, and honor of our country. It is not to be apprehended that Great Britain will persist in her refusal to satisfy these just and reasonable claims, which involve the sacred principle of non-intervention—a principle henceforth not more important to the United States than to all other commercial nations.

The West India islands were settled and colonized by European states simultaneously with the settlement and colonization of the American continent. Most of the colonies planted here became independent nations in the close of the last and the beginning of the present century. Our own country embraces communities which, at one period, were colonies of Great Britain, France, Spain, Holland, Sweden, and Russia. The people in the West Indies, with the exception of those in the island of Hayti, have neither attained nor aspired to independence, nor have they become prepared for self-defence. Although possessing considerable commercial value, they have been held, by the several European States which colonized or at some time conquered them, chiefly for purposes of military and naval strategy in carrying out European policy and designs in regard to this continent. In our revolutionary war, ports and harbors in the West India islands were used by our enemy, to the great injury and embarrassment of the United States. We had the same experience in our second war with Great Britain. The same European policy for a long time excluded us even from trade with the West Indies, while we were at peace with all nations. In our recent civil war the rebels, and their piratical and blockade breaking allies, found facilities in the same ports for the work, which they too successfully accomplished, of injuring and devastating the commerce which we are now engaged in rebuilding. We labored especially under this disadvantage, that European steam vessels, employed by our enemies, found friendly shelter, protection, and supplies in West Indian ports, while our naval operations were necessarily carried on from our own distant shores. There was then a universal feeling of the want of an advanced naval outpost between the Atlantic coast and Europe. The duty of obtaining such an outpost peacefully and lawfully, while neither doing nor menacing injury to other states, earnestly engaged the attention of the executive department before the close of the war, and it has not been lost sight of since that time. A not entirely dissimilar naval want revealed itself during the same period on the Pacific coast. The required foothold there was fortunately secured by our late treaty with the Emperor of Russia, and it now seems imperative that the more obvious necessities of the Atlantic coast should not be less carefully provided for. A good and convenient port and harbor, capable of easy defence, will supply that want. With the possession of such a station by the United States, neither we nor any other American nation need longer apprehend injury or offence from any transatlantic enemy. I agree with our early statesmen that the West Indies naturally gravitate to, and may be expected ultimately to be absorbed by, the continental states, including our own. I agree with them also that it is wise to leave the

question of such absorption to this process of natural political gravitation. The islands of St. Thomas and St. John's, which constitute a part of the group called the Virgin islands, seemed to offer us advantages immediately desirable, while their acquisition could be secured in harmony with the principles to which I have alluded. A treaty has, therefore, been concluded with the King of Denmark for the cession of those islands, and will be submitted to the Senate for consideration.

It will hardly be necessary to call the attention of Congress to the subject of providing for the payment to Russia of the sum stipulated in the treaty for the cession of Alaska. Possession having been formally delivered to our commissioner, the territory remains for the present in care of a military force, awaiting such civil organization as shall be directed by Congress.

The annexation of many small German states to Prussia, and the reorganization of that country under a new and liberal constitution, have induced me to renew the effort to obtain a just and prompt settlement of the long-vevexed question concerning the claims of foreign states for military service from their subjects naturalized in the United States.

In connection with this subject, the attention of Congress is respectfully called to a singular and embarrassing conflict of laws. The executive department of this government has hitherto uniformly held, as it now holds, that naturalization, in conformity with the Constitution and laws of the United States, absolves the recipient from his native allegiance. The courts of Great Britain hold that allegiance to the British crown is indefeasible, and is not absolved by our laws of naturalization. British judges cite courts and law authorities of the United States in support of that theory against the position held by the executive authority of the United States. This conflict perplexes the public mind concerning the rights of naturalized citizens, and impairs the national authority abroad. I called attention to this subject in my last annual message, and now again respectfully appeal to Congress to declare the national will unmistakably upon this important question.

The abuse of our laws by the clandestine prosecution of the African slave trade from American ports or by American citizens has altogether ceased, and, under existing circumstances, no apprehension of its renewal in this part of the world are entertained. Under these circumstances it becomes a question whether we shall not propose to her Majesty's government a suspension or discontinuance of the stipulations for maintaining a naval force for the suppression of that trade.

ANDREW JOHNSON.

WASHINGTON, *December 3, 1867.*

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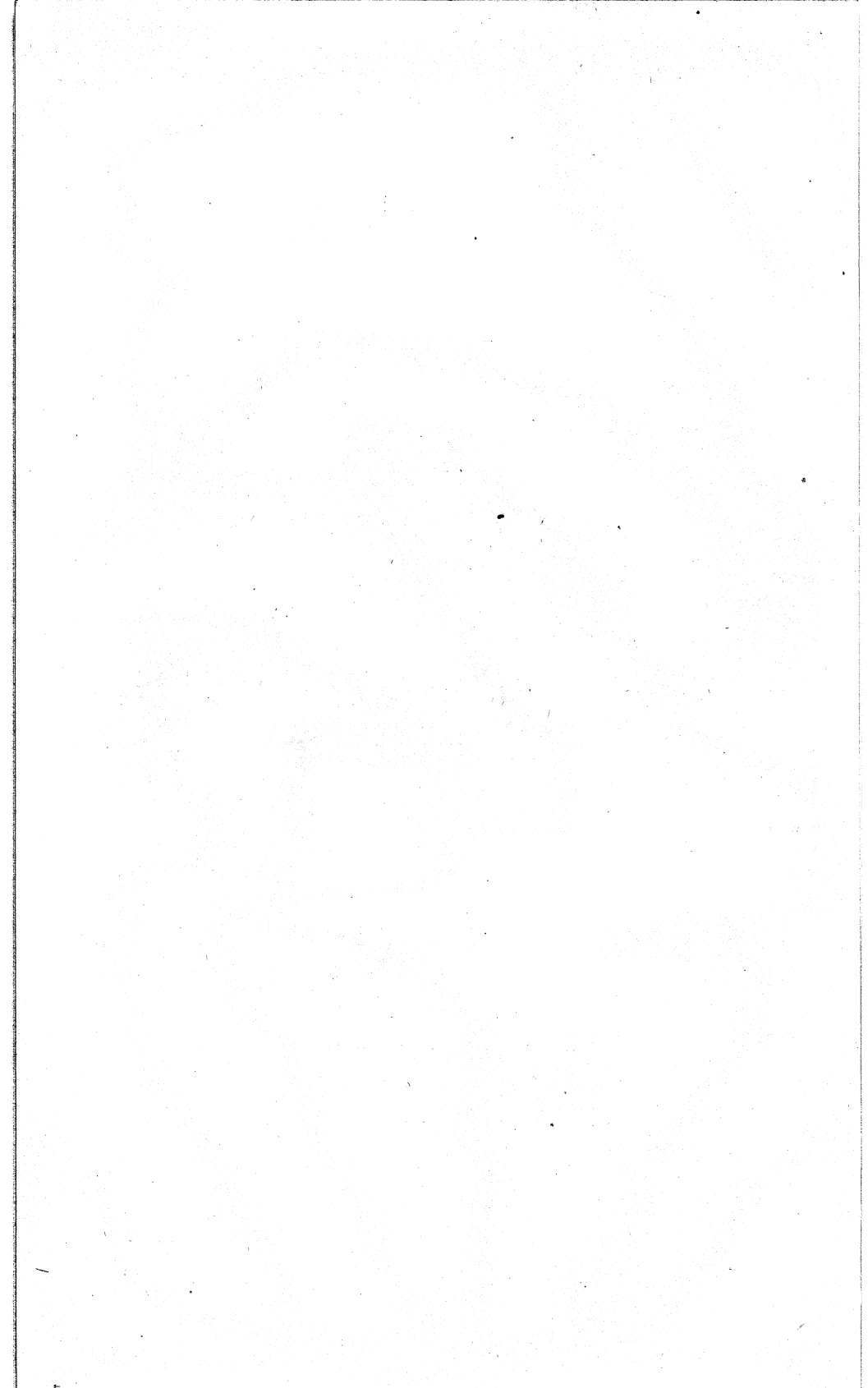
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CORRESPONDENCE.

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## GREAT BRITAIN.

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*Mr. Adams to Mr. Seward.*

No. 1275.]

LEGATION OF THE UNITED STATES,  
*London, November 23, 1866.*

SIR: I have the honor to inform you of my return last evening to this place, and of the resumption of my duties. I am happy to find that the government has experienced no sensible inconvenience from the permission so kindly granted to me of a brief period of relaxation, which I think may prove of some benefit to me in continuing my labors at this post.

I perceive that Mr. Moran has kept you well informed of the progress of opinion in regard to the expediency of reopening the chief question at issue between the two countries, so far as it may be gathered from the expression of the press. The significant intimation given by Lord Derby at the Guildhall dinner, followed by the semi-official leader in the Times of the 17th instant, a copy of which has been transmitted to you, seem to leave little doubt that some change is contemplated of the past policy of the government on this subject. The great difficulty, probably, is in devising some practicable mode of shaping it which will not too seriously wound the pride of the nation. In the only conversation which I have had with Lord Stanley he asked me, with reserve as to our official character in making the inquiry, if I knew whether my government had any plan in view. To which I replied that I had no information extending beyond the two already agitated, which had been arbitration or else the establishment of a commission embracing the consideration of all claims without exception. I thought that we should have accepted either of these. Here the matter dropped. Considering the nature of the later development, it is no more than reasonable to presume that it is this point more than the general principle which is now occupying the attention of the cabinet. Hence, I suppose that there will not be much more delay in reaching a result and communicating it in the form of an official reply to your despatch to me of the 27th of August. Knowing your anxiety to obtain this reply, I shall seize the earliest opportunity after reception to transmit it to the department.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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[From the London Times, November 17, 1866.]

An impression has of late prevailed that a royal commission is about to be appointed with a view to the settlement of the Alabama claims. Probably Lord Derby's conciliatory speech at the Mansion house may have contributed to give currency to the rumor, which is not destitute of a certain foundation in fact. We are enabled, however, to state that her Majesty's government have no present intention of referring these particular claims to a royal commission—a course which, if adopted at all, ought to have been adopted in the first instance. What is really in contemplation is to empower such a commission to inquire generally into the operation of our own neutrality laws, and to report upon the possibility of amending them, so as to bring them into more complete conformity with our international obligations.

We have reason to believe that this decision, which was announced at the end of last session, and differs little in principle from the alternative since advocated in our own columns, will shortly be carried into effect, and that Lord Cranworth will probably be the chairman of the proposed commission. We need hardly add that an inquiry thus limited in no degree precludes or prejudices any future step that may be taken for the adjustment of the Alabama claims, which are still under the consideration of the government, and must be entertained upon their own merits.

This mode of dealing with two questions independent, indeed, of each other, but closely connected in their practical bearings as well as in the public mind, has, doubtless, some advantages, though it is also open to some objections. To reopen the Alabama case after having obtained a report of a commission on the efficiency or non-efficiency of our neutrality laws is one thing; to reopen it in deference to representations from the United States government, and without awaiting that report, is another. If the grounds upon which Lord Russell declined arbitration were conclusive last year, they are conclusive now, for there has been no change since in the facts, and no fresh light has been thrown upon the law. At the same time, we are far from blaming Lord Stanley for reconsidering the whole matter upon his own judgment and responsibility. We have not concealed our doubts whether Lord Russell's statement of it, though very convincing from one point of view, was not tacitly founded on a false assumption, that assumption being that our international duty and liability are measured by the municipal law of this country. It cannot be considered otherwise than a misfortune that Sir Roundell Palmer, then attorney general, should have so early committed his great authority to this view. It is not, to the best of our belief, in accordance with the better opinion among lawyers, and, even if it were, it would be manifestly contrary to the dictates of natural reason and equity. To hold that a belligerent can demand of a neutral state no more than a due execution of the neutral's own laws is to hold that neutrals are the sole judges of their own obligations. The neutral state might have no law applicable to the subject at all, or a law authorizing piracy, and yet, upon this supposition, there would be no right of redress. Now, although international law is a very indefinite thing, consisting of little more than usages and duties, sanctioned with more or less uniformity by occasional conventions, it is not so wholly illusory as this conception of it would imply. A fundamental distinction has always been recognized between the sale of contraband of war and the equipment of armed vessels within neutral territory, and this distinction would have no meaning if both would be equally innocent but for the special prohibition of the latter by municipal law. In contending, therefore, that we could not accept arbitration because it would put in issue the justice of the construction of our own foreign enlistment act by our own law officers, Lord Russell overlooked the previous question, whether the foreign enlistment act itself is adequate for its purpose. It may or may not be undignified to submit such a question to the judgment of a foreign prince or a body of foreign jurists, but it cannot be set aside, and was, in fact, treated as proper for discussion when the late government offered to revise, in concert with the United States, the neutrality laws of both nations. Had we acceded to Mr. Seward's proposal, the point to have been decided by the arbitrator would not have involved a judicial interpretation of any British statute, still less would it have involved an inquisition into the motives of our government. It ought to have been so presented as to exclude the hypothesis of *mala fides*, and to involve only one consideration—whether, according to known principles of international law, the circumstances attending the escape of the Alabama were such as to impose any liability for her depredations, legal or equitable, upon Great Britain. It is this consideration, we presume, which is now engaging the attention of our government, and we may be permitted to express the hope that in any future discussion of it more stress may be laid on grounds of policy, and less on grounds of precedent. Precedent is a far safer guide in ordinary litigation than in controversies between sovereign states. It can be shown that America has refused compensation in cases somewhat analogous to that of the Alabama, but unless it can also be shown that her refusal was justified by that higher code of international morality which rests upon the common interest of all civilized nations, little will have been gained by the demonstration.

The difficulty in framing a more effective neutral law for these islands is twofold. First, there is the danger that any highly penal legislation against the enlistment of British subjects in the service of a foreign power would practically be a dead letter whenever it happened to conflict with popular sympathy. For instance, the foreign enlistment act could hardly have been enforced against the English volunteers who joined Garibaldi, even if they had technically violated it; and we know that, for similar reasons, the United States government has reluctantly tolerated many open breaches of the American act by the Fenians. Secondly, there is the old difficulty, already mentioned, of distinguishing sales from equipments of vessels. So strongly has this been felt by some jurists that a sweeping enactment against the exportation of all articles contraband of war has been suggested as the only remedy. It is evidently an anomaly that one foreign belligerent may arm all its land forces with rifles from Birmingham, subject only to the risk of capture at sea, whereas the agents of another cannot, without breaking the law of the land and incurring the risk of heavy penalties, fit out a vessel of war at Birkenhead. Morally, the two actions are on a par, and if any attempt be made to place them on the same legal footing, it should certainly be rather directed to regulate the former than to encourage the latter. It would, however, vastly increase the injury

entailed by war on neutrals if, while it paralyzes such a branch of commerce as our cotton trade, other branches, such as the manufacture of small-arms for warlike purposes, should be deprived of their legitimate development. For the present, we must acquiesce in the maintenance of the existing line between ordinary contraband and ships of war, and the problem is, how to control the building and sale of these so as to check abuses of neutrality. Experience has shown that, partly owing to the enormous profits that may be realized by such ventures, and partly to the facility of evasion where the proof of guilt must chiefly depend on intention, the prospect of punishment is of little avail. The one remaining expedient is to arm the executive government with more stringent, if not more arbitrary, powers of prevention.

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*Mr. Adams to Mr. Seward.*

No. 1277.]

LEGATION OF THE UNITED STATES,  
*London, November 24, 1866.*

SIR: It is with great regret I find it my duty to apprise you of a difference of opinion between the consuls at London and at Liverpool, which threatens to terminate in a grave question of conflict of authority, to be put at issue before the courts of this kingdom, in the suits which have been brought against the holders of rebel property.

As the consuls themselves have, doubtless, made official reports of their different modes of action under the powers respectively conferred upon them, as well as the result to which they have brought them, I shall not enter into any explanations on that subject. It will be sufficient for me to state the circumstances under which I have been called upon to interpose in the affair.

Mr. Morse, in conjunction with Mr. Gibbs, has considered the authority under which he acts sufficient to empower him to negotiate with Mr. Prioleau, of the firm of Fraser, Trenholm & Co., and conclude a contract which involves the withdrawal of the suits in court, hitherto carried on under the sole direction of Mr. Dudley. This gentleman, on the other hand, who appears never to have been consulted in the proceedings, denies the power of Mr. Morse to make such a concession, and considers the terms of that contract so disadvantageous to the government as to render it highly unadvisable for him to consent to it. He therefore appeals to me in a letter, a copy of which is herewith transmitted.

Mr. Morse, on the other hand, has submitted to me the letter from the Secretary of the Treasury under which he claims his authority. In it, to my surprise, I find at the close a suggestion that in whatever he may do he should consult with me and obtain my assent.

This has placed me in a situation of no slight embarrassment. Under the contract thus made, without my knowledge, by Mr. Morse, the counsel of Mr. Prioleau propose to move in court, next week, that the suits be dismissed, and they expect the assent of the lawyers on our side employed by Mr. Dudley. On the other hand, the latter propose to resist the action, and to deny the validity of Mr. Morse's contract, as not having had my assent. I am, therefore, to be drawn in to give a public opinion in a case, the merits of which I have not been previously called to determine.

In order to put an end to the possibility of such an unseemly exhibition in the eyes of a foreign nation, I have at once seen and conferred with Mr. Morse. I did not disguise to him my opinion that it was not the intent of the Secretary of the Treasury to give him powers so extensive as he claims.

The purpose seems to me to have been to authorize him to act in cases of discovery of further property than that already proceeded against, and not to trench upon the powers under which Mr. Dudley had been already authorized to act with success. Hence, if appealed to by Mr. Dudley, I should not feel able to direct him to withdraw his suits and abandon the property involved in them, against his own judgment.



I therefore recommended it to both gentlemen to exert themselves to procure a suspension of action until the government could be heard from or they could enter upon a plan of perfect and hearty co-operation. To this course Mr. Morse has consented, and I trust the difficulty may be avoided.

But it is no more than my duty to point out to you that the trouble has grown out of the division of authority given by the government, and the absence of one directing mind with a clear and single responsibility to the highest authority at home. At an early date I pointed out to you more than once the necessity of sending such a person here to superintend all these proceedings, whether conducted in or out of the courts. I am aware that Mr. Cushing was reported to me as having been assigned to such a duty, and I thought no person was more competent satisfactorily to perform it. Unfortunately, Mr. Cushing has never come out to do so. The consequence is now made visible.

I trust I may be excused if I now renew an urgent entreaty either that Mr. Cushing be sent out by the very next steamer, or, if he be unable to come, some other individual equally competent and of high character be commissioned to assume the responsibility of all these negotiations, and, acting with the co-operation of the respective consuls, to make such complete and final settlements with the various parties holding rebel property as may terminate forever all disputes upon the subject in this kingdom. It is highly expedient that there should be no delay in such a mission.

It is proper for me to add that I entertain the highest opinion of the motives of the two gentlemen in prosecuting their respective proceedings. Both are animated by their anxiety for the public interest only.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Dudley to Mr. Adams.*

UNITED STATES CONSULATE,  
*Liverpool, November 22, 1866.*

SIR: I enclose you a copy of a most extraordinary settlement, or agreement, made by Montgomery Gibbs, esq., and Freeman H. Morse, esq., our consul at London, with Fraser, Trenholm & Co., of this town, the financial agents of the late so-called confederate government during the war, extraordinary in its terms, for what it expresses upon its face, for what it concedes by implication, as well as for the time selected and the circumstances under which it was made. The time selected was while I was temporarily absent from Liverpool. The solicitor, though living in Liverpool, was not consulted, or the least information given us that any such thing was contemplated. The whole matter was kept as a profound secret. Though Mr. Morse and Mr. Gibbs were in Liverpool part of two days, neither of them ever called upon my solicitor or at the consulate. But aside from this slight and discourtesy to myself, which places me in a false position before the courts as well as the people, that I had instituted these suits either without any authority from my government, or else had forfeited its confidence, which is merely personal to myself, there are other and more important considerations involved in it of a public nature to which I deem it my duty to call your attention and to ask for your advice. The first knowledge I received of it was from my solicitor, who wrote me what Mr. Hull had communicated, and on the same day enclosed a letter from Mr. Hull requesting me to discontinue the suits. These letters were dated on the 7th and received by me on the 9th instant. On the 13th instant I received a letter from Mr. Gibbs, dated the 12th, informing me they had made the settlement. The next day, the 14th instant, I received a letter from Mr. Morse, dated the 13th instant. I enclose you a copy of Mr. Morse's letter, and my answer, and his reply received yesterday. Mr. Morse, as you see, gives, or professes to give, the substance of the settlement. Finding that this differed very materially from what the other side was stating it to be, I got my solicitor to call on the solicitors of Fraser, Trenholm & Co., and procure from them a copy of the settlement. I send you, as mentioned before, what they, or Mr. Hull, furnished as the settlement which had been made. You will see how widely this settlement differs from that which Mr. Morse states in his letter.

It is for him to reconcile and explain the discrepancy. I know nothing beyond what he saw fit to communicate, and which he calls the substance, and what Mr. Hull gives as the text of the agreement. This settlement, I think, is one-sided, unjust, and unfair to the United States; its interest is totally sacrificed, and everything given to Fraser, Trenholm & Co., and nothing given in return. I assume that you are aware of the condition of things at the time this settlement was made. Two suits were pending in the court of chancery of this county against the firm of Fraser, Trenholm & Co.; one for the cotton brought here in the ship Aline, and valued at about £40,000 sterling, or \$200,000, more or less, and which was instituted by me in behalf of the United States by your direction, and which was subsequently approved by the department; and the other, a bill for discovery and a general account of all their transactions and dealings, from the commencement of the rebellion down to the day of filing the bill, involving many millions of dollars and opening up their books, correspondence and dealings, and exposing and bringing to light the doings of themselves and their English friends, in fitting out piratical expeditions to destroy our commerce and make war upon our government, had been commenced by me under express instructions from the State Department. The management and conduct of both these suits had been intrusted entirely to myself in this country. As I construe this settlement, or agreement, it gives them without question or dispute all the moneys in their hands realized from cotton, ships, and other property sold before and since the termination of the rebellion, amounting in the aggregate to millions of dollars, including the proceeds from the cotton brought by the ship Aline, and supposed to amount to about £40,000 sterling, or \$200,000, the four blockade steamers now under seizure at the suit of the United States in the court of admiralty of this country, to wit: the Ariel or Colonel Lamb, the Wasp, the Badger, and the Fox; and the £150,000 sterling, or upwards of \$700,000, out of the property remaining in their hands, or under their control, unsold or undisposed of at the date of this agreement, provided it sells for enough to realize this sum. Of the five ships, to wit, the Ruby, Rosine, Penguin, Owl, and Lark, mentioned in the settlement as property, the highest valuation I had received for them is £40,000. I do not myself think they will bring this sum; but if, under favorable circumstances, they should, it would leave £110,000 to be made out of other property in their hands or under their control. There is no other property mentioned in the settlement, and it will remain for Mr. Morse and Mr. Gibbs to show where the property is that Fraser, Trenholm & Co. have under their control, out of which this sum is to be made, before anything can come to the United States under this agreement. I hope I may be disappointed, but my belief is that they have not now got sufficient property in their hands or under their control, undisposed of, belonging to the late so-called confederate government, to realize this sum, much less anything over and above it for the United States. I am quite prepared to hear that Fraser, Trenholm & Co. claim that all confederate property here in England, without regard to its location or the person in whose possession it may be, is under their control and that they have the right to have it sold to pay them the £150,000 conceded by Mr. Morse and Mr. Gibbs to be due them. This seems to be foreshadowed in the remark made by Mr. Hull their solicitor, to Mr. Morse, as communicated in his letter to me, a copy of which is enclosed, that "we should get that property under the settlement they were making." Now, this property is certain guns, made for the confederate government, and now in possession of Fawcett, Preston & Co., not in the possession or in point of fact under the control of Fraser, Trenholm & Co. If this proves to be the case, then this firm will not only have all the property in their hands out of which to pay themselves this enormous sum, but all the confederate property in England. They may be able in this way to pay themselves in full the amount allowed them in the settlement, to say nothing about the suit pending in chancery for a discovery and general account, involving all Fraser, Trenholm & Co.'s dealings and transactions with the so-called confederate government from the commencement of the rebellion down to the time of filing the bill. In the other suit which we have for the cotton brought by the Aline, there is about £40,000 involved, the whole of which we claim; and there is no good reason for saying that we shall not have it all decreed to us upon a final hearing, when the case with all the evidence and facts are fully before the court, if not by the vice-chancellor at least by the chancellor or House of Lords, on our appeal which we have a right to make. The one-half part, or about £20,000 sterling, or \$100,000, is conceded to the United States, even by the vice-chancellor's opinion, as one-sided and as unequitable as it is. This much is certain, and it is secured to us by three freeholders as security for its payment. This settlement discontinues or attempts to discontinue and wipe out both these suits, compels us to pay all our own costs in their prosecution, and hands over the whole of this money, as well the £20,000 conceded and secured to us as the other portion to Fraser, Trenholm & Co. So I read the agreement, or settlement; and so I understand Fraser, Trenholm & Co. construe it.

I have received a letter from Mr. Morse in reply to the one I wrote to him on the 15th instant, and partly in reply to one I wrote to him on the 17th instant, about another case which he has assumed to control. I do not find that he explains in the least this most unjust and extraordinary settlement, or gives any satisfactory reason for making it, but seems fully in accord with Fraser, Trenholm & Co. in enforcing and carrying it out, and having the suits dismissed before I can be advised from the department. My solicitors also received on Monday the following notice from the solicitors of Fraser, Trenholm & Co.:

*"The United States and Fraser, Trenholm & Co.*

"Acting under the advice of counsel, we are instructed to give you notice that unless you agree to the dismissal of these suits we shall on Thursday give a notice of motion for Monday, the 26th instant, to stay all further proceedings, and to discharge the receiver and the recognizances. You will oblige us personally if you can give us as early an intimation as you are able of the course you intend to take, so as to save us the trouble and expense, if possible, of the preparation of the necessary documents."

I have written fully to the department, and asked instructions as to my future conduct in these cases, and had hoped the parties would have assented to await the answer; but, as you will see, Fraser, Trenholm & Co. are determined to follow up the advantage they have gained by this unjust settlement, and Mr. Morse is disposed to assist them in it. My own judgment is, that it is my duty to resist the dismissal of these suits until I hear from Washington, and my solicitors think this is the proper course, under the circumstances, and I have no doubt but what our counsel will concur; but I defer the matter to you, and shall be obliged for any instructions you may feel authorized to give.

I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

CHARLES FRANCIS ADAMS, Esq.,  
*United States Minister, London.*

Memorandum of agreement made the sixth day of November, one thousand eight hundred and sixty-six, between Montgomery Gibbs, esquire, agent in Europe for the Treasury Department of the United States of America, and Freeman Harlow Morse, esquire, consul at London for the said United States, of the one part, and Messrs. Fraser, Trenholm & Co., of Liverpool, merchants, of the other part. It is hereby mutually agreed as follows:

1. The claim of Messrs. Fraser, Trenholm & Co. against certain property of the late Confederate States under their control is agreed at £150,000.
2. Messrs. Fraser, Trenholm & Co. are to declare what property they have under their control and where it is; it being understood that amongst this property are the five following ships: the Ruby, the Rosine, the Penguin, the Owl, and the Lark.
3. This property to be sold at the best prices obtainable by Messrs. Fraser, Trenholm & Co., and the proceeds to be applied to the payment of the £150,000, and any surplus to be accounted for and paid over to the United States government.
4. The United States consul, Mr. Morse, and the United States government to give every assistance in disposing of the property, and if proper and expedient, to grant an American register to all or any of the said ships.
5. All suits now pending, either in Great Britain or in the United States, between Messrs. Fraser, Trenholm & Co., or any of them, and the United States, to be abandoned, each party paying their own costs.
6. Messrs. Fraser, Trenholm & Co. to furnish Mr. Morse and Mr. Gibbs with an account showing how the indebtedness to them is made out, and to allow them and an accountant acceptable to Messrs. Fraser, Trenholm & Co. to inspect their books, it being understood that any information thus derived shall not be used against any one in any action or proceeding except for the recovery of property.

In witness, &c.

MONTGOMERY GIBBS, *Agent, &c.*  
F. H. MORSE, *U. S. Consul.*  
FRASER, TRENHOLM & Co.

*Mr. Morse to Mr. Dudley.*

UNITED STATES CONSULATE,  
*London, November 13, 1866.*

MY DEAR SIR: Owing to your absence on the continent, which deprived me of the advantage of a personal interview with you, I hasten to inform you of an important step taken by Mr. Gibbs and myself to bring nearer to a close our exertions for the recovery of such rebel property as was left in Europe at the close of the rebellion. One week ago last Saturday I received a message through Henry Lafone from Mr. Prioleau, requesting me to meet him and see if we could not agree upon some mode of settlement by which justice would be done to both him and the United States. Holding the power both from the State and Treasury Departments to "compromise and settle" just such cases, I did not feel at liberty to repel the advance made by Mr. Prioleau, nor did I desire to take the responsibility entirely upon myself. I therefore invited Mr. Gibbs to accompany me, thinking when we reached Liverpool to confer with you and have the aid of your counsel before meeting them.

But your absence deprived us of this. On meeting them we requested that the whole negotiations and settlement might be transferred to you, and much preferred it on account of your knowledge of their connection with the confederate transactions, but this they declined positively, either directly or indirectly. We, under such a state of facts, felt compelled to go on with the settlements, knowing full well that their aversion to you was owing to your zeal and energy in protecting as far as possible the interests of the government. After a long conference of six hours on the first day of our meeting, we agreed on an outline of a settlement, which was in substance that they are to give us a sworn statement of all rebel property held or contracted by them, which is to include five steamers, cotton, material of war, &c., &c., give us free access to their books, vouchers, and anything they have to aid us in reaching property held by them and others, and we are to allow them a portion under three-fifths of the just and legal liens they have on the property, and withdraw all suits against them in the courts of this country, and they to withdraw their suit for the recovery of the Wren in the courts of the United States, which vessel they say they prove was taken into Key West by mutineers, after the surrender of General Kirby Smith. We already have the evidence of the benefit of a settlement with so important a house over other persons in a like condition, but of less importance. By this arrangement we reach far better results than can possibly be reached by long, expensive, irritating and doubtful lawsuits in the courts of this country, where all the leanings are against us. Mr. Gibbs has not only consented but earnestly advised to every step which has been taken in the case. He carefully examined my authority and instructions, and said my power to act was full and complete; that it was my duty to make the settlement, and I could not escape censure if I did not. Trusting that you will agree with us in the belief that some of our duties will be lighter hereafter in consequence of this arrangement, and that you will cordially co-operate with us in removing any remaining barrier to its completion,

I remain, very truly, yours,

F. H. MORSE.

T. H. DUDLEY, Esq.,  
United States Consul.

*Mr. Dudley to Mr. Morse.*

UNITED STATES CONSULATE,  
Liverpool, November 15, 1866.

SIR: Yours of the 13th instant, relating to a settlement you state that you have made, in conjunction with Mr. Gibbs, with Fraser, Trenholm & Co., has been duly received. As you contented yourself with sending me a mere statement of the substance without a copy of the agreement, I was compelled to apply through my solicitors to the other side for what you failed to give me. This accounts for the delay of a day in my answer. Although your letter, which is dated on the 13th instant, states that you hasten to give me the information of the settlement, (which now appears to have been made on the 6th instant, one week before the date of your letter,) we were informed of it by a letter of the attorneys of the other side, dated the 7th instant.

In comparing the report of the agreement rendered by Mr. Hull with your letter, I find it differs from the statement made by you in most important and material points. You state that Fraser, Trenholm & Co. are to give as a "sworn" statement of all rebel property held or controlled by them, &c. No such provision is in the agreement. You state that a portion under three-fifths of the just and legal liens they have on the property is to be allowed them; the agreement provides that the claim of Fraser, Trenholm & Co. against the late confederate government is agreed at £150,000, and that this is to be first paid, and if any surplus remain it is to go to the United States.

I regard this agreement or settlement as most unjust and unfair to the government, and the conduct of yourself and Mr. Gibbs in entering into it, under the circumstances and in the manner it was done, as most discourteous and disrespectful to myself. Neither myself nor my attorneys were consulted, or any information given us that such a thing was contemplated. You nor Mr. Gibbs, though both in Liverpool a part of two days, never called on my attorneys or at the consulate. It is not enough for you to say I was absent. If you had dropped me a line at the time when you summoned Mr. Gibbs from Paris it would have found me at home, and I should certainly have remained until you came; or if you had gone to my office and made the matter known to the vice-consul, who was there, or to my attorney, whom you knew, I could and would have been with you in 18 hours. If there had been any desire on your part to have had me present, or to let me know what was being done, there was no difficulty in the way. Mr. Gibbs had been informed by letter before he left Paris that I was coming there. But the slight or discourtesy to myself in settling these matters, which were intrusted to my conduct by special instructions from the State Department, and about which I was probably more conversant than any one else, without consulting with me or giving me the least information that it was contemplated, however unpleasant it may be to me, or whatever false position it may place me in to my counsel or before the communities, either in this country or at home, is a mere personal matter and is of but slight importance when compared with the

public interest, which I consider you have sacrificed by the injudicious and unfair agreement you have made.

Time or space will not permit me to comment upon this agreement as it deserves; it is unfair to the government both in its language as well as its substance or terms. I will only notice one matter: it gives them £150,000 which belonged to the government of the United States. They are to be paid this first out of the property in their hands. The surplus, if any, is to come to the United States. This sacrifice was unnecessary, and is just the same in practical effect as if you had given away out of the treasury of the United States this amount of money. If you answer that they would have been entitled, under Vice-Chancellor Wood's opinion, to their liens, I answer that this opinion was delivered in a preliminary stage of the case, and when the facts were not before him, and there is no good reason for saying that even he would have adhered to this opinion upon a final hearing, when all the facts and the whole case were before him; much less that our government would consent to such a ruling, when there was an appeal from him to the chancellor and then to the House of Lords. As the matter stands, even under Vice-Chancellor Wood's opinion, there is £20,000 secured to the government, and we have their securities for the payment of this sum. This much was certain. By your arrangement you give this up, release the securities, rely upon the individual liability of the firm for whatever, if anything, might be realized over and above £150,000. I have no right to anticipate the final result, or the amount that may ever find its way to the United States treasury from this source under your agreement, if carried into effect. I hope it may be a very large sum, but shall be disappointed in my expectations if it amounts to the sum now secured in the one suit which you now agree to abandon. As I was especially instructed by the State Department to institute the suit for an account against the firm of Fraser, Trenholm & Co., and that suit has been commenced and prosecuted under and by direction of the Secretary of State, of which fact you and Mr. Gibbs were both informed by me previous to your making the agreement, and the other suit, called the cotton case, has been conducted under and by direction of the State Department, I must decline for the present to discontinue them, especially when by so doing I shall release the securities which the government now has in one of the cases. I feel I have no authority or right to do so.

I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

F. H. MORSE, Esq.,  
*United States Consul, London.*

*Mr. Morse to Mr. Dudley.*

UNITED STATES CONSULATE,  
*London, November 19, 1866.*

SIR: Referring to your letter to me of the 15th instant, permit me to say that I very much regret that it was not in a tone and spirit that would permit me to reply to it. I had hoped you would see the great advantage, viewed in any light, in settling up all these perplexing matters, instead of rushing them into the courts of this country, perhaps to remain for years before the end is reached, without advantage to any one but the legal gentlemen engaged. Your cordial aid and co-operation would be far more agreeable to me than encountering your opposition at all points.

In regard to the statements in my letter to you I will meet what you say in regard to them by simply declaring that they were all true. I did not know of your absence from your post until it was too late for you to reach Liverpool before Wednesday, and I did hasten to inform you of our arrangement with Messrs. Fraser, Trenholm & Co. as soon as I knew where to reach you. My letter must have been in Liverpool when you arrived there on your return from the continent.

In reply to your letter of the 17th, I have to inform you that I have nothing whatever to do with Messrs. Fawcett, Preston & Co. I have had no communication with them either directly or indirectly.

While Mr. Gibbs and I were settling with Messrs. Fraser, Trenholm & Co., Mr. Hull received a notice of your proceedings against Fawcett, Preston & Co., and made the remark that you were on the wrong track, and that we should get that property under the settlements we were making. This is substantially, if not precisely, what was said, and there the subject dropped, and I have heard nothing more of it until the receipt of your letter this morning. If we can have this property without expense and without resort to legal proceedings, what objection have you or what objection can be raised by any one?

I hope we shall not be obliged to ask the courts to dismiss the suits against Fraser, Trenholm & Co. on the very full and complete authority I hold for making such settlements as I deem expedient and just with persons holding property once rebel. I shall avoid this course if possible, but must resort to it if you continue to decline to take the initiative. Why can't we act in harmony when it is permitted us by others on such matters? Such certainly is my wish.

Your obedient servant,

F. H. MORSE.

T. H. DUDLEY, Esq.,  
*United States Consul at Liverpool.*

*Mr. Seward to Mr. Adams.*

[Telegram per cable.]

DEPARTMENT OF STATE,  
*Washington, November 29, 1866.*

Disavow and reject, in the name of the United States, the whole arrangement made by Consul Morse and Montgomery Gibbs with Fraser, Trenholm & Co.

Give notice of this to consuls at London and Liverpool, and to solicitors, and reply by telegraph.

Also communicate the following to Mr. Consul Morse.

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, &c., &c., &c.

Mr. F. H. MORSE, *United States Consul at London:*

You will come home without delay, to make explanations.

WILLIAM H. SEWARD.

*Mr. Adams to Mr. Seward.*

[Telegram per cable.]

LEGATION OF THE UNITED STATES,  
*London, December 1, 1866.*

Contract disavowed; no harm done. You will learn more by my letter due on Wednesday. If my plan be adopted Morse would be of use here. He will wait orders after you see my report.

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Seward.*

No. 1282.]

LEGATION OF THE UNITED STATES,  
*London, December 1, 1866.*

SIR: In reference to the subject of my despatch No. 1277, sent to the department last week, I have the honor to report that at the meeting of the court on Monday last the counsel for Mr. Prioleau, having received information from Mr. Morse of the position which had been taken by me, declined to proceed with their motion at that time, and obtained a continuance. Hence the whole business stood suspended until information could be had from the government.

Yesterday I received your telegram of the 29th ultimo, and took the earliest opportunity to communicate the contents to Mr. Morse. I directed him at once to notify Mr. Prioleau that the arrangement made was disavowed by the government, which he promised to do. I have also notified the consul at Liverpool of the same fact, and have directed him to proceed with his solicitors just as if nothing of the kind had been attempted.

Should you, however, deem the course advisable which I suggested in my despatch, it may admit of question, whether the absence of Mr. Morse might not prove an obstacle to the progress of an agent in making the desired settlement. Mr. Morse is possessed of much information, which would be of great value in

directing his efforts, and difficult to be got from elsewhere. Although he has certainly been precipitate, and, perhaps, overreached by more cunning parties than himself in this transaction, that would not prevent his co-operation from being useful under a new chief. I do not entertain a doubt of his motives throughout. Hence I have hesitated to advise him at once to obey the requisition made upon him in your telegram. Should you, however, after a full examination of the whole case as presented by all the reports subsequently received from here, still deem it proper that he should come home, I have suggested to him the propriety of making such arrangements of his business in the interval as may enable him to embark at a moment's warning, through the telegraph or otherwise.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Adams to Mr. Seward.*

No. 1284.]

LEGATION OF THE UNITED STATES,

*London, December 6, 1866.*

SIR: I have to acknowledge the reception of despatches from the department numbered from 1874 to 1877 inclusive.

Little has happened of material consequence during the past week. The great reform demonstration, in this place, which had been looked forward to with apprehension by many of the conservative class, lest it should be attended by some of the events of last summer, passed off in a most quiet and orderly manner. This was, no doubt, in part owing to the previous wet weather, which had made the streets very muddy, and to the heavy rain actually falling throughout the day. Nothing could be more unpropitious. Nevertheless, the lowest calculation estimates the number of the procession at 25,000. There is a prevailing tone of exultation in the press at this result, as if it in any way proved the want of interest of the working classes in the proposed extension of the franchise. It seems to me, on the contrary, rather to show the force of the demand when unaccompanied by the wholly extrinsic elements which go to the formation of a proper London mob. There can be no doubt that had the weather been fine, the multitude gathered together might have been ten times as great. But, in that contingency, it is not unlikely that excesses would have been committed by some of the worst classes, which would have cast a discredit upon the general proceedings that no effort of the more responsible portion could have entirely thrown off. As it is, the conviction grows more and more general that some attempt must be made at the next session of Parliament to satisfy this popular uneasiness. It is now believed that a measure may be brought forward by the present ministry, though no idea is yet formed of its nature or extent.

Parliament will probably be summoned for the despatch of business on the 6th of February next.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Seward.*

No. 1286.]

LEGATION OF THE UNITED STATES,

*London, December 7, 1866.*

SIR: In conversation with Lord Stanley, at a private house, the other day, he gave me to understand that his answer to your despatch was prepared, and that, according to the forms customary in such cases, it would be sent through Sir F. Bruce, in the same manner that yours was sent through me. At the same time, he promised to send me a copy for my information.

On Wednesday evening, accordingly, I received from his lordship, in a note marked private, two printed copies of the two despatches. They correspond in substance with what I had expected. Notwithstanding the reserves in the argument designed to save the honor of the preceding government, the substantial point of reopening negotiation seems to be conceded. I trust it may be the means of ultimately arriving at some form of settlement.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Seward.*

No. 1287.]

LEGATION OF THE UNITED STATES,

*London, December 7, 1866.*

SIR: The uneasiness in Ireland occasioned by the declarations made in America, and the announcement of the subsequent departure of Stephens, with the avowed intention of heading an insurrection, has increased to such a degree as to put a stop to many of the operations of business. Arrests are made of suspected individuals in all directions; new regiments of troops are sent over from this kingdom, and all the apparatus of war put into requisition in expectation of an outbreak. The true grounds for this alarm do not appear in any distinct form to the general public. Neither have the examinations of the arrested parties thus far elicited any material evidence to incriminate them. Yet the feelings of the army and the loyal classes are becoming so much excited; that if any rising should be attempted I much fear it will not be treated with the same lenity that has thus far prevailed. There is yet existing the old Orange hatred, which will need only some pretext to break out with its ancient fury. I trust that the precautions taken may be sufficient to prevent any feeble demonstration, that might only serve to develop the ferocity without doing good to any one.

As yet I do not learn that any of the persons arrested claim to be citizens of the United States, with one exception, that of James Donnelly, who has been liberated on a representation made in his favor by Mr. West.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*



*Mr. Adams to Mr. Seward.*

No. 1288.]

LEGATION OF THE UNITED STATES,  
*London, December 8, 1866.*

SIR: Having received an intimation from Lord Stanley that he would like to see me, I called at the foreign office yesterday, and had an interview with him. His object he said was to make a statement to me in regard to the demand by you for copies of the record of the trial of Lynch and McMahon in the court of Canada, for participation in the attack on Fort Erie. Accordingly he read from a memorandum the statement herewith transmitted as copied from the paper left by him with me for the purpose. I remarked to his lordship that inasmuch as I had not been the medium of communication through which this demand was made, it might be perhaps advisable for me to endeavor to define to him my impression of the nature of the case as gathered from the documents supplied for my information, so that I might be corrected if I was wrong. I understood that your demand for the copies referred to had been made in the first place in a letter to Sir Frederick Bruce, and through him to the authorities in Canada; that the question thus made had been referred by the latter to her Majesty's government for consideration and a decision here; that the paper now read to me was that decision, which in substance was intended to grant the application, at the same time precluding any inferences that might be drawn from the concession as a matter of right; and lastly that this paper had been placed in my hands with a view to my transmission of a copy of it to my government.

His lordship assented to this statement of the transaction, and the conversation on the subject dropped, with a remark on my part that I should at once transmit the paper as desired.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Substance of a statement made to Mr. Adams.*

We cannot admit that the United States government are entitled, as of right, to demand copies of the record of the trial and conviction of the prisoners Lynch and McMahon, but we see no objection to copies being furnished in this case; and though declining to give an absolute pledge, we shall, as a general rule, not object to supply them in future cases.

Her Majesty's government will, undoubtedly, examine the judicial proceedings, as requested by Mr. Seward, with a careful regard to the rights of the United States, and to maintenance of good relations; but, in doing so, we must guard ourselves against the supposition that we regard the local tribunals as likely to deal with the cases before them otherwise than justly.

As to the adoption, generally, of a policy of leniency, it is to be observed that such has been for many years past the custom of the British government in political cases, *e. g.*, in 1848, when Smith O'Brien made his attempt at insurrection. We think that policy sound, and intend to follow it, but with this reservation, that, if leniency fails in its effect, and fresh disturbances are attempted, we may be compelled, with whatever reluctance, to adopt a different course.

*Mr. Seward to Mr. Adams.*

No. 1885.]

DEPARTMENT OF STATE,  
*Washington, December 10, 1866.*

SIR: Your despatch of the 23d of November, No. 1275, is received and approved. In regard to our claims on the ground of violations of neutrality, I think the President's message well expresses the sense and the feelings of Congress and the people of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Seward to Mr. Adams.*

No. 1886.]

DEPARTMENT OF STATE,  
*Washington, December 10, 1866.*

SIR: Mr. Gregg, our consul at Kingston, Jamaica, more than a year ago, reported to this department that John Willis Menard, a colored citizen of the United States, resident in the parish of St. Davids, Jamaica, was, on or about the 27th of October, 1865, arrested without warrant or complaint under oath, by the civil authorities of that island, in a district not under martial law; was conveyed into a portion of the county of Surry then under martial law; was detained in close imprisonment, no charges being exhibited against him; and was, on the 4th of November, banished from the island, without trial, by an order of the governor.

The consul reports that upon investigation he can find no evidence of any offence committed by Mr. Menard, nor any reasonable ground for suspicion that he was implicated in any illegal transactions or purposes. He was obliged to leave behind a wife in destitute circumstances, who shortly afterwards was delivered of a child, and whom he was not permitted to visit. The consul was obliged to provide for his transportation to the United States, in order to relieve him from prison.

You will communicate to her Majesty's government a statement of the case, as it has been presented to us, and request an investigation, with a view, in the event of its accuracy, to such reparation as may be just.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Seward to Mr. Adams.*

No. 1889.]

DEPARTMENT OF STATE,  
*Washington, December 14, 1866.*

SIR: I have to acknowledge the receipt of your despatch of the 1st instant, No. 1282.

Some matters connected with the suit against Prioleau & Co. are under consideration, which render it inconvenient to send further instructions by this mail in respect to the return of Mr. Morse.

The view you have taken of the instructions to Mr. Morse, which he exhibited as authority in the settlement of the Prioleau cotton suits, was entirely correct. They had no reference to any suit then pending, and this fact would have been more clearly apparent by a perusal of the letter of Mr. Morse, referred to in the instructions, in which he sought the authority which was given to him.

The answer to the cross-bill in the cotton suit is in preparation, but it is found impossible to complete it for this mail. We expect to send it by the steamer of next Wednesday.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Seward to Mr. Adams.*

No. 1894.]

DEPARTMENT OF STATE,

December 24, 1866.

SIR: I have to acknowledge the receipt of your despatch of the 8th of December, No. 1288. It is accompanied by a statement which Lord Stanley made to you on the 7th instant. (This date of the statement is inferred from your despatch.) The statement shows that this government would be furnished with copies of the records in the trial of Lynch and McMahan, who have been lately convicted, and that like copies of records would be supplied in future cases. The statement, however, declares that her Majesty's government, in consenting that these copies of records shall be furnished, do not accede to my application for them on the ground of absolute right. The statement also expresses the views of her Majesty's government in regard to the policy of leniency in the cases of political convictions.

The United States have no disposition to find an occasion for difference with her Majesty's government in either of the matters thus referred to. In point of fact, copies of the records have been and are being received from the Canadian authorities, and the rigorous course of the law has been already stayed by a respite of the convicted persons from execution. It is much more pleasant to us to express a high appreciation of these proceedings on the part of her Majesty's government than it would be to raise complaints upon any merely abstract questions which could arise out of the transactions themselves.

It is important to understand clearly the ground which the United States assumed when asking for the records referred to. It appears that, in the indictment upon which the parties named were tried, it was expressly charged, as a material and integral portion of their crimes, that the accused were citizens of the United States, and that their offences were committed in that character. This government, in such a special case, where citizenship of the United States constitutes a material element of a conviction, thinks itself entitled and obliged by international law to review the proceeding in all its parts, and to ask from her Majesty's government a full and perfect exhibition of all the proceedings which resulted in capital conviction.

I have stated the point thus distinctly for the reason that in the criticisms which have been made abroad, upon the application for the records, it seemed to be assumed that citizenship of the United States did not enter at all into the allegations of guilt against the accused.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &amp;c., &amp;c., &amp;c.

*Mr. Seward to Mr. Adams.*

[Confidential.]

No. 1895.]

DEPARTMENT OF STATE,

Washington, December 24, 1866.

SIR: I have to inform you that Isaac F. Redfield, esq., late chief justice of Maine, has been selected to visit England as counsel for the government in the matter of recovering funds and other property of the late rebel organization. He is now here engaged in his preparations and expects to sail in the steamer of the 2d of January. It is desirable that this information shall be confidential until such time as you may think proper after having had an interview with Mr. Redfield.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &amp;c., &amp;c., &amp;c.

*Mr. Adams to Mr. Seward.*

No. 1293.]

LEGATION OF THE UNITED STATES,  
*London, December 28, 1866.*

SIR: In connection with the subject of your despatch No. 1889, of the 14th of December, I have only to observe that from the decision of Vice-Chancellor Wood, a copy of which has doubtless been transmitted to you by the consul at Liverpool, you will perceive the necessity of taking early measures to prevent Mr. Prioleau from becoming an object of public sympathy in the courts, as unreasonably oppressed by litigation procrastinated on purpose by a powerful government. The vice-chancellor is well known to me as having had sympathies with us during the war, which makes his present declaration the more significant.

My own impression is that an advantageous settlement might now be made with all the parties concerned in this suit should an agent well qualified for the duty be sent out. Never having had much confidence in the courts here in cases in which a government of a foreign nation is a party against British subjects, the alternative appears to be the payment of heavy costs to both sides, or an agreement which may save Mr. Prioleau from the risk of ruin on the condition of a frank and full exposition of the truth. I think he has it in his power to restore all the property remaining unclaimed in Europe. The error of Mr. Morse appears to have been an unaccountable degree of precipitation, and over-reliance in the good faith of those with whom he was dealing. From the little observation I have had of them, I should think that much acuteness and little scruple were their prominent traits. The disclosures incidentally taking place in the courts through the bankruptcy of Barned's bank furnish some clue to the extent of the speculations carried on during the war, and to the sympathies so strongly felt in Liverpool with the rebel cause. I have reason to suspect that Mr. Benjamin is now one of the chief legal advisers of the parties in the suits. All that his ingenuity can do will be exerted, if necessary, to procrastinate and to defeat the course of justice. This will not, however, be practicable without great hazard to the mercantile credit of the house of Fraser, Trenholm & Co. Hence the dilemma of which it may be possible to take advantage at this moment.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Seward.*

No. 1297.]

LEGATION OF THE UNITED STATES,  
*London, January 2, 1867.*

SIR: At the particular request of Mr. Morse, I transmit herewith a statement made by him in answer to the extraordinary deposition of Mr. Hull, constituting a part of the proceedings in the suit with Mr. Prioleau. The more obvious and proper course would seem to have been to prepare a deposition to be used, if necessary, in a later stage of the case itself. I have taken the liberty to suggest this to Mr. Morse, in order that his statement may be as fully accessible on the record as Mr. Hull's, to which it replies.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Morse to Mr. Adams.*

UNITED STATES CONSULATE,  
London, January 1, 1867.

SIR: Your kind favor of yesterday has just reached me, for which I am greatly obliged. The copy of Mr. Hull's affidavit, by which it is accompanied, I had never before seen, nor was I aware that he had made an affidavit of such a character. It certainly has greatly surprised me. It is not true that I took the first steps to obtain an interview with Mr. Prioleau, or that I in any manner solicited the interview. I made no advances whatever in such a direction. Prior to receiving Mr. Prioleau's request for an interview I had had several interviews with Mr. Henry Lafone, and had engaged him in the service of the United States to aid in discovering and securing to said States confederate property in England.

On the afternoon of Friday, the 2d of November, Mr. Lafone came into the consulate and said he was authorized by Mr. Prioleau to say to me that if I would meet him as one gentleman should meet another, he would like to have an interview with me, and see if some just terms of settlement could not be arrived at. If not literally correct, this is substantially the language that was used. Such a message from such a quarter was by me entirely unexpected, and rather took me by surprise, and I at once inquired what had brought Mr. Prioleau to a desire for a settlement. Mr. Lafone replied that he knew a great deal about Prioleau's transactions with the confederacy, and could seriously injure him, but that they had been and were friends, and, on reflection, he could not make up his mind to operate against him in the dark; that it would not be honorable for him to do so, &c.; and therefore he went to Mr. Prioleau and told him his position and what he intended to do. He said Mr. Prioleau was offended, and said to him, "Have you turned traitor?" After further conversation in a similar vein, Prioleau asked or said, "In such a state of things, with you against me, what am I to do?" Mr. Lafone replied, "You had better bring the whole matter to a close, secure your lawful claims against the property held by you, and hand what is left over to the United States." Prioleau said, in reply, that he could not meet any United States officer without subjecting himself to harsh treatment, or words to this effect. Mr. Lafone told him that if he met me I would treat him civilly, and as one gentleman should treat another. He then left, advising Mr. Prioleau to reflect well before he decided. Mr. Lafone said the next day Mr. Prioleau called at his office and said he had been thinking over the subject of their conversation of the day before, and had, after considering all the circumstances connected with the case, concluded to act on his advice, and he had come to London to see if I would consent to meet Mr. Prioleau.

Such were the preliminary steps which brought about the meeting with Mr. Prioleau, given in detail as they succeeded one another; and to the facts as above stated I am willing to *make oath*.

Mr. Gibbs was not in London at the time, and did not know that a meeting with Mr. Prioleau had been arranged until his arrival in London, on the morning of Monday, the 4th, at my request, communicated to him by telegraph.

As to what Mr. Hull declares about the scope of my authority to act, I can only say, that I put no construction on it. My presence there was perhaps a sufficient indication of how it was viewed by me. The papers were carefully examined by Mr. Prioleau's counsel, and were considered satisfactory. I did say, however, that in case we entered into an arrangement which would be just to the United States, and properly guard her interests in the matters to be acted upon, I thought you would readily sanction it.

I cannot command language sufficiently strong to express my great regret and pain at the many unlooked-for misunderstandings and misrepresentations of that unfortunate attempt to do what I firmly believed would prove to be for the honor and best interests of our country, without injury or disrespect to any one.

With sincere thanks for calling my attention to the subject, I remain your obedient servant,  
F. H. MORSE, *Consul*.

Hon. CHARLES FRANCIS ADAMS,  
*United States Minister.*

*Mr. Seward to Mr. Adams.*

No. 1903.]

DEPARTMENT OF STATE,  
Washington, January 4, 1866.

SIR: I enclose herewith to you a copy of a letter of the 27th ultimo from the Acting Secretary of the Treasury, from which it appears that that department having revoked certain powers heretofore conferred upon Mr. Morse, our consul at London, it is desirable that you should designate some suitable per-

son to take charge and dispose of any unfinished business pertaining to the authorization above indicated, now remaining in the hands of Mr. Morse. I would suggest Mr. Dudley, United States consul at Liverpool, as a proper person to succeed Mr. Morse should there be no objection on your part to such selection.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Chandler to Mr. Seward.*

TREASURY DEPARTMENT, *December 27, 1866.*

SIR: I have the honor to enclose herewith a letter to F. H. Morse, esq., United States consul at London, bearing even date herewith, which revokes certain authority heretofore conferred upon that gentleman by this department, and which I will thank you to cause to be transmitted to him, after perusing the same.

I have also the honor to request that you will instruct Mr. Adams, United States minister at London, to designate some suitable persons to take charge and dispose of any unfinished business, growing out of the authority heretofore conferred upon him, which may still remain in Mr. Morse's hands.

With great respect, your obedient servant,

WM. E. CHANDLER,  
*Acting Secretary of the Treasury.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

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*Mr. Adams to Mr. Seward.*

No. 1299.]

LEGATION OF THE UNITED STATES,  
*London, January 5, 1867.*

SIR: I have the honor to transmit a copy of the London Times of the 4th instant, on account of the leading article on the disputed questions between the two countries. I think the disposition there indicated is becoming general enough in the governing classes to sanction any course which the ministry would be likely to take to effect a settlement of them.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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[From the London Times, January 4, 1867.]

There is but one cloud on the horizon of our foreign policy at the opening of this new year, and that cloud is not so threatening but that it may be dispersed by a very moderate effort of diplomatic skill. We are not only at peace, but on amicable, if not cordial, terms with all the continental powers. Not the shadow of a misunderstanding exists between ourselves and the French government, and the German war has given a new direction to any military ambition which may linger among the French people. The infatuation which led Austria to reject the proposal of a conference on the German and Italian questions saved us from the danger of becoming involved in either, and we have since maintained the most friendly relations with all three belligerents. All is quiet at St. Petersburg and Constantinople, in spite of the insurrection in Candia; and if the eastern question is destined to be solved this year, there is every reason to hope that it will be solved peaceably. It is long since the foreign office has had less cause of anxiety about European affairs, and though many regret the supposed loss of our ancient prestige by persistent non-intervention, the influence of England for any good purpose is probably as great as ever. The only nation which, so far as we know, harbors any grudge against us is that which of all others and for every reason we should

least desire to make our enemy. A hostile rupture between Great Britain and the United States would be more gratuitous, more ruinous to commerce, more repugnant to private feelings and interests, and far more disgraceful to civilization, than any quarrel in which we could be engaged. There may be circumstances under which it would be inevitable, there may be sacrifices too great for us to make in order to avoid it, but there is certainly no war against which the reason and conscience of the public are so decisively enlisted. It might be forced upon us, for there is a degree of injustice to which no community can submit; but unless forced upon us by a high sense of patriotic duty it would be too unpopular to be undertaken by the strongest government. Perhaps American politicians have sometimes presumed too far upon this sincerely pacific disposition, but at the present time we have no such complaint to make. Whatever bitterness of feeling still prevails in the United States towards this country was not fomented, at least in the first instance, by interested agitators; it sprang from a real, though possibly erroneous, belief that we have inflicted a wrong upon them. The suspicious circumstances attending the equipment of the Alabama were interpreted by the light of contemporary speeches expressing sympathy with the south, and the complicity of our government with that unscrupulous transaction was not so much inferred from their actual conduct as assumed to be self-evident. No Englishman can for a moment admit this construction of the facts, but no one capable of distinguishing between a legal right and a moral claim will be disposed to deny that a fair case was made out for arbitration. Lord Russell's unqualified rejection of that proposal was partly justified by the form in which Mr. Adams's demands were presented, but it also betrayed a somewhat narrow and one-sided view of the question at issue. It was, in short, a false step, however defensible on grounds of law or precedent, and the sooner false steps are retraced the better.

We have yet to learn what may have passed between Lord Stanley and Mr. Seward on this delicate subject, which is one that is surely capable of a prompt settlement honorable to both parties. There are those who imagine that, having been adjourned so often, it can be adjourned indefinitely, and that it will be all the easier to deal with at last. We cannot but express most earnestly our dissent from this opinion, and our conviction that a more favorable opening for an arrangement is now presented than is ever likely to be presented again. We have pointed out on a former occasion the obvious advantage which a new government and a new foreign secretary possess in retrieving a diplomatic mistake of their predecessors; but there is a still more important aspect of the matter that remains to be considered. The present domestic embarrassments of the United States are such as to make a graceful concession on the part of Great Britain peculiarly opportune. The conflict between the President and Congress weakens the whole nation, and even if it should be terminated by a compromise, of which there appears no prospect as yet, the reconstruction of the south will tax the energies of both for some time to come. The States of the late confederacy have greatly increased the President's difficulties, and disappointed the hopes of their moderate supporters in the north, by refusing to accept the constitutional amendment. Meanwhile, troubles have broken out in Missouri, and so many elements of discord are still at work throughout the Union as to concentrate the attention of American statesmen on internal politics. Whatever inclination there may be to meddle with foreign affairs is just now engrossed by Mexico, and France has for once become the object of greater jealousy than England. This very exceptional state of things appears to constitute a strong argument for waiving any punctilios of national dignity, and making overtures for arbitration of our own accord. Such an act, we venture to predict, would be appreciated by all parties in America. Hostility to England is no part of republican traditions, and the republicans have a selfish motive for avoiding a breach with any foreign power, since it would strengthen the hands of the President. The President, on the other hand, has always shown a desire to cultivate amity with this country, and, if we may judge from recent indications, this feeling is shared not only by Mr. Seward and General Grant, but also by Mr. Stanton and Mr. Welles. The latter has expressly acknowledged the conciliatory course taken by the British government on the fishery question; and Mr. Seward gave proofs of his pacific sentiments at a most critical period, which cannot be cancelled by the intemperate language to be found in some of his despatches. Such a combination of favorable conditions cannot be expected to repeat itself. Lord Stanley is in a better position for negotiating on our behalf than Lord Clarendon was, or than any future secretary of foreign affairs would be. We have far more to lose than to gain by a change in the United States government, and it is but too probable that such an event would be followed by a revival of these claims in a more peremptory form. They are not forgotten by the American people, and they never will be forgotten until they have been submitted to some impartial adjudication. By proposing this ourselves, we tacitly confess that Lord Russell erred in declining to entertain it last year; but we put ourselves in the right, which is a vantage ground worth any effort to obtain. By waiting until it is again proposed by the United States, and then consenting to it, we shall justly incur the suspicion of yielding under compulsion.

There will, no doubt, be practical difficulties to be encountered in defining the points for arbitration, as well as in selecting an arbitrator equally acceptable to both nations. They are difficulties, however, of the very same kind which always occur, and are easily overcome, in the settlement of disputes between private gentlemen. Of course no allegation implying a suggestion of bad faith on the part of our late government would be admissible in the statement to be laid before the arbitrator. On the other hand, it would be unreasonable, as well

as impossible, to exclude the question whether, under given circumstances, a greater degree of vigilance ought not to have been exercised by the government, and whether this country is not morally responsible to some extent for the neglect of it. No one, we presume, supposes that if the thing had to be done over again a second Alabama would be allowed to escape, and, if not, it is worth while to ask ourselves what expedients would now be adopted to prevent it. Probably, as in the case of the rams, the executive would resort to measures beyond those prescribed by the foreign enlistment act; but if the executive would, in fact, employ, and would be supported by public opinion in employing, such powers in a future emergency, it is, to say the least, a presumption that our present neutrality laws are found to be inadequate. Now, unless we hold to the heresy, which Sir Roundell Palmer has expressly disclaimed, that international obligations can be limited by municipal enactment, it does not appear so utterly monstrous that damages resulting in part from a defect in our laws should be defrayed in part by ourselves. At all events, an implicit confidence in the justice of one's own cause is a strange reason for declining the test of arbitration, to the principle of which, be it remembered, Great Britain, in common with other great powers, has solemnly declared her adhesion.

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*Mr. Adams to Mr. Seward.*

No. 1301.]

LEGATION OF THE UNITED STATES,  
*London, January 9, 1867.*

SIR: I have the honor to transmit a copy of the London Times containing an editorial comment on the authorized notice, published the day before, of the action of the government in response to your despatch No. 1835, of the 27th of August last.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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[From the London Times, January 9, 1867.]

It is with hearty satisfaction that we record the friendly overtures made by her Majesty's government to that of the United States. Lord Stanley, as we announced yesterday, has instructed the British minister at Washington to propose a resort to arbitration on the differences arising out of the American war, and from the language in which this decision has been made public by the foreign office, we may infer that a recent communication from Mr. Seward paved the way for its adoption. It is now for the government of the United States to say whether they will accede to the principle of arbitration, the precise terms and subjects of which are properly reserved for subsequent discussion. Upon the latter point we cannot anticipate that any serious difficulty will be found. Of course the depredations of the Alabama are the real sources of dispute, and the great question for the arbitrator will be to what extent, if any, Great Britain is responsible, legally or morally, under circumstances to be duly set forth in the case, for the consequences of her escape from the Mersey. The law officers of the two countries, if they could meet for consultation, would probably succeed, within a very few hours, in framing a statement perfectly satisfactory to both. There is, indeed, no controversy about the facts; the controversy is about the principles which should be applied to them. Here the amplest discretion should, upon every ground, be left to the arbitrator. The object is not to obtain a judicial determination of a legal doubt, but to bring about an equitable arrangement between two innocent parties who, being nations and not individuals, have no common superior. So long as the construction of our foreign enlistment act was before the law courts it was inevitable that especial stress should be laid on the legal aspect of the claim preferred by the United States; when it once comes before the arbitrator, it is the moral aspect which should predominate. Municipal tribunals are governed by precedent, even in matters involving national interests, not because precedent is a sounder guide than principles of justice, but rather because an adherence to precedent is the only safeguard against partiality and the only security for uniformity of decision. This reason is manifestly inapplicable to the adjudication of international differences by a sovereign power. Such a proceeding is more analogous to the intervention of a peace-maker between two friends who have disagreed than to any ordinary litigation. The supreme end of a legal judgment is that it should be in strict conformity with the law; the supreme end of international, as of private, mediation is to effect a settlement which can be accepted on both sides with honor.



Will Lord Stanley, however, be supported by public opinion in making a proposal all but identical with that which Lord Russell declined, and thereby incurring the risk of a refusal from the United States? We venture to believe that he will, and further, that his moral courage in taking a course repugnant to a false but plausible sentiment of national dignity will be rewarded by success. It should always be remembered that Lord Russell's final reply to Mr. Adams was the conclusion of an elaborate correspondence on our alleged liability for injuries inflicted by the Alabama and her consorts. That correspondence was conducted, almost exclusively, upon the narrow basis of an appeal to precedents, and as the burden of proof lay upon Mr. Adams, Lord Russell possessed a great advantage, which he turned skilfully to account. There were very few precedents relevant to the argument, but of these one of the most recent and important, in which the United States had occupied the position of defendant, happened to be in our favor. Lord Russell, chiefly relying on this case, had already committed himself to a denial of the American claim before it was ultimately presented in a practical shape, and his prompt rejection of it in that shape followed almost by way of logical consequence. We do not justify this part of Lord Russell's policy, and we regret the ungracious language in which an unpalatable reply was conveyed. It would have been far better to suggest a change in the form of the claim than to cut off all prospect of its being entertained in any form whatever. At the same time, Lord Russell's error may be partly explained by the turn which the discussion had taken, and partly excused by the peremptory tone of Mr. Adams's remonstrances. But an error it was, as we have more than once pointed out, not only in policy, but on principles of reason and right. There are, doubtless, some demands so monstrous that it would be impossible for any nation to consent to arbitration upon them; but when a government on terms of amity with our own complains of having been aggrieved by our default, and offers to submit its alleged grievance to arbitration, it is no sufficient answer to say that we cannot allow a foreign sovereign to sit in judgment on our conduct. We have been parties to a declaration in favor of referring international disputes to arbitration; we have actually referred a late dispute with a much weaker power to arbitration and bowed to the arbitrator's award, and we should certainly tender arbitration to any state against which Great Britain had a cause of complaint. Then, why demur to arbitration, when proposed by the United States, only because we have implicit confidence in the justice of our cause? We say again that Lord Russell's unqualified rejection of Mr. Adams's tender was a false step, and if a false step, that Lord Stanley was bound to retrace it without needless delay and without unworthy reservations. There is nothing half so undignified as being in the wrong, nor was there any means of placing us in the right except by assuming the initiative and inviting the United States to meet us half way.

Whether they will do so, and if so, in what spirit they will do so, remains to be seen. We can hardly expect that Mr. Seward will lose the opportunity of commenting on our change of attitude, or that some of our New York contemporaries will fail to attribute Lord Stanley's proffered concession to base motives. It will, perhaps, be said or insinuated, but with an entire oblivion of dates, that we presumed on the weakness of America in the day of her calamity, and truckle to her when she has regained her strength. Now, if this reproach were ever so well deserved, yet it ought not to deter us from acting upon our own convictions of duty. It is, however, wholly undeserved, and capable of being rebutted by plain facts. The moment selected by Mr. Seward for pressing his demands upon Lord Russell was precisely that at which the United States, triumphant by sea and land, had utterly crushed the insurrection, still maintaining a vast army and navy on a war footing, and indulging hopes of a speedy reconstruction, which experience has since disappointed. If there ever was a time at which Great Britain had reason to fear a rupture with America, it was that very time when Lord Russell in its name repudiated the Alabama claims. But we cannot bring ourselves to dwell on this topic, nor can we suppose that motives so petty and unstatesmanlike will influence the counsels of the United States. Englishmen did not suspect America of cowardice when, in deference to the clear rules of maritime law, she gave up the prisoners wrongfully captured on board the Trent, and Americans of sense will not suspect England of cowardice because, in deference to equally clear dictates of international morality, she retires from an untenable position. The United States government yielded then, although many persons in this country predicted that national pride would be too strong for them. It is the turn of our government to yield now, and, whether or not their motives be appreciated, we have confidence in the result of their efforts to renew those friendly relations with a kindred people which should never have been interrupted.

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*Mr. Seward to Mr. Adams.*

No. 1905.]

DEPARTMENT OF STATE,

*Washington, January 11, 1867.*

SIR: I enclose a copy of a communication of the 8th of December, addressed to the President by Kathleen M. Meany, in behalf of her father, who appears

to have been arrested in Liverpool, probably on the ground of alleged complicity in recent political disturbances in Great Britain. I will thank you to take such steps in the matter as in your judgment may seem proper.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

LIVERPOOL, December 8, 1866.

SIR: Poor papa came to England to see his family, and the British authorities have put him in prison, and the British press accuse him of many things of which he is innocent. Some time ago they accused him of having deserted his family. Papa never deserted his family; he would not desert any one. He has always been most kind and loving to us all. He has no worldly sense, but his heart is so merciful and forgiving that he would give his last cent, did they need it, to the worst of his unprovoked enemies. Mamma is ill from grief. Wishing to remove all this misery, I write to ask you in the name of our dear heavenly Father to ask the British authorities to release poor papa.

Begging that you will kindly excuse this liberty, I remain, sir, with the most profound respect, yours, &c.,

KATHLEEN M. MEANY.

President JOHNSON.

*Mr. Seward to Mr. Adams.*

No. 1906.]

DEPARTMENT OF STATE,

Washington, January 12, 1867.

SIR: A copy of a despatch written by Lord Stanley on the 30th of November last has been submitted to me by her Majesty's minister plenipotentiary here, Sir Frederick W. A. Bruce. It contains a review of my despatch No. 1835, concerning so-called Alabama claims.

You will please lay before Lord Stanley this reply.

The President appreciates the consideration and courtesy manifested by her Majesty's government. I shall be content, on this occasion, with defending such of my former statements as Lord Stanley has disallowed. I think it unnecessary to disclaim a purpose of impugning the motives of the late or of the present ministry. Governments, like individuals, necessarily take their measures with reference to facts and circumstances as they, at the time, appear. The aspect often changes with further development of events. It is with ascertained facts, and not with intentions, that we are concerned; and it is of Great Britain as a state, and not of any minister or ministry, that we complain.

Lord Stanley justly reminds me that the Sumter was of American, not of British origin, and that she began her career by escaping from New Orleans, and not from a British port. I think, however, that the correction does not substantially affect the case. The Sumter, belonging to loyal owners, was employed in trade between New York and New Orleans. Insurgents seized and armed her there, and sent her out through the blockade. She captured several United States merchant vessels, and sent them into Cienfuegos. On the 30th of July, 1861, she entered the British port of Trinidad, in the West Indies, ostentatiously displaying an insurgent flag, which had not then, nor has it ever since, been recognized as a national ensign, either by the United States or by Great Britain, or by any other State. Being challenged, she presented a pretended commission, signed, not by the President of the United States, but by Jefferson Davis, an insurgent chief. The governor of Trinidad exhibited the British standard as a compliment to the insurgent visitor. The Sumter was entertained there six days, and supplied with coal. After renewed depredations she took shelter, on the 19th of January, 1862, in the British port of Gibraltar, in continental

Europe. Being effectually locked in there for months by United States cruisers, she was, against the protest of this government, allowed to be sold to British buyers for the account and benefit of the insurgents. She then hoisted the British flag, and under it was received at Liverpool, within the British realm.

It is, indeed, true, as Lord Stanley has observed, that the *Alabama*, when she left England, was wholly unarmed and not fully equipped as a war vessel. It is also true that she received an armament, a further equipment, a commander and a crew in Angra bay, Azores—a possession of the Crown of Portugal—where the British government had no jurisdiction, and could exercise no lawful control, even if they had an opportunity. But, on the other hand, it is to be remembered that, not only was the vessel built at Liverpool, but the armament and the supplemental equipment were built and provided there also, simultaneously and by the same British hands, and also that the commander and crew were gathered and organized at the same time and the same place; the whole vessel, armament, equipment, commander and crew were adapted, each part to the other, and all were prepared for one complete expedition. The parts were fraudulently separated in Liverpool, to be put together elsewhere, and they were fraudulently conveyed thence to Angra bay and there put fraudulently together by her Majesty's subjects, not less in violation of British than of Portuguese obligations to the United States. The offenders were never brought to justice by her Majesty's government, nor complained of by that government to the Queen of Portugal. The *Alabama*, from the laying of her timbers in Liverpool until her destruction by the *Kearsarge*, off Cherbourg, never once entered any port or waters of the United States. Whatever pretended commission she ever had as a ship of war must have been acquired either in Great Britain or some other foreign country at peace with the United States, or on the high seas. Nevertheless, the *Alabama* was received, protected, entertained, and supplied in her devastating career in the British ports of Capetown and Singapore in the east, and when she was finally sunk in the British channel, her commander and crew were, with fraudulent connivance, rescued by British subjects and ostentatiously entertained and caressed as meritorious but unfortunate heroes at Southampton. With these explanations I leave the affair of the *Alabama* where it was placed in the representation of Mr. Adams.

Lord Stanley says that the *Florida*, under the original name of *Oreto*, left England unarmed and unequipped. It must not be forgotten, however, that while building she was denounced to her Majesty's government by Mr. Adams. Lord Stanley also says that the *Shenandoah* left England unobserved, and therefore unquestioned, and, for anything that had transpired, on a legitimate voyage, and that she was only armed, equipped, and manned as a war vessel off Funchal, within Portuguese dominion. I am sure that it must be unnecessary to refer here to the fact that the building of the *Florida*, the *Georgia*, and the *Shenandoah* in British ports, and the arming and equipment of them outside of British jurisdiction, were fraudulent in the same manner that has been specially described in regard to the *Alabama*. The *Shenandoah* was received, protected, and supplied, in defiance of our protest, at Melbourne, in Australia. She proceeded thence to the Arctic seas, where she destroyed twenty-nine United States merchant vessels, and finally, after the end of the rebel hostilities here, she returned to Liverpool, the place from which she had first gone forth, and there surrendered herself to her Majesty's government as to an ally or a superior.

Lord Stanley excuses her Majesty's government in part upon the ground that sufficient evidence or notice was not presented by the United States, in part on the ground of accidental hindrances or embarrassments, while in one place he seems to imply that the only devastating vessels of which we complain are the *Sumter*, the *Alabama*, the *Florida*, and the *Shenandoah*. In regard to the first excuse, I have to say that British complaints of lack of vigor on our part would, under any circumstances, be unreasonable. International as well as

municipal laws depend for their execution in Great Britain upon her Majesty's government, and not upon our own. Again, I think that Lord Stanley will find, by referring to unpublished records in the Foreign Office, what certainly appears in our confidential archives, that at the time when the fraudulent building, arming, and equipping of those vessels were going on in England, we were required, out of tenderness to British sensibilities and with the approval of her Majesty's government, to relax rather than increase our vigilance, then called by the repulsive name of espionage.

In relation to the second excuse, I think that the alleged hindrances and embarrassments were nothing else than the skilful machinations of the offending parties themselves. In enumerating certain vessels in my former communication, I wrote of them not as all the vessels complained of, but by way of describing the class of which we complained. There were many others. The Nashville, stolen from loyal owners at Charleston, after having evaded the blockade, and after having captured the Harvey Birch, arrived at Southampton on the 20th of November, 1861. She was entertained there until February 3, 1862, and then left the harbor, protected from the United States cruiser Tuscarora by her Majesty's war frigate Shannon. She was afterwards hospitably entertained at the British ports of Bermuda and Nassau, in the West Indies. The Alabama improved her own crafty experience. Having in one of her cruises captured the United States merchant ship Conrad, near the Cape of Good Hope, on the 21st of June, 1863, she commissioned the Conrad as a "confederate" pirate on the high seas, under the name of the Tuscaloosa. In like manner, the Florida captured the merchant ship Clarence upon the ocean, and commissioned her, and gave her an armament, force, and equipment of a 12-pound howitzer, twenty men, and two officers. Afterwards the Florida transferred the same authority, armament, and equipment to the Tacony on the high seas, which vessel captured, bonded, and destroyed ten United States merchant vessels off the Atlantic coast.

Having recalled these facts, I must now beg leave to reaffirm as substantially correct my former statement, the statement to which Lord Stanley has excepted, namely: the Sumter, the Alabama, the Florida, the Shenandoah, and other ships of war, were built, armed, equipped, and fitted out in British ports, and despatched therefrom by or through the agency of British subjects, and were harbored, sheltered, provided, and furnished, as occasion required, during their devastating career, in ports of the realm or in ports of the British colonies in nearly all parts of the globe.

Lord Stanley excuses the reception of the vessels complained of in British ports subsequently to their fraudulent escapes and armament, on the ground that when the vessels appeared in those ports they did so in the character of properly commissioned cruisers of the government of the so-styled Confederate States, and that they received no more shelter, provisions, or facilities than was due to them in that character. This position is taken by his lordship in full view of the facts that, with the exception of the Sumter and the Florida, none of the vessels named were ever found in any place where a lawful belligerent commission could either be conferred or received. It would appear, therefore, that in the opinion of her Majesty's government, a British vessel, in order to acquire a belligerent character against the United States, had only to leave the British port where she was built clandestinely, and to be fraudulently armed, equipped, and manned anywhere in Great Britain or in any foreign country or on the high seas, and in some foreign country or upon the high seas to set up and assume the title and privileges of a belligerent, without even entering the so-called confederacy or ever coming within any port of the United States. I must confess that if a lawful belligerent character can be acquired in such a manner, then I am unable to determine by what different course of proceeding a vessel can become a pirate and an enemy to the peace of nations.

Lord Stanley defends the Queen's proclamation of neutrality by quoting against me certain utterances of the Supreme Court of the United States and of the District of Columbia, of which he says her Majesty's government has seen no refutation. Certainly it is not my purpose to refute these utterances. They were made by learned and loyal tribunals. Moreover, Lord Stanley understands them correctly as showing that, at the time they were pronounced, it was the opinion of those courts that a civil war was actually existing in the United States, and that it was existing at the time when the causes of action arose in the cases which the courts were adjudicating. I may admit, further, that the courts referred to the President's blockade proclamation, which preceded the Queen's neutrality proclamation, as one among the facts which proved that the controversy here was not a mere local insurrection, but had all the gravity, character, and consequences of a civil war.

But I must insist, on the other hand, first, that neither of the judicial utterances referred to asserts or admits that the President's blockade proclamation expressly and in form declared or recognized the existence of civil war, and, in the second place, that both of these judicial utterances unmistakably imply the contrary. The district court of Columbia pronounced its opinion on the 17th of June, 1861. The Supreme Court of the United States withheld its opinion until the 10th of March, 1863. The capture which constituted the cause of action in the district court occurred on the 21st of May, 1861; the captures concerning which the Supreme Court of the United States adjudicated occurred on the 17th of May, 1861, the 20th of May, 1861, the 23d of June, 1861, and the 10th of July, 1861. The Queen's proclamation of neutrality had appeared before either court pronounced its opinion, and before either cause of action arose. British subjects were claimants in some, and other foreigners were claimants in others, of these litigations. Among the facts of which the Supreme Court took notice, and which they set forth as the grounds of their opinion, is the following :

As soon as the news of the attack on Fort Sumter, and the organization of a government of the seceding States assuming to act as belligerents, could become known in Europe, to wit : on the 13th of May, 1861, the Queen of England issued her proclamation of neutrality, recognizing hostilities as existing between the government of the United States of America and certain States styling themselves the Confederate States of America. This was immediately followed by similar declarations or silent acquiescence by other nations.

This statement served to prepare the way for the proposition which became a chief basis in the decision of the Supreme Court, to wit : " After such an effectual recognition by the sovereign, the citizen of a foreign state is estopped to deny the existence of a war and its consequences as regards neutrals." It is thus seen that the decision of the Supreme Court, which Lord Stanley quotes in defence of the Queen's proclamation of neutrality, was based upon the proclamation itself, and thus the proclamation defended, and the defending opinion of the Supreme Court, reciprocate each other. The district court of Columbia is only an inferior local tribunal, whose unreviewed reasoning would not anywhere be deemed authoritative upon international questions. I might, therefore, bring my remarks upon the Queen's proclamation of neutrality to an end, but I desire to leave nothing unsaid that might tend to elucidate the subject. The issue between the United States and Great Britain, which is the subject of the present correspondence, is not upon the question whether a civil war has recently existed in the United States, nor is the issue upon that other question, namely, whether such a civil war was actually existing here at the date of the Queen's proclamation of neutrality. Certainly there is a stage when a civil commotion, although attended by armed force, is nevertheless in fact only a local insurrection, as it is also true that local insurrections often transcend municipal bounds, and become civil wars. It is always important, and generally difficult and perplexing, to recognize and definitely determine the transition stage with absolute precision. The disturbed nation suffers a serious loss of advantages if recognition is pre-

maturely made. The insurrectionary party may suffer a serious loss if it be too long and unjustly withheld. Strangers who may be dealing with one or the other may be injuriously affected in either case. Now what is alleged on the part of the United States is that the Queen's proclamation, which by conceding belligerent privileges to the insurgents, lifted them up for the purposes of insurrection to an equality with the nation which they were attempting to overthrow, was premature because it was unnecessary, and that it was in its operation unfriendly because it was premature.

The discussion necessarily involves a history of that proclamation. On the 28th of February, 1861, the United States, in the customary manner of international conference, announced to Great Britain, as well as to other friendly nations, that certain United States citizens dwelling in South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas had, in pretended State conventions, and in a so-called but unlawful congress, on paper, pronounced a secession or separation from the federal government, and asserted themselves by the style of the Confederate States of America. The United States, for special reasons, warned her Majesty's government that seditious emissaries would endeavor to procure from Great Britain a recognition of the pretended confederacy. The United States protested against such a proceeding. Her Majesty's principal secretary for foreign affairs, on the 22d of March, 1861, listened to the announcement thus made as one which he expected, and said that her Majesty's government had reached no definite conclusion as to a proper course of action. He observed that he had seen a private letter, from which he inferred that accredited ministers or commissioners, authorized to negotiate for recognition, would be shortly sent to Europe by the so-called secessionists. This answer plainly indicated a preparation for the very decision against which the United States protested. On the 9th of March thereafter, the President of the United States caused the before-mentioned monition and protest to be renewed, with the assurance to her Majesty's government that he then entertained a full confidence in a speedy restoration of the harmony and unity of the government, through judicious measures co-operating with a deliberate and loyal action of the American people. The President earnestly desired her Majesty's government not to intervene in any unfriendly way in the domestic concerns of this country. He distinctly stated further that he would take care in every case to render any possible injuries which foreigners might suffer as light as possible, and fully to indemnify them. In answer to this latter communication, her Majesty's government, on the 8th of April, 1861, said that the matter seemed not yet ripe for decision, one way or the other, and that this was all that at that moment they could say. They added, however, a statement that English opinion seemed to be tending towards the theory that a peaceful separation of the American Union might work beneficially for both groups of States, and might not injuriously affect the rest of the world. It was then made known that the subject was to be debated on that very day in the House of Commons, and that six days thereafter a motion for absolute recognition of the pretended confederacy, otherwise called there a new nation, would be pressed in Parliament. When these facts became known to this government care was taken to reply that the answer of the foreign secretary of state was by no means satisfactory, and her Majesty's government was therefore advised that they were at liberty to choose whether they would retain the friendship of the United States by refusing all aid and comfort to their domestic enemies, or whether her Majesty's government would take the precarious benefits of a different course. It was not long left in doubt in European circles which alternative Great Britain would elect. Her Majesty's principal secretary for foreign affairs having invited a conference on the 2d of May, announced to the United States minister in London, Mr. Dallas, that three representatives of the so-called southern confederacy were then in that capital, and that he, Lord Russell, was

willing to see them unofficially. He then made the important announcement that there already existed an understanding between her Majesty's government and that of France, which would lead both to take the same course as to recognition, whatever that course might be. The United States minister, of course unprepared with instructions to meet these revelations, certainly unlooked for here, replied that his appointed successor, Mr. Adams, was then on his voyage, and might be expected within 10 or 15 days. The secretary acquiesced in the expediency of waiting for the coming of the new minister. The proposed movement in Parliament for recognition was, at the instance of the secretary of foreign affairs, postponed.

When the President received an account of the last-mentioned interview, he then was unable, as the United States are yet unable, to perceive how it was thought, by her Majesty's government, entirely considerate in regard to the United States to consult and agree with France upon a question vital to the United States without affording them a hearing. Moreover, the United States were then unable, as they are yet unable, to perceive how it is justly considered by her Majesty's government any more lawful, just, or friendly to entertain traitors against the United States, with a view to business negotiations with them, unofficially and privately, than it is to entertain and negotiate with them officially and publicly. Be this as it may, Earl Russell's explanations revealed to the United States the fact that even thus early, before any effective military advantage had been gained by the insurgents, and even before any meditated blow had been given by this government in its own defence, the British government, Parliament, and people were entertaining privately, and not unkindly, debates with the insurgents and with a foreign power, which involved nothing less than a direct and speedy sanction of the rebellion in the United States, and a dissolution of the American Union. They were yet unwilling to believe that Great Britain would take such a course with unconcealed precipitancy. Mr. Adams, the new minister, in the mean time had been charged with the duty of counteracting the appeals of the disunionists, and was prepared to answer every argument which they could advance, either on the score of British interest, or under the pretext of zeal for the freedom of trade, or for the freedom of men. The insurgent emissaries reached London on the 30th of April. The President's blockade proclamation, which was issued on the 13th of April, reached London on the 3d of May. On the 4th of May, only two days after the conference of Mr. Dallas with Lord Russell, he favored the insurgent emissaries with an unofficial interview. He patiently, it is not for us to say confidingly, heard them disclaim slavery as a principal cause of the incipient rebellion, while they alleged that its real cause was the high prices which the so-called south was obliged to pay for manufactured goods by way of protecting so-called northern manufacturers. They favored him with glowing statements of the south, and its exports valued by millions. He answered that, when the question of recognition should come to be formally discussed, inquiry must be made on two points: first, whether the body seeking recognition could maintain its position as an independent state; and, secondly, in what manner it was proposed to maintain relations with foreign states. After reviewing this conversation, is it to be wondered at that the traitors, when retiring from this interview, assured his lordship that they would rest in London in the hope that a recognition [of the sovereignty] of the southern confederacy would not long be delayed? Two days later, namely, on the 6th of May, the principal secretary for foreign affairs announced in Parliament that the ministry had consulted the law officers of the Crown—the attorney general and the solicitor general, and the Queen's advocate—and her Majesty's government had come to the opinion that the southern confederacy of America, according to the principles which seemed to them to be just principles, must be treated as a belligerent. The Queen's proclamation, which went half the way towards recognition of the so-called southern confederacy, was issued at London on the 15th of May, in the morning. Mr. Adams

arrived there in the evening. He was officially received on the 16th. This is the history of the Queen's proclamation of neutrality. What I wrote concerning it in the despatch which Lord Stanley has reviewed is as follows:

While as yet the civil war was undeveloped, and the insurgents were without any organized military forces or treasury, long before they pretended to have a flag or to put an armed ship or even a merchant vessel upon the sea, her Majesty's government, acting precipitately as we have always insisted, proclaimed the insurgents a belligerent power, and conceded to them the advantages and privileges of that character, and thus raised them in regard to the prosecution of an unlawful armed insurrection to an equality with the United States. The United States remain of the opinion that the proclamation has not been justified on any ground of either necessity or moral right; that, therefore, it was an act of wrongful intervention, a departure from the obligations of existing treaties, and without sanction of the law of nations.

Lord Stanley's principal point, in defending the Queen's proclamation, is, that it did no more than acknowledge a state of war which had already been recognized by the President himself in his proclamation of a blockade, which was issued on the 19th of April, 1861, and his further proclamation which was issued on the 27th of April, 1861. We have already seen that the Supreme Court of the United States and that of the District of Columbia, in their opinions, did not pretend, admit, or imply that the President's aforementioned proclamations expressly and in form declared or recognized a state of civil war. So Lord Stanley, with commendable candor, refrains from making any similar claim in regard to the President's blockade proclamations. The courts reached their conclusion that a state of civil war was existing at the time of the maritime captures which were under consideration by processes of reasoning and argument. Lord Stanley is content with adopting the court's argument in identical words. He quotes from the Supreme Court:

The President was bound to meet it in the shape it presented itself without waiting for Congress to baptize it with a name, and no name given to it by him or them could change the fact.

Lord Stanley quotes also the words that

The proclamation of blockade is conclusive evidence to the court that a state of war existed.

And in the same sense he quotes from the court of the District of Columbia:

That the facts of the secession of the southern States, as set forth by the President, with the assertion of the right of blockade, amount to a declaration that civil war exists.

The courts correctly understood the facts with which they had to deal. In the causes which were before those courts, the claimants insisted that a state of civil war was not existing at the time of the respective captures. They so insisted on the ground that no competent authority had declared a civil war or had acknowledged the insurrection as a civil war giving rise to belligerent rights, that Congress had not so defined, described, or acknowledged it, and that the President had not by his proclamations so named, baptized, or recognized it.

The recitals from the courts sustain the historical view of the case which I have presented. Before the Queen's proclamation of neutrality the disturbance in the United States was merely a local insurrection. It wanted the name of war to enable it to be a civil war and to live, endowed as such with maritime and other belligerent rights. Without that authorized name it might die, and was expected not to live and be a flagrant civil war, but to perish a mere insurrection.

It was, therefore, not without lawful and wise design that the President declined to confer upon the insurrection the pregnant baptismal name of civil war, to the prejudice of the nation whose destiny was in his hands. What the President thus wisely and humanely declined to do, the Queen of Great Britain too promptly performed. She baptized the slave insurrection within the United States a civil war; and thus, so far as the British nation and its influence could go, gave it a name to live, and flourish, and triumph over the American Union. By this proceeding, the Queen of Great Britain intervened in the purely domes-



tic and internal affairs of the United States, and derogated from the authority of their government. Reference to the events of the time, will show that she misunderstood entirely the actual situation. The President's first proclamation against the insurrection was issued on the 15th of April. He described the condition of affairs as one in which the laws of the United States were opposed, and the execution thereof obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceedings. He called out the militia for a short term of service, to suppress those combinations, and to cause the laws of the land to be duly executed. He expressly declared that the first service assigned to the militia forces would probably be to repossess the forts, places, and property which had been seized from the Union; and that, in every event, the utmost care would be observed, consistently with the objects aforesaid, to avoid any devastation, any destruction of or interference with property, or any disturbance of peaceful citizens of any part of the country; and he commanded the forces composing the combinations before mentioned to disperse, and to return to their respective abodes within twenty days. He at the same time convoked Congress for the 4th day of July, to consider the state of the Union. So also in the President's second or supplemental proclamation of the blockade, he defined its necessity as arising from an insurrection which had broken out in the States therein named, by means whereof the uniform laws of the United States for the collection of revenue could not be effectually executed. He recited, further, that a combination of persons engaged in such insurrection had threatened to grant pretended letters of marque. He declared, further, that he had required the persons engaged in these disorderly proceedings to desist therefrom, and had called out the militia to restore order and the supremacy of the laws. All these declarations, recitals, warnings, and commands are the especial features of governmental proclamations, designed to suppress local insurrections without suffering them to attain the form and dimensions of civil war. It was the absolute right of this government to treat the insurrection in this manner; and, in our opinion, it was not a right of Great Britain, by any recognition of the insurgents, either as sovereign or as belligerent, to defeat the wise and humane measures of the President in that respect. It will be found, we think, that all nations which have desired to practice justice and friendship towards a state temporarily disturbed by insurrection, have forborne from conceding belligerent privileges to the insurgents, in anticipation of their concession by the disturbed state itself. A nation which departs from this duty always practically commits itself as an ally to the insurgents, and may justly be held to the responsibilities of that relation.

I pass, without comment, Lord Russell's justification of the Queen's proclamation, assimilating the situation here in 1861 to that of the Greeks rising against their Turkish oppressors in 1825. It could hardly be expected that this government would be convinced by an argument that assimilates them to the Ottoman power in its decline, and the slave-holding insurgents to the Christian descendants of heroic Greece, in their reascent to civilization. Lord Stanley thinks that the Queen's proclamation could have no tendency to encourage and create into a civil war a political convulsion which otherwise would have remained a mere local insurrection. If it were true that an insurrection acquires no new powers, faculties, and attributes, when it receives from its own or a foreign government the baptismal name of civil war, the point which Lord Stanley raises might require grave consideration. Such, however, is not generally the case; and certainly it was not the case in the late contest here. Provisions and treasures, arms, ordnance, and munitions of war, and even ships of war, began to pour forth from the British shores in support of the insurgent cause, so soon as the Queen's recognition of it as a belligerent was proclaimed; and they continually increased, until it was finally suppressed by the vigor and energy of this government. The commercial losses of the United States, which are the immediate subject of the present correspondence, are only a small part of the

damage which this country has sustained at the hands of British abettors of the insurgents. But will Lord Stanley please to refer to the table in which these special losses are presented, showing ninety-five merchant vessels, with ten millions of property, destroyed by the cruisers, which practically were sent forth from the British shores, and say whether he believes it possible that such destructive proceedings could have occurred if Great Britain had not conceded belligerent rights to the insurgents. Nor is it to be overlooked, that foreign moral sanction and sympathy are of more value to a local insurrection than even fleets and armies.

Lord Stanley presents the considerations which induced the issue of the Queen's proclamation. He says that her Majesty's government had to provide at a distance for the loss and interests of British subjects in or near the seat of war. But who required British subjects to be there? Who obliged them to remain in a place of danger? If they persisted in remaining there, had they not all the protection that citizens of the United States enjoyed. Were they entitled to more? Moreover does the jurisdiction of Great Britain extend into our country to protect its citizens sojourning here from accidents and casualties to which our own citizens are equally exposed? Lord Stanley continues, her Majesty's government had to consider the rapidity with which events were succeeding one another on the American continent, and the delay which must elapse before intelligence of those events could reach them, and the pressing necessity for definite instructions to the authorities in their colonies and on their naval stations near the scene of the conflict. On the contrary, it seems to us that prudence and friendship, had they been deliberately consulted, would have suggested to her Majesty's government to wait for the development of events and definitive action of the United States.

Lord Stanley repeats from Earl Russell, and reaffirms that "her Majesty's government had but two courses open to them on receiving intelligence of the President's proclamation, namely, either that of acknowledging the blockade and proclaiming the neutrality of her Majesty, or that of refusing to acknowledge the blockade and insisting upon the right of her Majesty's subjects to trade with the ports of the south where the government of the United States could exercise no fiscal control at that time."

With due respect I must demur to this statement. The disturbance being, at the time referred to, officially and legally held by the government of the United States to be a local insurrection, this government had a right to close the ports in the States within the scene of the insurrection, by municipal law, and to forbid strangers from all intercourse therewith, and to use the armed and naval forces for that purpose. A blockade was legitimately declared to that end; and, until the state of civil war should actually have developed, the existence of a blockade would have conferred no belligerent rights upon the insurgents. In choosing the blockade as a form of remedy less oppressive than the closing of the ports by statute, the United States might perhaps have come under an obligation to respect any just rights and interests of aliens which might have been infringed. There was, however, no just ground of apprehension on that subject, for the history of the time shows that those rights were in all cases inviolately respected.

Again, the blockade could have been suitably acknowledged by her Majesty's government without a proclamation conceding belligerent rights to the insurgents. Certainly forbearance from foreign strife can be practiced, like every other national virtue, without public proclamation. There is hardly a nation in any part of the world which has not been disturbed by both internal and external wars since the United States became an independent maritime power. I find, however, in our records that the United States have accorded a recognition of belligerent rights only in one case, namely, in the case of the flagrant war between France and the allied European powers in 1793. In all other cases we have either disallowed belligerent rights or preserved silence.

Lord Stanley says that "if Mr. Seward means to base the present claims on the ground that the British government should, while acknowledging the blockade, have awaited the arrival of a confederate ship of war in British ports before admitting the possession by the 'Confederate States' of a ship of war, and, therefore, their right to be treated on the high seas as a belligerent power, a reference to dates will show that the question would have been raised on the arrival of the *Sümerter* at Trinidad, and of the *Nashville* at Southampton, some months before Mr. Adams laid his complaints against the vessels mentioned in the summary of claims."

To this argument it is deemed a sufficient reply that neither of the two vessels named in fact appeared in a British port or upon the high seas until after the Queen's proclamation, which tendered hospitalities and assistance to them, was issued.

I do not deem it necessary to reply at large to the reflections which Lord Stanley makes upon the conduct of this government in regard to the proceedings of the so-called Fenians. The Fenian movement neither begins nor ends in the United States; the movers in those proceedings are not native citizens of the United States; but they are natives of Great Britain, though some of them have assumed naturalization in the United States. Their quarrel with Great Britain is not an American, but a British one, as old, I sincerely hope it may not be as lasting, as the union of the United Kingdom. Their aim is not American, but British revolution. In seeking to make the territory of the United States a base for the organization of a republic in Ireland, and of military and naval operations for its establishment there, they allege that they have followed as an example proceedings of British subjects in regard to our civil war, allowed by her Majesty's government. The policy and proceedings of the two governments in regard to those parallel movements have not assimilated. The United States government has not recognized the Irish republic as a belligerent, and has disarmed its forces when found within our territories and waters.

With regard to the manner in which this protracted controversy shall be brought to an end, we agree entirely with the sentiments expressed by Lord Stanley. We should even think it better that it be brought to an end, which might, perhaps, in some degree disappoint the parties, than that it should continue to alienate the two nations, each of which is powerful enough to injure the other deeply, while their maintenance of conflicting principles in regard to intervention would be a calamity to all nations. The United States think it not only easier and more desirable that Great Britain should acknowledge and satisfy the claims for indemnity which we have submitted, than it would be to find an equal and wise arbitrator who would consent to adjudicate them. If, however, her Majesty's government, for reasons satisfactory to them, should prefer the remedy of arbitration, the United States would not object. The United States, in that case, would expect to refer the whole controversy just as it is found in the correspondence which has taken place between the two governments, with such further evidence and arguments as either party may desire, without imposing restrictions, conditions, or limitations upon the umpire, and without waving any principle or argument on either side. They cannot consent to wave any question upon the consideration that it involves a point of national honor; and, on the other hand, they will not require that any question of national pride or honor shall be expressly ruled and determined as such. If her Majesty's government shall concur in these views, the President will be ready to treat concerning the choice of an umpire.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Seward to Mr. Adams.*

No. 1907.]

DEPARTMENT OF STATE,

*Washington, January 12, 1867.*

SIR: I have to acknowledge the receipt of your despatch of the 28th of December, No. 1293. It gives me your views of the present condition of the litigation in her Majesty's court of chancery between the United States and Prioleau, Fraser, Trenholm & Co., and suggests the expediency of being prepared, on the part of this government, to effect a reasonable settlement of that litigation. The suggestion is the manifest result of a careful exploration of the ground before you, and is appreciated. Mr. Redfield, who is understood to be a very judicious person, will proceed to Liverpool on the 16th, as you have been already advised. His instructions have been prepared by the Treasury Department, with the assistance of counsel, and I presume will be ample. On the general matter of this litigation I have sympathized with you in a want of confidence in the British tribunals where the American nation is brought down to contend with rebels, or British abettors of rebels. I trust that the government is not unprepared to meet a failure of justice. I shall, however, not be found amongst those who may be disposed to acquiesce, if the courts of Great Britain continue, as they have done heretofore, to pronounce with partiality in favor of enemies of the United States. The British nation owes us a large measure of reparation for the past. Failing to get this, I think we shall at least insist upon justice and equity in the future.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &amp;c., &amp;c., &amp;c.

*Mr. Seward to Mr. Adams.*

No. 1910.]

DEPARTMENT OF STATE,

*Washington, January 15, 1867.*

SIR: The honorable Godlove S. Orth, of the House of Representatives, has brought to the notice of this department the case of Captain Charles Underwood O'Connell, a citizen of the United States, who was arrested in September, 1865, on board the steamer City of New York, at Queenstown, on a charge of complicity with the Fenian movement. In December following he was placed on trial at Cork, convicted for having on his person some Fenian papers, and sentenced to ten years' penal servitude in the quarries at Portland, England. It appears that his clothing, arms, private family papers, and his commission as captain in the United States army, were taken from him by the police authorities, in whose possession they are still supposed to remain.

I will thank you, in making the case known to her Majesty's government, to use your good offices in behalf of Captain O'Connell, with a view either to effect his release or to obtain a mitigation of the sentence he is now undergoing.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &amp;c., &amp;c., &amp;c.

*Mr. O'Connell to Mr. Seward.*

LAFAYETTE, INDIANA, November 10, 1866.

HONORED SIR: I most respectfully beg leave to state for your information that my son, Captain Charles Underwood O'Connell, a citizen of the United States, and who voted for Mr. Lincoln, was arrested in September, 1865, tried at Cork the following December, and convicted by a packed jury for having on his person some Fenian papers, and then sentenced

to ten years' penal servitude, the galling and heartrending horrors of which he is now undergoing as a political prisoner at Portland, England, in the quarries, in company with murderers.

Honored sir, at the time of his arrest on board the City of New York, in the harbor of Queenstown, Cork, his military clothes, arms, private family papers, as also his commission as captain, signed by the American Secretary of War, were all taken by the police and never since given up. He is the *only* military officer who was convicted, and is still detained, suffering most acutely all sorts of privations and persecution. I further beg to state that Mr. Orth, at the request of a highly respectable and influential supporter of his, says he in July last, as also in September, laid the case of my son before you, and never received any reply. As a firm supporter of the President's judicious policy I have apprehensions about this. The great affliction I am suffering in consequence of the *death* of my *poor wife*, and the continued incarceration of my son, will, I confidently trust, plead an excuse for my trespassing on your important and valuable time. Confidently trusting in your great and all-powerful influence to secure the release of my son,

I have the honor to be, honored sir, with the greatest respect, your very humble servant,  
JOHN O'CONNELL.

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

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*Mr. Orth to Mr. Seward.*

HOUSE OF REPRESENTATIVES.

*Washington, D. C., January 14, 1867.*

DEAR SIR: I enclose you a letter from Mr. O'Connell, one of my constituents, in reference to the imprisonment of his son, Charles Underwood O'Connell, formerly a captain in our army, and a citizen of the United States, now imprisoned in Great Britain on charge of complicity with the Fenian movement. Also a letter from honorable George Clifton, governor of Portland prison, &c.

I desire to submit these letters to your department, with the suggestion that probably the friendly interposition of our government in Captain O'Connell's behalf might result in restoring to his family a gallant soldier of the republic, who may have been guilty of an indiscretion against the government of Great Britain; or if of crime, that it is already sufficiently expiated.

Respectfully,

GODLOVE S. ORTH.

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

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*Mr. O'Connell to Mr. Orth.*

LAFAYETTE, INDIANA, *January 5, 1867.*

HON. SIR: Enclosed you have the governor's letter you expressed a wish to see. I also send a newspaper in which Mr. Pope Hennessy, a member of the English Parliament, allude to the sufferings and treatment those convicted for political offences are receiving.

May the Great Lord bless you—and take the earliest opportunity of seeing Mr. Seward, as my poor son cannot much longer exist, under such cruel and merciless treatment. Regretting much being so very troublesome, and hoping to hear from you after seeing Mr. Seward, I have the honor to be, honorable sir, with great respect, your inflexible supporter,

JOHN O'CONNELL.

GODLOVE S. ORTH, Esq., M. C.

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*Governor Clifton to Mr. Scullin.*

GOVERNOR'S OFFICE, PORTLAND PRISON,

*Weymouth, England, November 7, 1866.*

SIR: Prisoner 5,368, Charles Underwood O'Connell, desires me to communicate with you, and inform you that he is much troubled at not hearing from his family since he left the United States. He would feel more at ease were his anxiety respecting them relieved; and wants to hear whether all are alive and in good health.

He entreats his friends not to fret, or by any means trouble about him, but to remember him in their prayers.

He sends his love to his father, brother-in-law Mr. Scullin, his sisters Margaret, Anna, and

Kate, his brothers John and Morgan, and hopes the latter two boys study to improve their minds in their leisure hours. He is quite well.

I am, sir, your obedient servant,

GEORGE CLIFTON.

Mr. TITUS SCULLIN,

(Care of Miss O'Connell, Lake House, Lafayette, Indiana, United States of America.)

*Mr. Seward to Mr. Adams.*

No. 1921.]

DEPARTMENT OF STATE,

*Washington, January 24, 1867.*

SIR: With an instruction to your predecessor, Mr. Dallas, No. 203, of the 10th of October, 1859, the department transmitted a copy of a communication from certain respectable ship-owners and others of New York, with reference to the deficiency of light-houses at the northeastern entrance of the Caribbean sea, bounded on both sides by islands of the Bahama group, which are in possession of Great Britain. Mr. Dallas lost no time in making a representation in regard to it to the British government. It appears, however, that the matter is not mentioned in the correspondence on file here subsequently to his despatch No. 230, of the 16th of December, 1859, with which he enclosed a copy of a note of Earl Russell to him of the 13th of December, stating that they were awaiting the report of their engineer in the Bahamas. It is presumed that the report must have long since been received. You will consequently make inquiries of the Foreign Office as to the determination in the matter. Ship-owners whose vessels ply between New York and Aspinwall are particularly interested in having the light-houses erected, and the President, in a memorial of the Chamber of Commerce of New York, of the 3d instant, is asked to renew the application to the British government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Adams to Mr. Seward.*

No. 1306.]

LEGATION OF THE UNITED STATES,

*London, January 25, 1867.*

SIR: I have to acknowledge the reception of despatches from the department numbered from 1902 to 1905, inclusive, and of a printed circular of the 5th instant, in regard to the duties-on French vessels.

A volume containing the correspondence between Lord Russell and myself, touching the cases of the Alabama and Shenandoah, has been issued from the press this week. It appears to have been compiled by his lordship apparently for the purpose of sustaining himself against the growing impression in this kingdom that his treatment of the subject was not wholly satisfactory. The most material omission seems to be that of your despatch No. 1612, of the 30th of November, 1865, which I read to Lord Clarendon, the insertion of which would seem to be called for by that of his lordship's answer to it through Sir Frederick Bruce. With the exception of the appendix, and two or three notes of reference to it, there is no appearance of any wish to bias the reader's judgment of the simple text. Deeming it possible that this volume might be of use to you, I have the honor to transmit three copies herewith.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Seward.*

No. 1307 ]

LEGATION OF THE UNITED STATES,

*London, January 25, 1867.*

SIR: In accordance with the suggestions made in your despatch No. 1903, of the 4th instant, and under the authority given by the letter of the Assistant Secretary of the Treasury, which accompanied it, I have named Mr. Dudley as the person to take charge of the unfinished business pertaining to the authorization of Mr. Morse, which has been now revoked.

There are some reasons which would have weighed on my mind against this selection had I been able, among the few American residents in this kingdom, to think of a person thoroughly suited for the duty. These have no reference, however, either to the competency or the fidelity of the nominee. They are rather connected with the personal relations of the various parties concerned who have been brought, heretofore, more or less either into rivalry or conflict with each other during and since the war. Whatever difficulties might be apprehended from this cause, will, I think, be removed by the presence of the agent specially appointed to superintend this business when he shall appear.

I shall not communicate this proceeding to Mr. Dudley, presuming that the appointment will be made directly from the Treasury Department.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Seward.*

No. 1308.]

LEGATION OF THE UNITED STATES,

*London, January 25, 1867.*

SIR: I have the honor to transmit a copy of the Times of this morning announcing the fact of the final surrender of the steamer Beatrice, *alias* the Rappahannock, by the default of the defendants in the suits. I had reason to believe that after the decision of the judge the other day requiring a more particular detail of the accounts than was given in the first answer, this would be the result.

The general observations connected with the Times' leader on this subject all tend to prove that the obstructions to a settlement of some kind are disappearing. It is, however, perhaps to be feared that the present ministry will not stand long enough to mature any arrangement that may be devised. There are many reasons why they can act with more freedom than any cabinet formed out of the materials of the other party, which is more or less committed to the policy of Lord Palmerston and Lord Russell. Nevertheless, I feel quite confident that the tendency of public opinion will be to overbear all these obstacles in the long run.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

[From the London Times, January 25, 1867.]

The case of the "Beatrice," *alias* the Rappahannock, *alias* the Scylla, *alias* the Victor, has at last been terminated in the court of admiralty. The very mention of these names carries us back two years to the trial of Mr. Rumble, the government inspector of machinery at

Sheerness, for procuring the enlistment of seamen for this very ship. The prosecution of Mr. Rumble, however, commenced in June, 1864, and his alleged offence was committed before the end of 1863; so that it is above three years since the circumstances occurred upon which the United States government have just obtained a judgment by default with costs. These circumstances, may be stated in a few words. The Beatrice, under her maiden name of Victor, originally belonged to our own navy, and was purchased of the admiralty by Mr. L. Pearson, on behalf of Messrs. Gordon, Coleman & Co., for £9,900 in the year 1863. She then became the Scylla and was partially fitted out, ostensibly for the China trade, at Sheerness, with the assistance of government workmen. Before this operation was complete she was suddenly transported to Calais by some mysterious agency which has never been fully explained, changing her name to the Rappahannock on the voyage and hoisting the confederate flag. At Calais some of the English artisans who happened to be on board were induced to enter the confederate service, and the equipment of the Rappahannock was carried on briskly, until the French government interfered and laid an embargo upon her. If we remember right, she was afterwards resold for mercantile purposes, but to whom or even by whom we cannot undertake to say, nor is it of much importance, for the object seems to have been, from beginning to end, to keep her real ownership a secret. However, at the end of the war she was claimed by the United States on the ground that she had been the lawful property of the confederate government. The claim was resisted, we presume, on the ground that she was not actually transferred to the confederate agents, but as the case never came on for hearing, the facts which might have been pleaded by the nominal defendants can only be conjectured. Not till the last moment, when all the technical means of delay had been exhausted and an argument on the merits was inevitable, did they withdraw all opposition, and abandon a counter-suit for the value of certain articles which they alleged to have been supplied by themselves to the American government. We cannot hesitate to characterize this proceeding, whoever may be responsible for it, as discreditable in the extreme. When a litigant instructs counsel to make no defence, after standing upon his assumed rights for 18 months, and entailing infinite trouble and expense upon his adversary, we can only attribute his conduct to one motive. It is a gross abuse of our legal procedure, for which the payment of costs is but an inadequate penalty. It would have been more satisfactory if Mr. Brett, who appeared for the parties concerned in disputing the claim, had given some explanation of the dilatory course pursued by his clients. As it was, but for the emphatic disclaimer of Dr. Twiss, who represented the United States, the public would have been left to infer that some compromise dishonorable to that government had been made between the two sides. A rumor to this effect actually got abroad, and as rumors generally originate in quarters where there is most to be gained by fabricating them, we can easily imagine how it was first put into circulation. This incident is the more to be regretted because, of all the cases which arose out of breaches of our foreign enlistment act during the late war, that of the Rappahannock was perhaps the most suspicious. Not only were British merchants of respectable position directly implicated in a wilful if not fraudulent evasion of our neutrality laws, but a government official had taken an active part in enlisting the crew, and had urged them to re-enlist after the destination of the vessel was openly avowed. The whole transaction was such that as a nation we had reason to be ashamed of it, without the addition of this sequel. Of course, legal rights are legal rights, and our government was powerless to make over the Rappahannock to the United States until the suits in the admiralty court should be concluded; at the same time we cannot feel surprised if a government and people, already smarting under a sense of injury, should be impatient of every vexatious delay in obtaining that which is their due.

It is gratifying to know, on the other hand, that a conciliatory spirit prevails in America on the general question of neutral obligations in time of war. Our Washington correspondent informs us that General Banks's measure of last session is strongly repudiated in the House of Representatives itself, and anticipates that a pamphlet just published on "the Past and Future of American Neutrality" will have a considerable effect in promoting moderate counsels. Mr. Bemis, the author of this pamphlet, is a lawyer of Massachusetts, and he writes with the object of enlightening his countrymen on the real tendency of Banks's scheme. He maintains that nothing could be more fatal than its adoption to the permanent interests of America, and defends our own legislation against many of the charges ignorantly fixed upon it. He even contends that our English foreign enlistment act is more "high-toned and comprehensive" than the American, though he severely blames Lord Russell for his timidity in enforcing it. While he represents the settlement of the Alabama claims as an essential preliminary to any amendment of the neutrality laws by mutual consent, he boldly advocates the adherence of the United States to just principles, sanctioned by precedents and traditions coeval with the republic, even in the event of our refusing to do them justice. This last contingency, as we need hardly repeat, is one which it is superfluous to contemplate. There is not only a disposition, but a growing determination, in this country to put this important branch of law on a sound basis for the future, whatever sacrifices it may involve. It is easy, no doubt, to stigmatize any such compliance as cowardly subservience to the demands of America, just as General Banks accuses the United States of passing their first act against foreign enlistment to please England. The truth, however, as every one knows, is that a controversy about our alleged liability could not be dispassionately conducted dur-



ing the war. Mr. Adams took ground too high to be maintained with success. Lord Russell fell back on a position only tenable in a court of law. The time has come when these matters can be discussed in the past tense—a great advantage in many delicate negotiations. Of the ultimate result we entertain very little doubt. That Great Britain will be held legally responsible in damages for the depredations of the Alabama by any competent arbitrator is very improbable; that she will be recommended, in equity and honor, to make some compensation for what her government might possibly have prevented, is almost certain. Public opinion could accept this solution of the difficulty with perfect satisfaction, and support every reasonable enactment which might put an effectual stop to the equipment of Rappahannocks or facilitate their prompt confiscation.

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*Mr. Adams to Mr. Seward.*

No. 1309.]

LEGATION OF THE UNITED STATES,  
*London, January 25, 1867.*

SIR: In regard to the subject of your despatch No. 1905, of the 11th instant, and the letter enclosed with it, I have only to observe that it appears from the statements made in the newspapers that Mr. Meany was charged before one of the police magistrates of London, on the 31st of July, 1862, with an attempt to obtain money under false pretences. And although discharged it was not until after that date that he appears to have emigrated to America. Hence it must be presumed that he cannot be a naturalized citizen of the United States. Mr. Meany was arrested in the streets of London and taken to Ireland, on the ground of complicity with the designs of Mr. Stephens and his associates in that country and the United States. So far as the details of his examination have been reported in the newspapers, the evidence adduced to prove the charge seemed singularly weak. I will communicate further with Mr. West, the acting consul at Dublin, on the subject, and report to you at a future time whether anything can be done to relieve him.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Adams to Mr. Seward.*

No. 1315.]

LEGATION OF THE UNITED STATES,  
*London, February 6, 1867.*

SIR: I have to acknowledge the reception of despatches from the department, numbered from 1910 to 1924 inclusive, and likewise a box containing a gold watch intended for Captain Furney.

Parliament was opened yesterday in form by the Queen, and her speech was read, a copy of which is herewith transmitted. I also have the honor to send a copy of the London Times, containing a report of the speeches made in both houses on the address.

The most interesting topic to us is of course that of the relations between the two countries. On this point the remarks of Lord Russell and of the first minister of the Crown are the most material. It is plain that the former acquiesces in having that done through another which he had managed to preclude any possibility of his doing with any grace himself. Hence it may be assumed that there is now only one opinion in Great Britain as to the propriety of bringing the whole matter to some peaceful issue. I heartily congratulate you upon this result.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Her Majesty's most gracious speech to both houses of Parliament on Tuesday, February 5, 1867.*

**MY LORDS AND GENTLEMEN:** In again recurring to your advice and assistance, I am happy to inform you that my relations with foreign powers are on a friendly and satisfactory footing.

I hope that the termination of the war in which Prussia, Austria, and Italy have been engaged may lead to the establishment of a durable peace in Europe.

I have suggested to the government of the United States a mode by which questions pending between the two countries, arising out of the late civil war, may receive amicable solution, and which, if met, as I trust it will be, in a corresponding spirit, will remove all grounds of possible misunderstanding and promote relations of cordial friendship.

The war between Spain and the republics of Chili and Peru still continues, the good offices of my government, in conjunction with that of the Emperor of the French, having failed to effect a reconciliation. If, either by agreement between the parties themselves or by the mediation of any other friendly power, peace shall be restored, the object which I have had in view will equally be attained.

Discontent prevailing in some provinces of the Turkish empire has broken out in actual insurrection in Crete. In common with my allies, the Emperor of the French and the Emperor of Russia, I have abstained from any interference in these internal disturbances, but our joint efforts have been directed to bringing about improved relations between the Porte and its Christian subjects not inconsistent with the sovereign rights of the Sultan.

The protracted negotiations which arose out of the acceptance by Prince Charles of Hohenzollern of the government of the Danubian principalities have been happily terminated by an arrangement to which the Porte has given its ready adhesion, and which has been sanctioned by the concurrence of all the powers, signatories of the treaty of 1856.

Resolutions in favor of a more intimate union of the provinces of Canada, Nova Scotia, and New Brunswick have been passed by their several legislatures, and delegates duly authorized and representing all classes of colonial party and opinion have concurred in the conditions upon which such an union may be best effected. In accordance with their wishes, a bill will be submitted to you which by the consolidation of colonial interests and resources will give strength to the several provinces as members of the same empire and animated by feelings of loyalty to the same sovereign.

I have heard with deep sorrow that the calamity of famine has pressed heavily on my subjects in some parts of India. Instructions were issued to my government in that country to make the utmost exertions to mitigate the distress which prevailed during the autumn of last year. The blessing of an abundant harvest has since that time materially improved the condition of the suffering districts.

The pressing efforts and unscrupulous assertions of treasonable conspirators abroad have during the last autumn excited the hopes of some disaffected persons in Ireland, and the apprehensions of the loyal population; but the firm yet temperate exercise of the powers intrusted to the executive, and the hostility manifested against the conspiracy by men of all classes and creeds, have greatly tended to restore public confidence, and have rendered hopeless any attempt to disturb the general tranquillity. I trust that you may consequently be enabled to dispense with the continuance of any exceptional legislation for that part of my dominions.

I acknowledge, with deep thankfulness to Almighty God, the great decrease that has taken place in the cholera and in the pestilence which has attacked our cattle; but the continued prevalence of the latter in some foreign countries, and its occasional reappearance in this, will still render necessary some special measures of precaution, and I trust that the visitation of the former will lead to increased attention to those sanitary measures which experience has shown to be the best preventive.

Estimating as of the highest importance an adequate supply of pure and wholesome water, I have directed the issue of a commission to inquire into the best means of permanently securing such a supply for the metropolis, and for the principal towns in densely peopled districts of the kingdom.

Gentlemen of the House of Commons, I have directed the estimates for the ensuing year to be laid before you. They have been prepared with a due regard to economy and to the requirements of the public service.

You will, I am assured, give your ready assent to a moderate expenditure calculated to improve the condition of my soldiers, and to lay the foundation of an efficient army of reserve.

My lords and gentlemen, your attention will again be called to the state of the representation of the people in Parliament; and I trust that your deliberations, conducted in a spirit of moderation and mutual forbearance, may lead to the adoption of measures which, without unduly disturbing the balance of political power, shall freely extend the elective franchise.

The frequent occurrence of disagreements between employers of labor and their workmen, causing much private suffering and public loss, and occasionally leading as is alleged to acts

of outrage and violence, has induced me to issue a commission to inquire into and report upon the organization of trades unions and other associations, whether of workmen or employers, with power to suggest any improvement of the law for their mutual benefit. Application will be made to you for parliamentary powers, which will be necessary to make this inquiry effective.

I have directed bills to be laid before you for the extension of the beneficial provisions of the factory acts to other trades specially reported on by the royal commission on the employment of children, and for the better regulation, according to the principle of those acts, of workshops where women and children are largely employed.

The condition of the mercantile marine has attracted my serious attention. Complaints are made that the supply of seamen is deficient, and that the provisions for their health and discipline on board ship are imperfect. Measures will be submitted to you with a view to increase the efficiency of this important service.

I have observed with satisfaction the relaxations recently introduced into the navigation laws of France. I have expressed to the Emperor of the French my readiness to submit to Parliament a proposal for the extinction, on equitable terms, of the exemptions from local charges on shipping which are still enjoyed by a limited number of individuals in British ports; and his imperial Majesty has, in anticipation of this step, already admitted British ships to the advantage of the new law. A bill upon this subject will forthwith be laid before you.

A bill will also be submitted to you for making better provision for the arrangement of the affairs of railway companies which are unable to meet their engagements.

Measures will be submitted to you for improving the management of sick and other poor in the metropolis, and for a redistribution of some of the charges for relief therein.

Your attention will also be called to the amendment of the law of bankruptcy, to the consolidation of the courts of probate and divorce and admiralty, and to the means of disposing with greater despatch and frequency of the increasing business in the superior courts of common law and at the assizes.

The relations between landlord and tenant in Ireland have engaged my anxious attention, and a bill will be laid before you, which, without interfering with the rights of property, will offer direct encouragement to occupiers of land to improve their holdings and provide a simple mode of obtaining compensation for permanent improvements. I commend to your careful consideration these and other measures which will be brought before you, and I pray that your labors may, under the blessing of Providence, conduce to the prosperity of the country and the happiness of my people.

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*Mr. Adams to Mr. Seward.*

No. 1316.]

LEGATION OF THE UNITED STATES,

*London, February 6, 1867.*

SIR: In regard to the subject of your despatch No. 1910, of the 15th of January, the case of Charles Underwood O'Connell, now serving out his sentence in Portland prison for complicity with the Fenian conspiracy, I have carefully examined all the papers connected with it that were originally furnished to this legation by the consul at Dublin. These seem to prove very distinctly the offence that was charged upon him, and upon which he was tried and convicted. It can scarcely be doubted that he was the bearer of letters from and to parties deeply engaged in the plot, the contents of which were well known to him at the time of his arrest. They also disclose one fact which seems to be rather embarrassing in any effort to intercede for him. This is, that he nowhere seems to have claimed to be a citizen of the United States; but, on the contrary, he repeatedly declares himself an Irishman, and even boasts of it after the arrest.

Nevertheless I propose to present the matter for the consideration of Lord Stanley on the first opportunity, which I shall seek at once. The panic which put an end for the time to any prospect of lenient measures towards the prisoners is rapidly passing away. The Queen's speech announces that no further extension of the extraordinary powers vested in the government by Parliament will be solicited, so that the administration of the law will resume its wonted course in Ireland in a few months. This will tend to simplify our relations

with the government on this delicate question of citizenship. I have not yet received a report of a single new case springing from all the late arrests.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD.

*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Seward.*

No. 1321.]

LEGATION OF THE UNITED STATES.

*London, February 13, 1867.*

SIR: I have the honor to transmit a copy of the London Times containing a report of the speech of the chancellor of the exchequer in the House of Commons, introducing certain resolutions relating to the enlargement of the suffrage as well as the subsequent debate. The speech was coldly received in the House, and the resolutions appear to meet with little favor either in that body or elsewhere. There are rumors in circulation of much dissatisfaction in the ranks of the ministerial party, and of resignations of some of those now in office. It admits of little doubt that the government remains in only on sufferance; but it is equally clear that the opposition are in no better condition to assume the reins or to carry through a policy. Under these circumstances the most likely issue will be an ultimate dissolution and a very excited election.

On the same day of the chancellor's speech a popular demonstration was made in the streets of London, which brought out from 18,000 to 20,000 of the working classes, who marched in great order and quietness from Trafalgar square to the great hall at Islington, a distance of perhaps three miles, where they held a meeting and passed resolutions very much in the manner we do at home. To my great surprise I found in a notice of the programme, in a newspaper of the day before, an announcement that it was the intention to make no demonstration of any kind whilst passing on their way, with the single exception of the house of the minister of the United States. Here they would pay the compliment of a salute to him as the representative of the great republic. On learning this intelligence I was at first a little fearful lest this might have the effect of placing me in a false position as appearing to be ready to take a side in the domestic politics of a foreign country, but on learning from the secretary of the Trades Union, who called to see me in the morning about it, that the publication of this movement as making a part of the programme had never been contemplated, and that it was the pure result of the uncontrollable desire of numbers of those who were to constitute the procession, I determined to adopt the course of receiving it passively as an act over which I could exercise no control. I asked the secretary to signify to the members my strong sense of the compliment thus marked to my country, at the same time that I felt it to be my duty in no way to depart from the rule which forbids, equally in America and Europe, any foreign envoy from even appearing to intermeddle with the internal questions agitating the nation to which he is accredited. This seemed to be perfectly satisfactory. The procession accordingly passed my house with more or less cheering, some of the bands playing our national air, and here and there the American flag being displayed, without any further demonstration.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Seward to Mr. Adams.*

No. 1933.]

DEPARTMENT OF STATE,  
*Washington, February 15, 1857.*

SIR: I have to acknowledge the receipt of your despatch of the 25th of January, No. 1307, which relates to Mr. Dudley as the person named to succeed Mr. Morse in the charge of any unfinished business pertaining to the Treasury Department, and to inform you that proper instructions have been addressed to Mr. Dudley on the subject by this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Adams to Mr. Seward.*

No. 1323.]

LEGATION OF THE UNITED STATES,  
*London, February 19, 1867.*

SIR: In connection with your despatch No. 1910, of the 15th January, and my No. 1316, of the 6th instant, I have now the honor to report that at my last interview with Lord Stanley I made a representation in behalf of Captain O'Connell. His lordship took a note of the case, and remarked that as all danger from the Fenian organization seemed to be over, it was the desire of the government gradually to get rid of the offenders on lenient terms. I inferred from his language that the prospect of O'Connell's release before a great while would be fair; but since that time the adventure at Chester, combined with the outbreak at Killarney, may so far change the temper of the ministry as to postpone the execution of their intentions.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Seward.*

No. 1328.]

LEGATION OF THE UNITED STATES,  
*London, February 27, 1867.*

SIR: I have the honor to transmit a copy of the London Times of yesterday and of this morning, containing a report of the debate in the House of Commons on the question of the reform in the representation.

It is understood here that the programme originally proposed by Mr. D'Israeli embraced a general household suffrage, excepting only those cases in which parties were receiving more or less of public relief, and a plurality of voting by virtue of what have been denominated certain fancy franchises, as described in the chancellor's speech; but this scheme was finally cancelled at the party consultation held at Lord Derby's on Tuesday morning, and the one substituted which he actually announced on that night. The effect of this proceeding has been to destroy all the moral influence of the party. It lies now at the mercy of the opposition, and if it consents to continue in power it can serve only as an instrument to carry out their wishes. The ministerial bill will be brought forward as a matter of form on Tuesday of next week. The ultimate shape which it may take it is now difficult to perceive, but it must obviously undergo considerable modification before it can stand a chance of acceptance. The difficulty

of arriving at a practical result remains yet as great as ever, for a settlement of the details always has been the rock upon which each party splits. A dissolution may be necessary before sufficient unanimity can be obtained to attain the end.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Adams to Mr. Seward.*

No. 1330.]

LEGATION OF THE UNITED STATES,

*London, March 2, 1867.*

SIR: I have the honor to transmit herewith a copy of the Times of yesterday containing a legal opinion given by Sir Robert P. Collier, the late solicitor general, and the same person who was employed in behalf of the United States in the case of the Alabama on the claims of the holders of the rebel loan in this country.

If the advancement of any such claim as that indicated could be made a means of opening up the secret history of that extraordinary transaction, it would not be without its uses in estimating the value of the neutrality of Great Britain in the struggle for our national existence.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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[From the London Times, March 1, 1867.]

Subjoined is a question of considerable importance in its bearing on the confederate cotton loan, with the opinion thereof of Sir R. P. Collier, the late solicitor general:

“QUESTION.

“Whether or not merchants and others, on being sued in England by the government of the United States for property or money held by them at the termination of the war belonging to the southern States, may not successfully plead the confederate 7 per cent. cotton bonds as a set-off, to the extent of the amount that each defendant may hold of them.

“OPINION.

“In the event of the United States government suing in the courts of the country for debts due on property belonging to the late confederate government, I am of opinion that defendants, who may be holders of confederate cotton bonds, are entitled to set up a counter claim against the United States government in respect of these bonds.

“This counter claim will be founded on the principle, that if the United States government assert in our courts claims accruing to them through their succession to the property and rights of the late confederate government, they are bound by the liabilities of that government.

“Should the United States government bring action of debt, I think that the holders of cotton bonds may plead them as a set-off. Should they proceed for a tortious conversion of property, a technical difficulty will stand in the way of this defence, and it may be necessary to resort to an acquitable plea, or possibly to the protection of a court of equity.

“The equitable case of the bondholders will be strengthened by the facts that the United States government have possessed themselves of the cotton set apart as the security for the payment of the bonds.

“The form, however, in which the defence I have indicated may be raised will be matter of subsequent consideration when the mode of proceeding adopted by the United States government is known.

“R. P. COLLIER.

“TEMPLE, February 23.”

*Mr. Adams to Mr. Seward.*

No. 1332.]

LEGATION OF THE UNITED STATES,  
*London, March 6, 1867.*

SIR: I have to acknowledge the reception from the department of despatch No. 1934, of 18th of February.

On Saturday the rumors which had been for some time current of a division of opinion in the cabinet on the question of a reform bill received confirmation by the resignation of three leading members, General Peel, Lord Carnarvon, and Lord Cranbourne.

I transmit copies of the Times of yesterday and to-day, containing reports of what was said on Monday and Tuesday evenings upon the subject in the two houses of Parliament. It would appear from this that Lord Derby has already filled the posts thus made vacant, and purposes to go on with a plan of settling this vexed question. What this really is, remains as yet unknown. Enough of it has, however, leaked out to make it more than doubtful whether it will be acceptable to a majority of the Commons.

There is, however, so strong a desire in the opposition to leave the initiation of this process in the hands where it now rests, that the bill will not be resisted so long as there is a reasonable chance of using it as the means of carrying out their views.

It yet remains to be seen whether known existing differences can be so reconciled, and portions of the respective parties so far fused, as to produce a result which may be identified with the policy of a conservative cabinet, and at the same time accepted as a triumph of the liberal side. It is obvious that so far as the ministerial party is concerned it occupies a position essentially false and transitional; so that whether it succeeds or fails in the establishment of a plan, the result can only inure to the restoration to power of the opposite side. In any event a dissolution of Parliament seems likely soon to happen, the issue of which will certainly mark a new epoch in the government of this kingdom.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Seward.*

No. 1333.]

LEGATION OF THE UNITED STATES,  
*London, March 8, 1867.*

SIR: In connection with your despatch No. 1921, of the 24th of January, I have the honor to transmit a copy of a note received from Lord Stanley, giving the information desired in regard to the establishment by the British government of light-houses at the entrance of the Caribbean sea, since the year 1859.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Lord Stanley to Mr. Adams.*

FOREIGN OFFICE, *March 5, 1867.*

SIR: In a conversation which I had the honor to hold with you on the 8th of February last, you informed me that the United States government were anxious to learn what steps had been taken during the last few years with regard to the establishment of light-houses at the entrance of the Caribbean sea on the coast of the Bahamas.

I have not failed to make inquiry on that subject, and I have now the honor to acquaint you that since the year 1859 her Majesty's government have erected and lighted three light-houses in the Bahamas, namely: one in 1860 at Lobas cay, and two in 1863, one at Elbow cay, Abaco island, and one at Great Stirrup's cay.

In addition to these a light-house will be lighted at Castle island during the present year, and a sum of money has been granted for the erection of another at the southwest point of Inagua island, a suitable site for which is now under consideration. Her Majesty's government have also sanctioned the erection of a light-house on Sombbrero island, but it is not intended to erect one at present at Bird Rock, at the northwest end of Crooked island.

I may also add that it is also now under consideration to erect a light-house at West Caicos island.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

STANLEY.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Adams to Mr. Seward.*

No. 1334.]

LEGATION OF THE UNITED STATES,

*London, March 8, 1867.*

SIR: There has been this week another and a more general attempt at insurrection in Ireland, without, however, being thus far attended with better success. The government seems this time to have been sufficiently apprised of it to make the necessary preparations for defence; but the effect on the body of the property-holders, especially in the country, has been to inspire greater alarm than ever, and to a corresponding extent to paralyze the ordinary movements of industry and trade. It is impossible to disguise the fact that the disaffection which prompts these outbreaks is very general among the poorer classes of the population, at least in the south, the centre, and the west of the island.

The newspapers contain frequent allusions to persons found among the insurgents, alleged to be Americans or American-Irish; but as yet Mr. West has not reported to me more than four or five cases of arrest in which his interposition has been solicited. Of course, whenever such persons are taken with arms in their hands, there is nothing to be urged in their behalf as matter of right. On the other hand, when there is reason to believe that innocent persons have been confounded with the guilty, I have directed Mr. West to continue his services in their behalf.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Seward.*

No. 1341.]

LEGATION OF THE UNITED STATES,

*London, March 20, 1867.*

SIR: I have the honor to transmit a copy of the Times of yesterday containing a report of the debate in the House of Commons on Monday night on the presentation of the government measure for the extension of the franchise.

From the expression of opinion educed in the discussion, it seems certain that this bill will not pass without essential modifications; yet the disposition of the majority is not to press the government to a defeat, if it will consent to abide by the changes deemed essential to the salvation of the measure. The test will be applied on next Monday on the passage to a second reading, when the reserve, hitherto maintained as to what are deemed vital points, must come to an end.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*



*Mr. Seward to Mr. Adams.*

No. 1946.]

DEPARTMENT OF STATE,

*Washington, March 21, 1867.*

SIR: You will receive herewith a copy of a report, which was made on the 4th of March instant, by Brevet Major General Albert S. Terry, commanding the department of Dakota, through the Lieutenant General and the General of the armies of the United States, to the Secretary of War, and by him submitted to the President. By examining this paper you will perceive that an emigrant road stretches its way from Fort Abercrombie on the Red River of the North, by the way of Fort Berthold, on the Missouri river, thence to and beyond Fort Benton, and finally terminates in the Territory of Montana, which Territory is rich in mines, and is being rapidly settled.

This road, through a length of 500 miles, is parallel to the boundary between the United States and the British possessions, and at no point distant more than 100 miles from it. The country on both sides of the border between the Red river settlements in the east and the Rocky mountains in the west, is entirely uninhabited by civilized man, and is occupied only by bands of Sioux, Assinaboines, Blackfeet, Blood, and other Indians, who change from one side of the border to the other, as their convenience, safety, or pleasure dictates. All of these Indians are unfriendly to the white man. They are restrained from predatory attacks upon the emigrating parties only by military force. Their position gives them extraordinary opportunities for such attacks, and secures them almost absolute immunity from punishment.

The report further shows that no system of military posts is available, and that the Indians can only be held in check by movable columns. The report suggests that there is no remedy for the difficulty in the case, unless an arrangement can be made with her Majesty's government that the United States troops, when pursuing Indians who may have committed hostile acts within the jurisdiction of the United States, should be allowed to follow them for a reasonable distance in the uninhabited portions of British America.

The President cannot doubt for a moment that her Majesty's government will cordially sympathize with this government in the desire to render the important road in question secure against Indian depredations. The policy is essential to the progress of civilization on this continent. The progress of emigration along the road in question must be advantageous to British America in a degree only secondary to the benefits it secures to the United States. Aside from every question of interest, the case is one which appeals equally to the sentiment of humanity of both nations.

You will, therefore, bring the subject to the notice of Lord Stanley. In doing so, you will distinctly admit that this government does not claim as a right that its armed forces shall in any case cross the frontier. You will assure Lord Stanley that whatever concession her Majesty's government may make will be received with due acknowledgments of her sovereign authority within the British dominions. You will further say that the United States would be ready to accept the desired concession under such prudential restraints, and to give such proper guarantees against any possible abuse by the civil or military agency of the United States as her Britannic Majesty's government might reasonably presume, and also to accept the concession with any limitation of time. You will also take care to assure Lord Stanley, if her Britannic Majesty's government should think it necessary to decline our request, that then the United States will consider any plan or proposition which her Britannic Majesty's government may make to secure the desired result by some other course of procedure. In this connection, however, you will say that the high character of the military authorities by whom the proposition is made and sanctioned, is deemed a very reliable

guarantee for the exercise of all necessary caution in the movement and operation of our military forces on the remote and uninhabited portions of the frontier in regard to which so extraordinary a privilege is desired. As the spring season advances emigration may be expected to be vigorously renewed, and the facilities for Indian aggressions increase with the growing temptation.

You will use all reasonable urgency to obtain an early reply.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Stanton to Mr. Seward.*

WAR DEPARTMENT,  
*Washington City, March 20, 1867.*

SIR: I have the honor to transmit, for the consideration of the Department of State, a copy of a communication, dated March 4, received from the commanding general of the military department of Dakota, respecting the pursuit of hostile Indians in her Britannic Majesty's dominions.

Very respectfully, your obedient servant,

EDWIN M. STANTON,  
*Secretary of War.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

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*General Terry to General Nichols.*

HEADQUARTERS DEPARTMENT OF DAKOTA,  
*Fort Snelling, Minnesota, March 4, 1867.*

GENERAL: I have the honor to represent to the Lieutenant General commanding that I apprehend serious difficulty in protecting adequately the emigrant road from this State to western Montana, owing to its proximity to the boundary line between the United States and the British possessions.

Leaving Fort Abercrombie on the Red River of the North, this road runs northwesterly to Fort Berthold on the Missouri river and thence in the river valley to and beyond Fort Benton. From Berthold to Benton, a distance of 500 miles, its general direction is parallel to the boundary, and at no point is it distant more than 100 miles from it.

The country on both sides of the border between the Red river settlements on the east and the Rocky mountains on the west is uninhabited by civilized man, and is occupied only by bands of Sioux, Assinaboines, Blackfeet, Blood, and other Indians who change from one side to the other as their convenience, safety, or caprice may dictate. None of these Indians are friendly to the whites; they can be restrained from predatory attacks upon emigrants only by military force. For such attacks their position gives them admirable opportunities, and the proximity of the boundary line secures them almost absolute immunity from punishment.

The country along the route is open, so open that Indians can move in any direction, and it is manifestly impossible to protect so long and so exposed a route by any system of posts; the Indians can only be held in check by movable columns which shall promptly pursue, overtake, and punish bands guilty of hostilities. But here arises the difficulty: from whatever point upon which a foray may be made, a march of two days will place the Indians in a secure refuge beyond the border, and under its cover they could move to the east or west, avoid the troops opposed to them, and again descend upon the route.

That this is no imaginary difficulty is fully proved by the fact that in repeated instances hostile bands when pursued have sought this refuge.

I can see no remedy for this difficulty unless the government of her Britannic Majesty would consent that our troops, when pursuing Indians who have committed hostile acts within our jurisdiction, should follow them for a reasonable distance in the uninhabited portions of British America.

I am well aware that no government would consent that the troops of another nation should follow criminals into any portion of its dominions occupied by civilized society; but I have thought it not only possible but probable that in this case, in the interest of civilization as against the enemy of the common civilization of the two countries, assent might be given to the crossing of a merely conventional line running through a pathless wilderness, and I therefore respectfully suggest that a proposition to this effect be made to her Majesty's government.

I have the honor to be, general, very respectfully, your obedient servant,

ALFRED H. TERRY,  
*Brevet Major General Commanding.*

Brevet Brig. Gen. W. A. NICHOLS, A. A. G.,  
*Headquarters Mil. Div. of the Missouri, St. Louis, Mo.*

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,  
*Saint Louis, March 8, 1867.*

\* Respectfully referred to the General commanding the armies of the United States, and his attention invited to that point of General Terry's letter which refers to the habit of hostile Indians taking refuge within British territory when pursued. This actually occurred in the expeditions of Generals Sully and Sibley, and will occur again. Inasmuch as no part of the British territory west of the Red River of the North is occupied by a civilized people, I have reason to believe, on a proper representation, that her Britannic Majesty's government will consent to a pursuit to a reasonable extent, say 100 miles. If the Indians learn that this one does not offer them protection, they will be deterred from the commission of crime.

No damage can possibly arise to British property or nationality, as our troops are regulars, governed by the same general laws as prevail in the English army.

W. T. SHERMAN,  
*Lieutenant General Commanding.*

HEADQUARTERS ARMY OF THE UNITED STATES,  
*March 16, 1867.*

Respectfully referred to the Secretary of War.

U. S. GRANT, *General.*

*Mr. Seward to Mr. Adams.*

[Telegram per cable.]

DEPARTMENT OF STATE,  
*Washington, March 25, 1867.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c. :

Direct Redfield to appeal from Wood's judgment in Wagner case. Explanations by letter.

WILLIAM H. SEWARD.

*Mr. Seward to Mr. Adams.*

No. 1951.]

DEPARTMENT OF STATE,  
*Washington, March 25, 1867.*

SIR: I transmit a copy of a letter of the 16th instant, addressed to me by Patrick Rogers, esq., and of the papers therein referred to, in relation to the case of his son, John H. Rogers, who it appears is a prisoner at Mountjoy prison, at or near Dublin.

You will, at your earliest convenience, submit these papers to her Britannic Majesty's government, inquire into the matter, and ask for the release or early trial of the prisoner, as the case shall warrant.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Rogers to Mr. Seward.*

275 GRAND STREET, WILLIAMSBURG, LONG ISLAND, *March 16, 1867.*

SIR: I have the honor to transmit herewith copies of the following letters and documents, viz:

1. One from William B. West, United States consul at Dublin, Ireland, to my son, John H. Rogers, an American citizen, now imprisoned in Mountjoy prison, at or near Dublin Ireland.
2. One from my son, John H. Rogers, to William B. West, consul, &c., in reply to the above.
3. One from myself, and mailed this day, to Consul William B. West, transmitting seven 7) enclosures, copies of which are sent herewith, and requesting that official to acknowledge

their receipt, and to make such demand for his release of those in whose custody my son is imprisoned as the laws of this republic and the honor of our flag demand.

I beg leave further to request of you, in your official capacity, to take such steps to cause my son to be set at liberty as may be proper. I opine that on the papers sent to our consul at Dublin, and with the patriotic co-operation of your department, there will be very little difficulty in securing his immediate discharge.

I am, very respectfully, your obedient servant,

PATRICK ROGERS.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

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*Mr. West to Mr. Rogers.*

UNITED STATES CONSULATE,  
*Dublin, February 22, 1867.*

SIR: I have to acknowledge the receipt of your letter of the 19th instant, informing me that you were arrested under the "habeas corpus suspension act," and that you are a native-born citizen of the United States.

I regret to say that I would not be justified in taking any measure for your release on the grounds of your citizenship without having evidence thereof in my possession; so that, in order to avail yourself of my services, it will be necessary that you obtain legal proofs of your birth in the United States.

In writing this, I of course assume that you have been in no way implicated in the Fenian movement.

I am, sir, your obedient servant,

WILLIAM B. WEST,  
*United States Consul.*

Mr. JOHN H. ROGERS,  
*Mounjoy Prison.*

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*Mr. Rogers to Mr. West.*

MOUNTJOY PRISON,  
*Dublin, February 25, 1867.*

SIR: Yours of February 22 came to hand yesterday. With yourself I regret that you will not be justified in taking any measures for my release, on the grounds of citizenship, without having legal proofs of the same, and which will necessarily call for my further imprisonment.

I will write immediately for the document in question and have it transmitted to you.

I have also to request that any money which may be sent to you for my use, you will acquaint me of the fact, as I have instructed my friends to direct it to your care.

Hoping that you will take charge of same and forgive the inconvenience arising therefrom,

I remain your obedient servant,

JOHN H. ROGERS.

Hon. WILLIAM B. WEST,  
*United States Consul, Dublin.*

Copies of the foregoing were received by me at Williamsburg, Long Island, on the 12th day of March, A. D. 1867.

P. R.

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*Mr. Patrick Rogers to Consul West.*

WILLIAMSBURG, LONG ISLAND,  
*275 Grand street, March 15, 1867.*

SIR: In your letter bearing date February 22, 1867, to my son John H. Rogers, now in Mounjoy prison, at or near Dublin, you say that in order to avail himself of your services, it will be necessary that he obtain legal proofs of his birth in the United States.

As legal proofs of the birth and citizenship of John H. Rogers in the United States, I have the honor to transmit herewith the following documents, viz:

1. A duly exemplified copy of my certificate of naturalization in the marine court of the city of New York.

2. A true copy of my original application to said court to become a citizen of the United States, duly certified by the clerk of the court, with the seal of the court attached.

3. The affidavit of Mr. Patrick Bagan, setting forth the birth, baptism, citizenship, and parentage of said John H. Rogers, and a certificate of the clerk of the city and county of New York, thereto annexed.

4. My own affidavit setting forth my citizenship, the owning of real estate, which I could not own unless a citizen, or had declared my intention of becoming such; the birth and citizenship of, and the exercise of the elective franchise by, my son John H. Rogers.

5. The affidavit of William I. Bunnell, an inspector of election in the election held in the first district of the fifteenth ward of the city of Brooklyn, November, 1866, setting forth the citizenship, registry of, and exercise of the elective franchise by, John H. Rogers thereat.

6. The affidavit of John Pettinger to the same effect, together with a certificate of the clerk of the county of Kings that the officer administering the oaths was authorized to act.

7. A certificate from the clerk of the city of Brooklyn to the effect that the names of said William I. Bunnell and George Pettinger appear as inspectors of said election, and that the name of John H. Rogers is on the poll-list as a voter.

I may be permitted to state that it is scarcely possible to make out a clearer case of American citizenship, under like circumstances, than that developed and proven in the enclosed papers. You will confer a favor by sending to me your acknowledgment of their receipt by you, and by making such demands for his release, of those in whose custody my son is imprisoned, as the laws of this glorious republic and the honor of our flag demand.

I am, very respectfully, your obedient servant,

PATRICK ROGERS.

Hon. WILLIAM B. WEST,  
*United States Consul at Dublin, Ireland.*

— — — — —  
No. 1.

STATE OF NEW YORK,

*City and County of New York, ss :*

Be it remembered, that on the eleventh day of April, in the year of our Lord one thousand eight hundred and thirty-nine, Patrick Rogers, at present of the city of New York, appeared in the marine court of the city of New York, (the said court being a court of record, having a common law jurisdiction and a clerk and seal,) and applied to said court to be admitted to become a citizen of the United States of America, pursuant to the directions of the act of Congress of the United States of America, entitled "An act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject;" and also to an act entitled "An act in addition to an act entitled 'An act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject;'" and also to an act entitled "An act supplementary to the acts heretofore passed on the subject of a uniform rule of naturalization," passed 30th day of July, 1813; and to the act relative to evidence in cases of naturalization, passed 22d March, 1816; and an act in further addition to an act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject, passed May 26, 1824; and an act entitled "An act to amend the acts concerning naturalization," passed May 24, 1828; and the said Patrick Rogers having thereupon produced to the court such evidence, made such declaration and renunciation, and taken such oaths as are by said acts required:

Thereupon, it was ordered by the said court that the said Patrick Rogers be admitted, and he was accordingly admitted by the court a citizen of the United States of America.

In testimony whereof, the seal of the said court is hereunto affixed this eleventh day of April, in the sixty-third year of the independence of the United States.

Per curiam:

JOHN BARBERIE, *Clerk.*

[Marine court of the city of New York, L. S.]

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No. 2.

*Marine court of the city of New York.*

STATE OF NEW YORK,

*City and County of New York, ss :*

Patrick Bagan, being duly sworn, saith that he, this deponent, knows and is well acquainted with Patrick Rogers, and that he, the said Patrick Rogers, has resided within the United States five years at least, and within the State of New York one year at least; and further, that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

Sworn in open court the 11th day of April, 1839.

PATRICK BAGAN.

JOHN BARBERIE, *Clerk.*

I, Patrick Rogers, do declare on oath, before the marine court of the city of New York, that I will support the Constitution of the United States ; and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatever, and particularly to the Queen of the United Kingdom of Great Britain and Ireland, of whom I was before a subject.

his  
PATRICK + ROGERS.  
mark

Sworn in open court the 11th day of April, 1839.

JOHN BARBERIE, *Clerk.*

I, Lawrence Clancy, clerk of the city of New York, do hereby certify that the above is a true copy of the original on file in said court, and that the said Patrick Rogers was thereupon duly admitted a citizen of the United States.

In witness whereof, I have hereunto subscribed my name and affixed the seal of said court this 15th day of March, 1867.

LAWRENCE CLANCY, *Clerk*

[Marine court of the city of New York, L. S.]

No. 3.

UNITED STATES OF AMERICA,

*State of New York, City and County of New York, ss :*

Patrick Bagan, being duly sworn, says that he resides at Locust Grove, in the town of Newtown, county of Queens, and State of New York, and that he well knows John H. Rogers, now imprisoned in Mountjoy prison, at or near Dublin, Ireland; that deponent knows said John H. Rogers from his birth, which took place at the city of New York on the 15th day of March, 1839 : and that deponent acted in the capacity of godfather at the baptism of said John H. Rogers, within a few days after his birth as aforesaid; that Patrick Rogers, the father of said John H. Rogers, also well known to deponent, is and has been for upwards of twenty-five years a duly naturalized citizen of the United States, and for many years an owner of real estate in the county of Kings, in said State, and a voter; and that said John H. Rogers is, and since the 15th day of March, 1860, has been, a native-born citizen of the United States, and has exercised the elective franchise as such.

PATRICK BAGAN.

Sworn before me this 15th day of March, 1867.

HUGH G. CONNELL, *Commissioner of Deeds.*

STATE OF NEW YORK,

*City and County of New York, ss :*

I, William C. Connor, clerk of the city and county of New York, and also clerk of the supreme court for the said city and county, being a court of record, do hereby certify that Hugh G. Connell, before whom the annexed deposition was taken, was at the time of taking the same a commissioner of deeds of New York, dwelling in said city and county, duly appointed and sworn, and authorized to administer oaths to be used in any courts in said State and for general purposes, and that his signature thereto is genuine, as I verily believe.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said city and county the 15th day of March, 1867.

[New York, L. S.]

WM. C. CONNOR, *Clerk.*

No. 4.

UNITED STATES OF AMERICA,

*State of New York, County of Kings, City of Brooklyn, ss :*

Patrick Rogers, being duly sworn, says that he resides at No. 275 Grand street, in said city, county, and State; and that he is, and for twenty-seven years has been, a duly naturalized citizen of the United States, and an owner of real estate in said county for fifteen years past; and that he is the father of John H. Rogers, now imprisoned in Mountjoy prison, at or near Dublin, Ireland; and that said John H. Rogers was born in the city of New York on the fifteenth day of March, 1839, and on the fifteenth day of March, 1860, became, and now is, a citizen of the United States of America; and that at every election in said city, since the said fifteenth day of March, 1860, the said John H. Rogers exercised the elective franchise by voting thereat, as became his duty as a good and faithful citizen.

PATRICK ROGERS.

Sworn before me this 13th day of March, 1867.

JOHN M. FLYNN

*Commissioner of Deeds, Kings County, City of Brooklyn.*

No. 5.

UNITED STATES OF AMERICA,

*State of New York, County of Kings, City of Brooklyn, ss :*

William I. Bunnell, being duly sworn, says that he resides at No. 241 South First street, in the fifteenth ward of the city of Brooklyn, and that he knows John H. Rogers, now imprisoned in Mountjoy prison, at or near Dublin, Ireland ; and that said John H. Rogers was, and is, a citizen of the United States of America, is duly registered as a voter according to law, and voted at the election held in said city in November, A. D. 1866 ; and that at said election deponent was a citizen and voted and acted in the capacity of inspector, having been thereto duly appointed to receive votes deposited by citizens in the exercise of the elective franchise, and personally received the vote of said John H. Rogers thereat.

WILLIAM I. BUNNELL.

Sworn before me this 14th day of March, 1867.

JOHN M. FLYNN,

*Commissioner of Deeds, Kings County, City of Brooklyn.*

No. 6.

UNITED STATES OF AMERICA,

*State of New York, County of Kings, City of Brooklyn, ss :*

George W. Pettinger, being duly sworn, says that he resides at 276 South Second street in the fifteenth ward of the city of Brooklyn, and that he knows John H. Rogers, now imprisoned in Mountjoy prison, at or near Dublin, Ireland ; and that said John H. Rogers was, and is, a citizen of the United States of America, is duly registered as a voter according to law, and voted at the election held in said city November, A. D. 1866 ; and that at said election deponent was an inspector of election, duly appointed to receive votes deposited by citizens in the exercise of the elective franchise.

GEORGE W. PETTINGER.

Sworn before me this 14th day of March, 1867.

JOHN M. FLYNN,

*Commissioner of Deeds, Kings County, City of Brooklyn.*STATE OF NEW YORK, *County of Kings, ss :*

I, John J. White, clerk of the county of Kings, and clerk of the supreme court of the State of New York in and for the said county, (said court being a court of record,) do hereby certify that John M. Flynn, before whom the annexed deposition was taken, was, at the time of taking the same, a commissioner of deeds in and for the city of Brooklyn, in said county, dwelling in said city, commissioned and sworn and duly authorized to take the same ; and further, that I am well acquainted with the handwriting of such commissioner, and verily believe the signature to said deposition is genuine.

In testimony whereof, I have hereunto set my hand and affixed the seal of said county and court, this 15th day of March, 1867.

[SEAL.]

JOHN J. WHITE, *Clerk.*

No. 7.

CITY CLERK'S OFFICE, *Brooklyn, March 15, 1867.*

I, Henry McCloskey, clerk of the city of Brooklyn, do hereby certify that the names of William I. Bunnell and George W. Pettinger appear on the poll-list of the first district of the fifteenth ward of the city of Brooklyn, now on file in this office, as inspectors of the election held November 6, 1866.

And I further certify that on the said poll-list the name of John H. Rogers, residing at 275 Grand street, Brooklyn, appears as a voter as having voted the State, assembly, judiciary, city, and ward ballots, respectively, at said election.

[SEAL.]

HENRY McCLOSKEY, *City Clerk.**Mr. Adams to Mr. Seward.*

No. 1343.]

LEGATION OF THE UNITED STATES,

*London, March 27, 1867.*

SIR : I have to acknowledge the reception of despatches from the department numbered 1941 and 1942.

I likewise received yesterday morning a telegram with instructions for Judge Redfield, which I communicated at once to him.

I transmit herewith copies of the Times containing a report of the debate in the House of Commons on the second reading of the bill for the extension of the franchise. The concessions made by the ministry will now carry the measure into committee of the whole on the 8th of the next month, where it must undergo extensive modifications before it can be made acceptable to the opposition. In that event the course which the government will take is not altogether clear. In view of the speeches made by some of the members it is more than doubtful whether they could consent to keep on with it beyond that point.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Seward to Mr. Adams.*

[Confidential.]

No. 1952.]

DEPARTMENT OF STATE,  
*Washington, March 28, 1867.*

SIR: I acknowledge the receipt of your despatch of the 8th of March, No. 1334, in which you give me, briefly, what is evidently very accurate, as it is important, information concerning the recent disturbances in Ireland. I avail myself of that information for the purpose of conferring with you informally and confidentially upon the condition of affairs between this government and that of Great Britain.

I think myself not only entitled to assume, but bound to assume, that a chronic sedition is existing in Ireland; that, as occasion shall offer, the late disturbances are not unlikely to be renewed, especially if there shall be a continued agitation of political questions in Great Britain. I assume it to be possible that somewhere and at some time a seditious party in Ireland may proclaim an organized insurrection with a show of delegated authority from some portions of the Irish people. Such a proceeding is intensely expected by many citizens of the United States. That expectation excites a profound sympathy among adopted citizens of Irish birth and their descendants. It is equally manifest that the sympathy of the whole American people goes with such movements, for the reason that there is a habitual jealousy of British proximity across our northern border, and especially for the reason that this nation indulges a profound sense that it sustained great injury from the sympathy extended in Great Britain to the rebels during our civil war. The country has hoped and expected that in some way our complaints against Great Britain in that respect would be satisfactorily adjusted. It has been content to wait until now for that consummation.

But there are, on the other hand, important classes of our people whose patience in this respect is becoming exhausted. The House of Representatives, in the first session of the late Congress, with entire unanimity passed a bill to alter our neutrality laws so as to accommodate them to the standard of neutrality which they understood was maintained during our civil war by Great Britain. The Senate did not concur, and so the bill failed. There are, however, unmistakable indications that the sentiments which controlled the action of the House of Representatives are now gaining favor in the other branch of Congress, as well as among the people.

It is to be expected that time will add to the strength of the interest which demands that projected modification of our neutrality laws; because, first, the sense of injury is intensified by the delay of negotiations; and because, secondly, many ship-builders and other merchants of the United States are now earnestly taking part in the question. I give you copies of certain resolutions just now



adopted in the House of Representatives bearing upon our relations with Great Britain.

Lord Stanley proposes an arbitration of the Alabama claims, with a preliminary condition that technical definitions shall be first given to the questions to be submitted.

In that form his offer cannot be accepted, because it would permit a belief here that what are deemed just claims, absolutely entitled to redress, might be defeated by forms obstructive of a fair and full examination. On the other hand, what had been offered on our side is as fair and as liberal as Congress or the nation could be expected to sustain.

Time seems to me to have already become an important element in the question of adjustment. If delays are continued, it may perhaps pass beyond the reach of settlement by a friendly correspondence.

While writing this I am not to be understood as insisting that my views in regard to the situation in Great Britain are altogether correct. I may, indeed, entirely misunderstand the situation there. Nor am I unmindful of the critical nature of the political debates which are now occupying the attention of her Majesty's ministers. It is not the President's desire to do anything which would be or would even seem to be unfriendly to Great Britain. At the same time I think it important that the ministry shall understand the increasing delicacy of the question as it stands in the United States. Your excellent judgment will enable you to determine whether any and what part of what I have said can be made known to Lord Stanley, with a hope of good effect. If such a communication in any form shall be expedient, then the selection of the time and manner in which it shall be made is also left to your discretion. Will you take the matter in hand and act in regard to it as shall seem best, giving me at least the result of your reflections.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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IN THE HOUSE OF REPRESENTATIVES,  
March 27, 1867.

Mr. Banks, from the Committee on Foreign Affairs, submitted the following, which was adopted:

*Resolved*, That this House extends its sympathy to the people of Ireland and of Candia in all their just efforts to maintain the independence of states, to elevate the people, and to extend and perpetuate the principles of liberty.

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JOINT RESOLUTION concerning the payment of claims made by foreign governments against the United States for property destroyed by the armies of the United States.

*Be it resolved*, &c., &c., That, in the opinion of this Congress, no claim made by other governments, or by citizens or subjects of other governments, for losses of property sustained by such governments, citizens, or subjects, during the recent rebellion, should be recognized or allowed by the executive departments of this government until the same shall have been submitted to Congress, with all the facts relating thereto.

Passed the House of Representatives of the United States March 27, 1867.

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JOINT RESOLUTION respecting the proposed confederation of provinces on the northern frontier of the United States.

*Be it resolved by the Senate and House of Representatives*, &c., &c., That the people of the United States cannot regard the proposed confederation of the provinces on the northern frontier of this country without extreme solicitude. A confederation of states on this continent, extending from ocean to ocean, established without consulting the people of the

provinces to be united, and founded upon monarchical principles, cannot be considered otherwise than as in contravention of the traditions and constantly declared principles of this government, endangering its most important interests, and tending to increase and perpetuate embarrassments already existing between the two governments immediately interested.

Passed the House of Representatives of the United States March 27, 1867.

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*Mr. Seward to Mr. Adams.*

No. 1954.]

DEPARTMENT OF STATE,

*Washington, March 29, 1867.*

SIR: I transmit for your information and guidance, and for communication to the government of Great Britain, a copy of an instruction\* of the 25th instant, No. 194, which has been addressed to Mr. Burlingame, the United States minister in China, and of the papers which accompanied it, in relation to the subject of certain regulations issued by the consul general of France at Shanghai.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same, *mutatis mutandis*, to Messrs. Dix and Clay.]

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*Circular relative to diplomatic uniform.*

DEPARTMENT OF STATE,

*Washington, March 29, 1867.*

Ministers and officers of the several grades in the diplomatic service of the United States are hereby instructed to conform to the requirements of the joint resolution of Congress approved on the 27th of March, instant, prohibiting them from wearing any uniform or official costume not previously authorized by Congress.

The 34th section of an act approved on the 28th of July, 1866, authorizes all officers who have served during the rebellion as volunteers in the armies of the United States to bear the official title, and, upon occasions of ceremony, to wear the uniform of the highest grade they have held by brevet or other commissions in the volunteer service.

This section constitutes the exception made in the prohibitory resolution above referred to, and is in full force and effect in its application to persons in the diplomatic or any other branch of the civil service of the United States who may have served in our armies in the manner therein described.

For convenience of reference, a copy of the joint resolution and section before named is hereunto annexed.

WILLIAM H. SEWARD.

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[PUBLIC RESOLUTION—No. 15.]

A RESOLUTION concerning the uniform of persons in the diplomatic service of the United States.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That all persons in the diplomatic service of the United States are prohibited from wearing any uniform or official costume not previously authorized by Congress.

Approved, March 27, 1867.

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\* For enclosure, see instruction No. 194, to United States minister to China.

SEC. 34. *And be it further enacted, That all officers* who have served during the rebellion as volunteers in the armies of the United States, and who have been, or may hereafter be, honorably mustered out of the volunteer service, shall be entitled to bear the official title, and, upon occasions of ceremony, to wear the uniform of the highest grade they have held by brevet or other commissions in the volunteer service. In case of officers of the regular army, the volunteer rank shall be entered upon the official army register: *Provided, That these privileges shall not entitle any officer to command, pay, or emoluments.*

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*Mr. Adams to Mr. Seward.*

No. 1348.]

LEGATION OF THE UNITED STATES,  
*London, April 10, 1867.*

SIR: The threatening state of the relations between France and Prussia developed by the proceedings about Luxembourg has produced something of a panic in commercial circles in this city, which has affected the value among other securities of those of the United States. The tendency in Germany is to send the bonds here for conversion at once, whenever there is any apprehension of a war. This was shown last year, and will doubtless be shown again to a much greater extent, should matters grow more gloomy.

The peculiar facilities given to this operation, in the form of the bonds assignable from hand to hand, are calculated, by throwing back large amounts of this debt at once, suddenly and seriously to affect the channels of trade between the two sides of the ocean, and consequently the operations of the treasury in contracting the redundancy of the currency. It is still to be hoped that some form of arrangement may be arrived at to dispel these fears.

The internal agitation in this kingdom in regard to the proposed measures for the extension of the franchise is, for the moment, suspended, whilst the plan of the government continues under discussion in Parliament. Thus far no result has been developed beyond the certainty that neither of the two parties can be depended upon to act unitedly to attain any single object. Although the ministerial measure has gone through two readings, and been referred to the committee of the whole for the discussion of the details, no clue has yet been arrived at to the real sense of the majority on any of its leading provisions. The discussion will commence to-morrow night, after which it will be postponed for a fortnight of the Easter recess. Thus three months of the session will have been absorbed without material progress. So discordant are the opinions that it now admits of serious doubt whether the plan will be matured enough for adoption this year.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Adams to Mr. Seward.*

No. 1350.]

LEGATION OF THE UNITED STATES,  
*London, April 13, 1867.*

SIR: I have to acknowledge the reception of despatches from the department numbered 1946, 1951, 1953, and 1954.

In regard to the subject of your No. 1951, of the 25th of March, I have the honor to report that an application had already been made on behalf of John H. Rogers by Mr. West, the acting consul at Dublin, and I have received

from the latter a letter announcing the decision of the authorities at Dublin to release him on condition of his leaving the country. I have not yet been advised of the action of Mr. Rogers upon that condition.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Seward.*

No. 1351.]

LEGATION OF THE UNITED STATES,

*London, April 13, 1867.*

SIR: I have the honor to transmit copies of the London Times, containing a full report of the debate in the House of Commons during the last two nights on the enfranchising measure of the government. I have myself attended the discussion, which was terminated at half-past two o'clock this morning, by the triumph of the government in one of the fullest divisions that has been known for many years.

This result has been arrived at through an extraordinary dislocation of both the great party combinations. On the one hand many of the most radical wing of the opposition sustained the minister, whilst on the other several of the extreme conservatives were found in the ranks of the liberal leader. The meaning of this is that a controlling portion of the majority do not intend to sanction any proceeding having for its chief object a mere change of ministry. Great differences of opinion exist as to the practical operation of both the plans of reform which were set in contrast with each other. Much may depend upon the changes which the ministerial measure may yet undergo. In any event the success of some sort of plan this session is made more likely than it was a few days ago.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Seward.*

No. 1354.]

LEGATION OF THE UNITED STATES,

*London, April 15, 1867.*

SIR: I had an interview with Lord Stanley on Saturday last, for the purpose of communicating to him the substance of the proposal I was directed to make under the instructions contained in your despatch, No. 1946, of the 21st of March.

His lordship made a note of the different points contained in that document as I recapitulated them, and promised to give them early attention. We examined the map together to observe the extent of the proposition, after which he seemed fully to comprehend the precise extent of the concession desired.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Seward.*

[Confidential.]

No. 1355.]

LEGATION OF THE UNITED STATES,

*London, April 15, 1867.*

SIR: After a careful examination of your despatch of the 28th of March (No. 1952) marked confidential, I made up my mind at once to attempt to come to some sort of understanding with Lord Stanley as to the precise nature of the difficulties in the way of a speedy arrangement of the questions between the two countries. To that end I had an interview with him on Saturday last.

My first purpose was to learn from him, if possible, the character of the latest report made to him by Sir Frederick Bruce of the objections made to his latest proposition of the 9th of March. This was with the view of fixing in my own mind the exact extent of the obstacles alluded to by you to his lordship's position as last modified, which I, of course, presumed to have remained in your mind after full consideration of that document. His lordship very readily conceded to my wishes, and, having sent for Sir Frederick's latest letters, it turned out that he had exercised a discretion freely given him as to the time and manner of delivery of that despatch so far as to postpone it a little while. I infer that possibly it has not been sent to you even now, though the delay may not probably last many days longer.

This discovery changed the whole current of my thoughts; for it had seemed to me that his lordship in that letter had actually waived all former demands to restrict the terms of the arbitration, with the single exception of excluding the question of the recognition of belligerency. Hence I had no grounds for pressing him to further action until we should know on this side your views of this latest movement of his. I therefore contented myself with a slight allusion to the reasons suggested by you for urgency, and expressed a hope, now that I had received authority to consult with him more fully than heretofore, to resume the subject, after I should have ascertained how far your course might have been modified by seeing his paper.

Inasmuch as you seem to desire an expression of opinion from me, I take the liberty to observe that, in regard to what appears to me the only obstacle to arbitration left, the question of recognizing belligerency, it may admit of doubt whether, even if it could be susceptible of submitting to umpirage, the doing so would be advisable for us. To some extent the concession of a possibility that the exercise of that sovereign right of a state could be drawn into question, might have the effect of tying our own hands in future cases. As it is, the very agitation of that question in America to which you allude as connected with the inchoate Irish insurgent movement, has the effect of undermining the foundation of our claim to complain in the present instance. It must be obvious to you that the adoption of the propositions pressed in Congress must have the necessary effect of weakening our chances of getting any valuable result at all from arbitration; for, if we follow the suit of England when the respective positions come to be reversed, I do not perceive how we do not, *pari passu*, come to justify her conduct.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Seward to Mr. Adams.*

No. 1965.]

DEPARTMENT OF STATE,  
*Washington, April 16, 1867.*

SIR: Sir Frederick W. A. Bruce, her Britannic Majesty's minister plenipotentiary, on the 4th of this month read to me and gave me a copy of a despatch which was addressed to him by Lord Stanley on the 9th of March last. The United States are expected by Lord Stanley to receive that paper as a deliberate reply of her Majesty's government to my despatch to you of the 12th of January, No. 1906, in relation to the claims which arose during the late civil war.

Great Britain proposes a limited reference to arbitration in regard to the so-called Alabama claims, and adjudication by means of a mixed commission, of general claims.

You will please inform Lord Stanley that, after due consideration, the United States adhere to the views concerning the proper way of adjusting the claims referred to which I have heretofore expressed in this correspondence; consequently we cannot consent to such a special and peculiar limitation of arbitration in regard to the Alabama claims as Lord Stanley suggests. We cannot give any preference to any other claims over the Alabama claims in the form of adjustment which is ultimately to be adopted.

While we agree that all mutual claims which arose during the civil war between the citizens and subjects of the two countries ought to be amicably adjusted, and adjusted soon, we must, nevertheless, insist that they be adjusted by one and the same form of tribunal, with like or the same forms, and upon principles common to all of them.

The proposal of her Majesty's government is, therefore, respectfully declined by the President of the United States.

Reciprocating the assurances of friendship and good will which his lordship gives us, we shall cheerfully consider any further suggestions on the subject which her Majesty's government may think proper to offer.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Adams to Mr. Seward.*

No. 1357.]

LEGATION OF THE UNITED STATES,  
*London, April 23, 1867.*

SIR: The state of things on the continent is regarded so critical to the maintenance of peace, that much alarm has been felt during the past week, particularly in business circles in the city. Whilst great confidence is entertained in the preservation of the neutrality of this kingdom, under the policy now understood to be accepted equally by both parties, the apprehension of more or less derangement of all the ordinary channels of trade has the effect, for the moment, of putting a stop to enterprise.

In the domestic affairs of the kingdom the chief event of the week is the apparent withdrawal of Mr. Gladstone from the lead of the opposition in the House of Commons, in consequence of the course taken by a fraction of the party in the division on the 12th instant. How far this may be considered to extend, and to what consequence it may lead if fully persevered in, it is not easy now to foresee. There can be little doubt that he is the person now in England who enjoys the most of the confidence of the influential middle classes,

as well as those below them who look forward to enfranchisement through his agency. It can scarcely be presumed that any measure which the government may be likely to pass without his concurrence and that of his friends in Parliament will meet with popular approval, or be considered as a settlement for any length of time. It is not impossible that the next step in the agitation, if relieved from the pressure of his position, may be to demand a still more popular measure, not stopping short of universal household suffrage, unembarrassed by any of the restraints or qualifications now proposed to limit its operation. The great difficulty at the root of the whole matter in Parliament is the secret disinclination of many of the members to any change whatever. Hence, whilst the profession runs all in one direction, the action to sustain it is uncertain, fitful, and changeable. This is a not infrequent symptom in advance of a great revolution. In the present restless and uneasy condition of all the central regions of Europe, it would seem as if a small event might suddenly lead to the most important and extraordinary consequences.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Adams to Mr. Seward.*

No. 1361.]

LEGATION OF THE UNITED STATES,  
*London, May 2, 1867.*

SIR: Your despatch No. 1965, of the 16th of last month, came to hand last evening, just as I was about to fulfil an engagement to meet a party invited to dinner by Lord Stanley. I seized a favorable moment in the course of the evening to apprise him of the fact that I had your answer to his last note of the 9th of March, and to ask of him an interview in order to communicate the substance of it. He at once fixed the hour of noon this day, at which time I saw him at the Foreign Office, and I have just now returned to the legation to make my report to our conference.

I commenced by observing to his lordship that I was not instructed to deliver a copy of the despatch received, but for the sake of shortening matters I would read to him all its essential parts. I did so, beginning with the second paragraph and going to the end. His lordship took notes of the essential portions as they were read.

I then took the occasion to remark to his lordship that although, in literal strictness, you could not avoid to regard the last paragraph of his letter of the 9th as embracing the actual proposal officially made, yet it seemed to me that the limitation thus made to the arbitration could scarcely have been one intended by him, as it was clearly in conflict with the broader and wider statement of the disposition of her Majesty's government contained in the preceding paragraphs, beginning with the words, "The real matter at issue," &c., &c. Indeed, on general grounds I could not imagine it likely that if her Majesty's government could make up its mind to assent to arbitration on a case which all must agree was the strongest one presented, it would hesitate in order to exclude others in which they would feel more confident of their ground.

His lordship at once gave his assent to that view of the case. In the language used in the last paragraph he did not intend to preclude the consideration of other, in his mind less important, claims of the same class.

I then pointed out the other ground of disagreement contained in your fifth paragraph, in the refusal of his lordship's proposal of a mixed commission, to dispose of general claims on both sides, as separate from arbitration. To which

he made the remark that these claims consisted on their side, for the most part, of small questions of damage by the destruction of property of private persons in the war, or of individual complaints of different sorts, upon which it could scarcely be expected that a suitable umpire to determine the greater questions would be found willing to adjudicate. The difficulty here was grave rather as a practical matter of business than in any other light. He would take time to consider it, in order to make up an answer.

I called his lordship's attention to the fact that no direct notice had been taken of the single exception he had made in his former despatch. I was not in a position to express an opinion whether this was intended as a waiver of that question, or it was still designed to include it in the general arbitration. It was no more than proper for me to allude to it as making an essential point in the preparation of any answer which his lordship might send.

His lordship said he had observed that and augured favorably from it. He asked me what I thought of printing the correspondence, so far as it had gone. He said there would be inquiries about it in Parliament which he ought to be prepared to answer.

I replied by simply expressing my private opinion of its inexpediency; so far as I might permit myself to judge, the line of difference between the two governments was becoming thinner and thinner. Assuming any tolerable share of good will to prevail, I saw no reason why earnest efforts might not eliminate it altogether. At least some further chance ought to be given to reach this result before coming to publication. His lordship remarked that Parliament might probably yet sit for three months.

I concluded by saying that I should make my report to you in time for the next Saturday's steamer. I presumed his lordship would prefer to send his reply, as he had done before, through Sir Frederick Bruce. He said yes; but it was doubtful whether he could get it ready so soon as Saturday. The pressure of continental affairs was just now so great that the time and attention of the government were much absorbed in them.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Seward to Mr. Adams.*

[Confidential.]

No. 1971.]

DEPARTMENT OF STATE,  
*Washington, May 2, 1867.*

SIR: Your confidential despatch No. 1355 has been received. You are right in supposing that Lord Stanley's paper of the 9th of March had not been communicated to me when my confidential despatch No. 1952 was written. Indeed, the latter communication would not have been made had the former been then before me.

Your suggestions, which were made upon a full knowledge of that despatch, have been submitted to the President, and have been carefully considered. He sees at present no prospect of coming to an agreement with her Majesty's government upon the so-called Alabama claims, and thus the whole controversy between the two states must remain open indefinitely.

While thus far the balance of inconveniences and losses is suffered by the United States, I feel quite certain that the balance of faults has been on the side of Great Britain. First, the concession of belligerency ought not to have been made. Second, upon our earnest appeals it ought to have been earlier



rescinded. Third, the principle of indemnities ought to have been conceded, or, fourth, the remedy of arbitration ought to have been at once proposed. Fifth, when the first decision was reconsidered and arbitration was proposed, it should have been an unconditional arbitration. As the case now stands, the injuries by which the United States are aggrieved are not chiefly the actual losses sustained in the several depredations, but the first unfriendly or wrongful proceeding of which they are but consequences. If the President were never so much disposed to drop that wrong out of sight in the prosecution of the claims, the recent proceedings of Congress in both houses show that an approval of such a waiver could not be obtained either from Congress or from the nation. It is, however, hardly necessary to say that in this case the President does not disagree from, but, on the contrary, entirely agrees with Congress and the nation.

I am not aware of anything further that you or I can do now to change the situation in which her Majesty's government have placed the subject, and, as they say, after due deliberation.

It is not given us to foresee what new and untried misfortune may hereafter befall our country; I can say, however, with entire confidence, that I can conceive of no scourge which may be in reserve for the American people that will ever produce a conviction on their part that the proceedings of the British government in recognizing the confederacy were, not merely unfriendly and ungenerous, but entirely unjust.

Since the British government seem content to leave this conviction in its full force, we must be content to abide their decision. Probably I shall not be directed by the President to recur again in this correspondence to the subject of the Alabama claims until after the whole subject shall have been reviewed by the national legislature.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Adams to Mr. Seward.*

No. 1362.]

LEGATION OF THE UNITED STATES,  
London, May 3, 1867.

SIR: I have the honor to transmit a copy of a note received from Lord Stanley so long since as the 29th of March last, together with an account relating to the balance remaining due to the United States on the settlement of the rate of exchange in payment of the first instalment of the Japanese indemnity.

It was not until yesterday that I received from the paymaster general a draft for the sum referred to, which is the reason of the delay in giving you a report in the case.

I have caused the money to be deposited with Messrs. Baring Brothers & Co., to the credit of the State Department, as in the former cases of the same kind.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Lord Stanley to Mr. Adams.*

FOREIGN OFFICE, March 29, 1867.

SIR: With reference to my note of the 14th of July last, on the subject of the Japanese indemnity, I have the honor to enclose a statement which I have received from the lords commissioners of her Majesty's treasury of the sum due to the United States government on

account of the difference between the British official rate of exchange and the actual current rate at the time when the instalments of the indemnity were paid. This statement is founded on certificates furnished by a bill-broker and by the Oriental Bank Corporation in Yokohama, and I have the honor to acquaint you that instructions have been given to her Majesty's paymaster general to pay to you the sum of one thousand six hundred and thirty-five pounds eight shillings and fourpence, (£1,635 *Es. 4d.*.) being the amount due to the United States government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

STANLEY.

JAPANESE INDEMNITY.

*Amounts received into the treasury chest for remittance to the government of the United States of America.*

On account of first instalment of \$500,000, viz: Proportion ( $\frac{1}{3}$ ) of the total prior charge of \$420,000, viz: \$70,000 payable to the three governments in equal amounts.....	\$23, 333 $\frac{1}{3}$
One-fourth each of the balance of the instalment, viz: \$430,000, after deducting above .....	107, 500
<b>Total</b> .....	<u>130, 833<math>\frac{1}{3}</math></u>

Sterling value of the above amount at the current rate of exchange, viz:	
First instalment at 4s. 6d. the dollar.....	£29, 437 10 0
Amount already paid at the British official rate of 4s. 3d. the dollar.....	<u>27, 802 1 8</u>
Further amount due .....	<u>1, 635 8 4</u>

*Mr. Adams to Lord Stanley.*

LEGATION OF THE UNITED STATES,  
*London, May 3, 1867.*

MY LORD: I have to acknowledge the reception of your lordship's note of the 29th of March last, enclosing a statement from the lords commissioners of her Majesty's treasury of the sum due the United States on account of the difference between the official rate of exchange and the actual current rate at the time when the instalments of the Japanese indemnity were paid.

I have also to acknowledge the receipt, yesterday, of a letter from the office of her Majesty's paymaster general, covering a draft on the Bank of England for the sum of sixteen hundred and thirty-five pounds eight shillings and fourpence, being the sum stated in the account and mentioned in your lordship's note as about to be paid to the United States.

I pray your lordship to accept, &c., &c., &c.

CHARLES FRANCIS ADAMS.

The Right Hon. LORD STANLEY, &c., &c., &c.

*Mr. Adams to Mr. Seward.*

No. 1364.]

LEGATION OF THE UNITED STATES,  
*London, May 7, 1867.*

SIR: The events of the past week have not been without some political importance. The ministry experienced a defeat on one portion of their measure for extending the franchise which terminated in their consent to accept the adverse modification. It was generally supposed that they would again make a stand upon the proposals to embrace the lodger franchise and what is called the compound householder; but at a large meeting of the conservative members, called by Lord Derby to meet yesterday for consultation, the sense of the majority was in favor of every concession, down to the limit suggested by him of a surrender of the principle of the personal payment of taxes. It is, therefore, not impossible that such modifications may be made of the contested portions of the

bill as to effect its ultimate adoption by a majority of the house. In this form it cannot be doubted that a far more considerable enlargement of the franchise than had been contemplated by the most sanguine of two years ago will have been brought about. It is difficult to comprehend the process of reasoning through which this revolution has been worked by the agency of the party which has ever been identified with hostility to popular reforms. But the fact must have a material bearing upon the progress of the country in the same direction for the future. The power of moral resistance to extensive changes in existing institutions has been so far crippled that their happening now becomes a mere question of time and favoring circumstances.

An incident has attended the popular movements in London which appears to be of some signification. The riots which took place in Hyde Park last year, on the attempt made by the government to exclude the reform associations who proposed to hold a public meeting within the grounds, so far alarmed both the ministers and the higher classes that, when an announcement was issued a short time since, by the same parties, of a determination to repeat the experiment on yesterday, the 6th instant, it was at first met with a corresponding spirit of resistance. As a consequence there was last week a very general apprehension of some fearful struggle, ending in more or less of confusion and possible bloodshed. The government was known to have taken certain measures which had, at least, the appearance of a resolution to resort to force, if need be, to put a stop to the proceedings. It was not until yesterday morning that an announcement through the press declared that no legal power existed to interfere with the liberty of persons entering the park, within the legitimate hours, for any purpose not absolutely an infraction of the peace of the realm. The consequence was that the power of restraint was limited by this rule only to the commission of such acts as could be technically construed as breaches of the peace. Hence the people were permitted free ingress. Multitudes accordingly entered, assembled together, organized their meetings, and made speeches, in very orderly fashion; not a single violation of law happened, and what threatened to be a serious collision ended in a very quiet and pacific demonstration. This is a result far more creditable to the popular party than to the administration. It indicates a self-sustaining power in the former to act boldly but within the law, which strongly fortifies their claim to become a constituent portion of the political organization of the state.

The conference of the great powers to consult upon the case of the Duchy of Luxembourg, and, if possible, to prevent a struggle between France and Prussia, assembles here this day. There is much uneasiness felt everywhere as to the issue of this experiment. Whilst people here are sanguine as to success in bringing about a composition, the feeling in Paris and Berlin is by no means so confident. I shall be able to make a further report to you on the subject by the steamer of Saturday.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Seward to Mr. Adams.*

No. 1975.]

DEPARTMENT OF STATE,  
*Washington, May 8, 1867.*

SIR: Your despatch of the 23d of April, No. 1357, is received. It presents vividly the state of solicitude for the preservation of European peace which now exists in England, and with equal clearness the state of anxiety which has been

produced by the inconstancy of the House of Commons in regard to domestic political questions. The condition of the mind of Europe, as well as that of Great Britain, has changed with such a rapidity as to excite surprise on this side of the Atlantic. Comparing it with circumstances which preceded our late civil war, one is almost obliged to expect immediately even a more general revolutionary movement in Europe than that which so lately and so fearfully disturbed the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Adams to Mr. Seward.*

No. 1366.]

LEGATION OF THE UNITED STATES,  
*London, May 11, 1867.*

SIR: I have to acknowledge the reception from the department of despatch No. 1967, of the 26th of April. The matter referred to has been explained according to the desire therein expressed.

The conference alluded to in my No. 1364 has been held here this week, and has terminated in an arrangement for the neutralization of Luxembourg under the guarantee of the great powers. This is considered as equivalent to the maintenance of peace at least for the present year. But the preparations notoriously going on in France continue to give uneasiness in Germany as to the future.

The result of another division following a sharp discussion in the House of Commons upon an essential point in the enfranchisement bill, has confirmed the previous impression that the government will be able to carry it through against all opposition. The conflict which seemed last week to impend upon the attempt of the ministry to forbid the assemblage of a popular meeting in Hyde Park to consider the bill, was prevented by their abandonment of all resistance to it. The meeting consequently took place without any serious result. The only consequence was the retirement of the minister of the home department, Mr. Spencer Walpole, upon whom the responsibility for this proceeding was imposed by public opinion, although it appears reasonable to suppose that it should more properly attach to the whole cabinet.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Seward to Mr. Adams.*

[Telegram per cable.]

No. 1981.]

DEPARTMENT OF STATE,  
*Washington, May 15, 1867.*

SIR: The President requires that in the cases of United States citizens tried or convicted for insurrection or treason in Ireland you protest against any irregular or doubtful conviction, and in all other cases recommend to the clemency of her Majesty's government.

The sanguinary sentences of the court in the cases of Burke, Doran and McCafferty shock the public sense throughout the United States. Executions

conforming to them would leave a painful impression in a country where traditional sympathy with the revolution in Ireland is increased by convictions of national injustice, and therefore is now not only profound but almost universal.

Of course this instruction will not be executed if amnesty or clemency render it unnecessary.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Adams.*

No. 1984.]

DEPARTMENT OF STATE,

*Washington, May 17, 1867.*

SIR: I transmit a letter of the 13th instant from James Rogers, of No. 8 Wall street, New York, and the original depositions which accompanied it, relative to the case of William Jackson, otherwise called John McCafferty, reported to be under sentence of death for high treason in Ireland.

You will make the most effective use of them you can, in using your good offices on behalf of the prisoner to obtain his release or a mitigation of his sentence.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Rogers to Mr. Seward.*

LAW OFFICE OF JAMES J. ROGERS,

*No. 8 Wall Street, New York City, May 13, 1867.*

SIR: I beg leave to refer you to my letter of 29th April, ultimo, and to the response of Mr. F. W. Seward, Assistant Secretary, of 5th May, instant, in relation to the case of William Jackson, otherwise called John McCafferty, now imprisoned, and, as would appear by Atlantic cable telegrams of last week, tried and convicted of high treason, in Dublin, Ireland.

I have waited since the reception of the last-named letter, in order that I might hear from Sandusky city, Ohio, where the parents of McCafferty reside, and where he was born, before sending the affidavits (original) which I herewith transmit to you, duly verified before the proper officers, and certified by the clerk of the supreme court of this State. The proofs of birth and citizenship I expect within a few days, unless my letters to Sandusky city have miscarried, or unless those proofs have been transmitted to your department directly.

I would request, inasmuch as parties have been sentenced to be executed in Dublin within twelve days from this date, that copies of these affidavits be forwarded to our minister at London, and to our consul at Dublin, that they may be used either in obtaining a modification of the sentence, a new trial, or in any other proceeding you may deem proper in the premises.

I have the honor to be, very respectfully, your obedient servant,

JAMES J. ROGERS, *Attorney, &c.*

Hon. WILLIAM H. SEWARD,

*Secretary of State.*

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UNITED STATES OF AMERICA,

*State of New York, City and County of New York, ss:*

John Kelcher, being duly sworn, says that he resides at No. 50 Norfolk street, in the city of New York, and is employed in the custom department of Devlin & Co., clothiers, doing business at the corner of Grand street and Broadway, in the city of New York, and has been so employed nearly thirteen years; and that deponent well knows one John Devanney, who, as deponent is informed and believes, has recently lodged, filed, or given information against one William Jackson, otherwise, McCafferty, now imprisoned and detained in Kilmainham jail, Ireland, under a charge of high treason; that said Devanney was employed as a watchman in the store of said firm of Devlin & Co., and was frequently in the view of deponent, and had frequent conversations with deponent; and deponent further says that, on the

— day of August, in the year 1866, deponent was in company with said John Devanney during a greater part of said day; and that said Devanney placed his hands, with unusual familiarity, on this deponent's clothing and in the neighborhood of deponent's pockets; and that during the subsequent evening, and about a half an hour after parting with said Devanney, deponent missed the sum of twenty-five dollars, which deponent verily believes said Devanney stole from deponent's pockets; and that immediately thereafter said Devanney evaded and avoided the company and society of deponent, contrary to his usual custom and habit, which had theretofore been to see deponent frequently and intimately every day.

And deponent further says, that the general character of said Devanney is bad; and that deponent, from deponent's own knowledge and from said Devanney's general reputation, would not believe said Devanney under oath.

And deponent further says, that said Devanney was twice discharged from his employment by said firm on account of neglect of duty, and lazy, idle, and vicious habits, and on account of his frequenting brothels and other bad resorts.

JOHN KELCHER.

Sworn before me, this 30th day of April, 1867.

A. LATHEN SMITH,  
Notary Public, New York City.

UNITED STATES OF AMERICA,

*State of New York, City and County of New York, ss :*

Michael Dowd, being duly sworn, doth depose and say, that he resides at No. 116 Mott street, in the city of New York, and is employed as engineer in the clothing house of Devlin & Co., at the corner of Grand street and Broadway, in the city of New York, and has been employed by said firm nearly twelve years; and that deponent is well acquainted with one John Devanney, who, as deponent is informed and believes, has made, filed, lodged, or given information against one William Jackson, now imprisoned in Kilmainham jail, Dublin, Ireland, on the charge of high treason, and has known said Devanney about eight years; that said Devanney's general character is not that of a pure man; and that said Devanney was in the habit of keeping company with a common prostitute named Mary Ann Richardson, who went by the by-name of "Jessie;" that said Devanney and said prostitute were frequently together; and that deponent has seen said Devanney approach the entrance to a house of ill-fame with said prostitute; and further saith not.

MICHAEL DOWD.

Sworn before me, this 30th day of April, 1867.

A. LATHEN SMITH,  
Notary Public, New York City.

UNITED STATES OF AMERICA,

*State of New York, City and County of New York, ss :*

James P. Hyde, being duly sworn, says that he resides at No. 50 Marion street, in the city of New York, and is by occupation a hydrant maker, and has been engaged therein about eighteen or twenty years; that deponent well knows one John Devanney, who has made, lodged, or filed an alleged information against one William Jackson, otherwise John McCafferty, now imprisoned in Kilmainham jail, at or near Dublin, Ireland, on the charge of high treason, and knows said Devanney's general character; that said Devanney's habits were very bad; he drank frequently, and spent his time in lounging around from place to place; that no person would retain said Devanney in employment on account of his lazy habits, and he, Devanney, was frequently discharged from places in which he had been hired; and deponent further says, that the general reputation of said Devanney for truth and veracity is bad, and that deponent would not believe said Devanney under oath; and that said Devanney is not an honest man, and is and for years past was distrusted by all who knew him.

JAMES P. HYDE.

Sworn before me this 30th day of August, 1867.

A. LATHEN SMITH,  
Notary Public, New York City.

UNITED STATES OF AMERICA,

*State of New York, City and County of New York, ss :*

Giovanni B. Sicardi, having been duly sworn, says, that he resides at Tremont, in Westchester county, in the State of New York, and is by occupation a wax-figure manufacturer at 138 Wooster street, in said city of New York, and that deponent well knows John Devanney, who, as deponent is informed and believes, has lodged, filed, or made an alleged information against William Jackson, otherwise designated as John McCafferty, now imprisoned in Kilmainham jail, at or near Dublin, Ireland, on the charge of high treason; that deponent knows said Devanney about eight years, and that said Devanney did not work

steadily or constantly more than three years out of the eight years aforesaid; that said Devanney was constantly in the habit of borrowing money and failing to repay the same; had the habit, three or four times a week, of getting beastly drunk, and intoxicated almost constantly during three years; that said Devanney was for a short time employed on the Fifth Avenue railroad, and frequently boasted to deponent that he, said Devanney, had stolen various sums of money collected by him as conductor and intrusted to his care by his employers—some days to the extent of five dollars, and more; and that said Devanney also informed deponent that he, said Devanney, had been discharged for “knocking down,” viz., stealing the sum of ten dollars collected by him in one day’s work; that on the last occasion when deponent saw said Devanney, said Devanney said to deponent that he, said Devanney, was about to depart for Ireland, and told deponent that he, said Devanney, would do anything for money, and was going to Ireland “on the make,” an expression which designates hirelings of every denomination who have no regular employment at any respectable business; that said Devanney was frequently the associate of common prostitutes and the frequenter of houses of prostitution; and that said Devanney’s general character is bad, and that deponent would not believe said Devanney under oath.

GIOVANNI B. SICARDI.

Sworn before me this 30th day of April, 1867.

A. LATHEN SMITH,  
*Notary Public, New York City.*

STATE OF NEW YORK, *City and County of New York, ss:*

I, William C. Conner, clerk of the city and county of New York, and also clerk of the supreme court for the said city and county, being a court of record, do hereby certify that A. Lathen Smith, before whom the annexed deposition was taken, was, at the time of taking the same, a notary public of New York, dwelling in said city and county, duly appointed and sworn, and authorized to administer oaths to be used in any court in said State, and for general purposes; and that his signature thereto is genuine, as I verily believe.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court and county, the 14th day of May, 1867.

[SEAL.]

WM. C. CONNER, *Clerk.*

*Mr. Adams to Mr. Seward.*

No. 1369.]

LEGATION OF THE UNITED STATES,  
*London, May 18, 1867.*

SIR: I have to acknowledge the reception of a telegram in cipher, of the 16th instant, which reached me at half-past 10 o'clock the same evening. It gives me instructions to act in certain contingencies in behalf of citizens of the United States now under trial or sentence for offences committed in Ireland.

I have not been an inattentive observer of the proceedings in that country, reports of which have been steadily and promptly transmitted to me by Mr. West, the consul at Dublin. But I must candidly admit that as yet I have seen no reasonable ground of objection to them. The trials have thus far been conducted with liberality and fairness, and great latitude has been granted to the able lawyers who have disinterestedly enlisted in the defence of the prisoners. No evidence has yet been furnished to this legation that either Burke or Doran is a citizen of the United States. The former does not appear to be the same person who was arrested last season and liberated on condition of return to America. The penalty of death inflicted upon the latter by the court has already been commuted to imprisonment, and it is generally understood that the former will not be executed. I transmit a copy of the London Times of the 15th instant, containing an article on the subject, which is here considered as written under official suggestion. With regard to the barbarous terms of the sentence as pronounced by the court, they form one of the relics of the habits of a past age which still adhere to the judicial forms of the United Kingdom, without implying any consequent action in that sense at the present day. It is quite half a century since any similar sentence has been carried into execution. The practice is for the government to remit all the superfluous brutality.

McCafferty's case still hangs upon a decision of the court on points of law reserved during his trial. There is no danger of his being treated with excessive harshness, if I may judge by the compliment paid to him in the court for his "gallant" service as an insurgent during the rebellion in America. He is undoubtedly a native citizen of the United States, but great difficulty has been experienced by me in aiding him, from the fact that he attempted to pass himself off and get interference on his behalf under a different name. I presume he felt conscious of the effect of the not dissimilar deception he undertook last year. He appears to have little sense of the value of truth.

There is another case of a young man by the name of John McClure, who headed an attack upon a police station at Knockadoon, and fought with great fierceness until finally taken, which may terminate in a capital conviction. I shall endeavor to urge an alleviation of the sentence on the ground of his extreme youth.

There have been a few cases of arrest and detention of persons claiming to be citizens of the United States, all of which have been promptly attended to by Mr. West, and in several their liberation procured. James Smith, of Cincinnati, was one of the number, in spite of the fact that he was found here again after having been liberated last year on condition not to return. I believe his is the only instance of that sort. But before he succeeded in getting away he was arrested a second time on new grounds of complaint, and still remains in prison.

I presume that Mr. West makes such full reports of his correspondence to the department that most of this information is already in your possession. I can only add that I shall continue to do all in my power to carry out what I understand to be your wishes, as they are my own, by sustaining the just claims to protection of citizens of the United States within this realm.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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[From the London Times, May 15, 1867.]

The gallant behavior of the Irish constabulary during the late Fenian attempt at insurrection has just been chronicled in an unpretending little report, which ought to make their prowess as celebrated as if it had been sung by a sacred bard. On a dark and cold morning of early March a number of the police stations in various parts of the country, occupied only by the usual small detachments, were attacked by bands of armed Fenians, brought together in pursuance of no less an object than the dethronement of Queen Victoria, the establishment of an Irish republic, and the division of the lands of the gentry among the victorious soldiers of the revolution. For this purpose long and extensive preparations had been made. A complete republican government—nay, two governments—had been established in New York, with president, secretaries of finance, war, and even marine, with a military organization comprising generals and major generals, colonels, and majors, some of these being actually men of military experience who had served in the late war. They had plenty of money; they had the great body of the Irish population of the United States to back them, and no small number of enthusiastic and credulous people in Ireland to believe in them. They chose their time; they smuggled in and secreted their arms; their chiefs and messengers came and went pretty much as they pleased, exhibiting, we are bound to say, much enterprise and some degree of skill. When all was ready they began their campaign. Their generals were prudent, if not audacious. They did not attack the regular troops of the hostile power which they desired to drive from Ireland; they cared not for the glory of any gallant exploit against Saxon redcoats; their design was at the outset to win an easy victory over the scattered constabulary—almost to a man Irishmen like themselves—and they hoped, by the alarm which they would spread, to rouse an excitable population. The result is well known, but the details will be better understood by looking at the return which has been published. It will there be seen how miserable and how ludicrous were the attempts of these conspirators, and how completely they were thwarted by the steadiness of a few brave men who knew how to do their duty. The Fenian outbreak has even less of dignity than Mr.



Smith O'Brien's one day's campaign in 1848. Were it not that it was actually attended with loss of life, and that its instigators, though contemptible as rebel leaders, have shown themselves dangerous agitators, we should hardly think it worthy to be treated seriously. It appears from the return that at Castlemartyr, in the county of Cork, the police station was defended successfully by six men, while the "supposed number of insurgents" was four hundred; at Kilmallock, where the attack lasted for several hours, and the Fenians used every effort to subdue their enemy, there were from first to last only fifteen policemen engaged against three hundred. At Emly six were opposed to two hundred or three hundred; but the most extraordinary case is that of Palmerstown, where the "number of constables engaged" was *one*. In this memorable defence sub-constable John Blair by himself repulsed a number of Fenians "not known, the night being dark, but it must have been considerable." Afterwards follows a list of the stations to which parties of police belonged who met and successfully engaged the insurgents in places other than the police stations. The most notable of the adventures here reported occurred at Mallow. Three constables are described as encountering three hundred rebels. It is explained that they accompanied a detachment of the 71st regiment "to represent the civil power when in pursuit of the insurgents." "The military, having their knapsacks on, were unable to proceed as quickly as the constabulary, who arrested three men in advance of the military (about two miles) and brought them prisoners to Bottle Hill, on the 6th of March, 1867." After this we are not surprised to learn that in the neighborhood of Dublin sixteen policemen successfully encountered six hundred rebels, and that at Westgate, in Drogheda, twenty-seven discomfited one thousand.

The conclusion we would draw from these facts is that the Fenian conspiracy has been shown, by its abortive outbreak, and by the indifference with which its suppression is regarded, to be beneath the extreme severity of a wise government. The excuses made for it by a certain class of radicals here and in Ireland will, indeed, find approval with very few men of sense. These Fenian leaders are morally as bad as any traitors that ever suffered death. They have come to this country intent upon murder and pillage; they have infected the most ignorant part of the Irish people with ideas subversive of government, property, and national prosperity; they have in several cases returned to their enterprise after being released by the Irish executive; they have cost Ireland millions by the check to its prosperity they have inflicted. They have actually "levied war," and murder has been committed by one at least of the bands which they called into activity. If it were necessary to give such a warning to future marauders as the infliction on one or more of them of the punishment of death, the government would be fully justified in allowing the law to take its course. But there is reason to believe that the danger is past, the strength of the British government understood even by the most reckless, and the imbecility of the Fenian leaders appreciated by nearly all their dupes. To send these men to penal servitude will be a wiser course than to give their memory the dignity of death in a political cause. A factitious importance attends such a fate which has often lifted into posthumous honor men very commonplace and not very upright. There is enough of sympathy with the Fenian cause among the multitude for them to make a martyr of any one who may die with decent courage, but not enough to gild the unromantic and obscure fate of an ordinary convict. We may urge also that if in Canada, where the whole province was kept in alarm for months, and where there was a real invasion and loss of life, the British government directed the commutation of the sentence, it can hardly be necessary to execute them here. If danger from the conspiracy is to be apprehended, and severity is excusable, it is rather across the Atlantic, where armed Fenians are said to be reckoned by hundreds of thousands, than with us, where they may be troublesome, but can never be formidable.

The Americans, when they interceded with our government for the lives of the Fenians convicted in Canada, did certainly not preach where they were unprepared to practice. Since the conclusion of the war, the North, though severe on the southern community, has given way to no animosities against individuals. No one has been put to death in America for what the North has declared to be treason; very few have been molested if they chose to acquiesce in the restored rule and to take no part in politics. The leniency of the government has, however, been carried to its furthest point by the release on bail of Mr. Jefferson Davis after a captivity of two years. Whether he will ever be brought to trial seems to be still uncertain; but we may almost predict that in any case the punishment inflicted on him will not be extreme. We can see that in the case of America this is the wisest policy, and that it is best not to give renewed rancor to the animosities of the South by any act of severity. A similar forbearance would have its good effects on Ireland also.

*Mr. Seward to Mr. Adams.*

No. 1986.]

DEPARTMENT OF STATE,

*Washington, May 20, 1867.*

SIR: Your despatch of the 2d of May, No. 1361, has been received. There is no reason why you should not give Lord Stanley a full copy of my despatch No. 1965.

My confidential despatch of May 2d, No. 1971, will have removed from your mind any impression that the President may be expected to accede to the limitation upon the arbitration of the Alabama claims which Lord Stanley proposed.

The United States are thus in the attitude of insisting upon the claims, as they have consistently done from the beginning, and of declining to accede to arbitration thereupon with limitations hitherto insisted upon by her Majesty's government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Adams to Mr. Seward.*

No. 1370.]

LEGATION OF THE UNITED STATES,  
London, May 21, 1867.

SIR: A few days ago a gentleman by the name of W. W. Holmes requested an interview with me for a purpose which I will now proceed to explain:

He said that he was an agent for the Mexican bondholders in London, and in that capacity he wished to consult me in regard to the possibility of entering into some negotiation with the government at Washington on this subject. I replied that the subject of Mexico had not been brought within my province, at least, since the first year I came to this country. I was entirely unable, therefore, to speak with authority in answer to his question. So far as I could venture to give my private impression of the policy of my government, it was that they did not incline to depart from the rule of non-intervention in the affairs of Mexico which had been laid down at the beginning of the war.

Mr. Holmes went on to state his case, which was substantially this: The English bondholders held claims upon Mexico for a very considerable sum of money, which had been secured to them, under the sanction of both governments, by setting apart for the payment of the interest and principal a considerable proportion of the net receipts accruing from the custom-houses on the Atlantic side, and the whole of those accruing from the Pacific side. I understood him to say that these receipts had been regularly paid over to them for a period coming down to about 18 months ago, since which they had not obtained anything. They had also had secured to them large tracts of territory in the province of Sonora, and, perhaps, another province. It had occurred to him that in any negotiations which the United States might have with Mexico, it might not prove disadvantageous to the latter if they should first possess themselves by a complete cession from the bondholders of all these securities guaranteed to them under the sanction of these treaties. I replied I could give no opinion on that subject, and still less any encouragement to the idea of such a purchase. He asked if I had any objection to make a communication of this proposal to my government. I said I should be willing to report the conversation as a matter of intelligence, without in any way officially committing myself to the bondholders as favoring the proposal.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Seward to Mr. Adams.*

No. 1990.]

DEPARTMENT OF STATE,

*Washington, May 27, 1867.*

SIR: With reference to my communications of the 15th instant, No. 1981, and 17th instant, No. 1984, concerning the case of William Jackson, otherwise called John McCafferty, reported as under sentence of death for alleged high treason in Ireland, I enclose for your information a copy of a letter of the 18th instant, received at this department on the 25th, from James J. Rogers, esq., of New York city.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Rogers to Mr. Seward.*

LAW OFFICE OF JAMES J. ROGERS,

*No. 10 Wall street, New York, May 18, 1867.*

SIR: I have the honor to call your attention to my letter of the 13th instant, the receipt of which you kindly acknowledged on the 15th instant. In that communication I stated that the proofs of the birth and citizenship of William Jackson, otherwise John McCafferty, now or lately imprisoned in Mountjoy prison, at or near Dublin, Ireland, were expected by me from McCafferty's birth-place, Sandusky city, Ohio.

On Thursday of this week I received from Ireland a copy of a newspaper called the "Freeman's Journal," published at Dublin, May 3, 1867, in which, among other reports of the proceedings on the trial of McCafferty, the following appears, viz:

"THE FENIAN TRIALS—THE SPECIAL COMMISSION—TRIAL OF CAPTAIN M'CAFFERTY.

"At the sitting of the court yesterday morning at 10 o'clock, the prisoner, John McCafferty, having been placed at the bar, was sworn as to the contents of an affidavit on which to ground a motion to have his trial postponed.

"Mr. BUTT then said: My lords, I appear on behalf of the prisoner at the bar to apply to your lordships to postpone this trial, and I do so on the following affidavit: [Counsel then read the affidavit made by the prisoner, from which it appeared that he was a natural-born citizen of the United States of America, and that he had been indicted at the last special commission for the county of Cork, and that on that occasion the jury who tried him was composed half of foreigners. For the purposes of that trial he handed to his attorney, who appeared for him at Cork, certain official documents of the republic of the United States authenticating the fact of his having been a natural-born citizen of America.] He had applied for those papers, and they had not been found. He now wished for time to obtain those papers for the purpose of showing that he was a natural-born citizen of the United States. At the trial in Cork it was admitted by the Crown that the prisoner was a natural-born citizen, and of this fact he believed one of their lordships had judicial notice. He [Mr. Butt] need scarcely tell their lordships that it would make a very great difference on his trial to show that he was a natural-born citizen of the United States.

"THE CHIEF JUSTICE. In treason?

"Mr. BUTT. Yes, my lord; unless he were found guilty of having committed some overt act in this country he could not be found guilty of high treason.

"Mr. Justice FITZGERALD said he believed that was the ground on which he was committed.

"Mr. BUTT then asked their lordships to adjourn this trial to the last in the commission, in order that in the mean time an application might be made to the American ambassador in London for the required evidence as to birth.

"The ATTORNEY GENERAL said he was quite prepared to relieve his learned friend of any difficulty by admitting for the purposes of this trial, whether the fact was so or not, that the prisoner was an alien and a natural-born citizen of the United States of America.

"Mr. BUTT. That my lords, was the object of this application.

"Justice FITZGERALD stated that he was aware that on the trial of the prisoner in Cork it was admitted by the Crown that he was born at the place named.

"Mr. Smart, the deputy clerk of the Crown, having called over the long panel, informed the prisoner that he was now put upon trial for his life on a charge of high treason, and of his right to challenge the jurors."

It is presumed that the admission thus made by the government of Great Britain through their attorney general, and the judicial notice taken of the fact by Justice Fitzgerald, of

the court by which McCafferty was about to be tried, will render any further efforts on his part, or on that of his friends, towards obtaining additional proof of his birth and citizenship in the United States, unnecessary, and that the fact will be accepted by the American government as true.

The case, then, so far as the fact of McCafferty's American citizenship and his right to call upon the American government for protection and redress are concerned, is complete. He therefore makes this demand of the American government, in order that he may be released from imprisonment and permitted to travel throughout the British dominions where-soever an American citizen may travel by virtue of the law of nations and existing treaties. I feel assured, from your letter of the 15th instant, that his case will receive immediate attention, and I feel assured further that the attention will be commensurate with the high position which you occupy so ably, and commensurate with the proud dignity of American citizenship.

I am, very respectfully, your obedient servant,

JAMES J. ROGERS, *Attorney, &c.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

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*Mr. Adams to Mr. Seward.*

No. 1374.]

LEGATION OF THE UNITED STATES,  
*London, May 28, 1867.*

SIR: I ought, by last Saturday's steamer, to have mentioned to you the fact that I received, last week, a visit from the minister of Greece, M. Armeni Brailow, who brought with him M. Rangabee, the person commissioned as the first diplomatic representative to the United States from the kingdom of Greece. I am informed that he is a highly intelligent, cultivated, and experienced gentleman, who has had much experience in the management of public affairs at home. Hence, I doubt not, you will cheerfully receive him as a valuable acquisition to the diplomatic circle, by which you are surrounded.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Adams to Mr. Seward.*

No. 1375.]

LEGATION OF THE UNITED STATES,  
*London, May 28, 1867.*

SIR: It was not until Thursday of last week that any doubts were entertained here as to the policy of the government towards the prisoners in Ireland who had been tried and condemned to die for their share in the latest attempt at insurrection. On Friday I received from Dublin a report of the reply of the lord lieutenant to the deputation which waited upon him to urge a remission of the extreme penalty, and it seemed so positive and unequivocal in its refusal that I felt at once the necessity of some action under your special instructions. At the same time the rumor became current here that the question, after deliberate consideration in a full cabinet, had been determined by the vote of a majority in favor of a most rigorous course.

On Friday morning I received from the legal adviser of John McCafferty, one of the two prisoners, an elaborate opinion, given by Mr. Butt, the distinguished counsel engaged in his defence, pointing out the precise condition of the case, and the remaining doubt of the perfect legality of the conviction which might yet be raised in his behalf by a proceeding in appeal to a higher court.

At the same time that Mr. Butt dwelt upon this weak point of the proceedings, he expressed a most unequivocal opinion upon the general fairness of the trial and the impossibility of making any ground of remonstrance against it as in violation of the principles of international law. He thought, however, that if the government were to refuse its assent to a writ of error, that might constitute good cause for intervention on the part of the United States. At the time of writing, however, it is proper to say that Mr. Butt fully believed it was not the intention of the government to exact the last penalty.

Under these circumstances, I took the responsibility to write at once to Mr. West, giving him directions to authorize an application for a writ of error at the expense of the United States, whilst at the same time I addressed a note to Lord Stanley, a copy of which I now have the honor to transmit.

In stating the case of Burke I presume him to be one of the persons of that name who served in the war, and whose name is found in the army list. But the fact is certain that no application for protection has been made by him to the consul; neither is anything positively known of his past history. I learn to-day that, so far from being an upholder of the government, he was a very determined and obstinate rebel, refusing to take the oath of allegiance at the close of the war.

Be this as it may, the public feeling, both here and in Ireland, became at once so much excited by the news of the decision of the ministers, that strong deputations of members of Parliament and others were immediately organized and set in motion to procure a reconsideration of the decision. The result was a consultation of the cabinet on Saturday, at which it was determined to commute the sentences to imprisonment for life.

A copy of Lord Stanley's note of the 26th instant, in answer to mine, and announcing this result, is herewith transmitted.

Under these circumstances, not deeming it expedient to carry further the legal proceedings previously contemplated, I have given to Mr. West the necessary directions accordingly.

There are still a few cases pending, the most difficult one being that of a youth of 17, by the name of McClure, a native of New York, who has been tried at Cork and pleaded guilty. He has also been sentenced to death, but I take it for granted that after the decision in these cases, no one less aggravated in its circumstances will fare worse.

The difficulty attending any action on my part in the precise circumstances has not been felt to be trifling. On the one hand, the unquestionable guilt of the parties, their very doubtful antecedents in our own struggle, and the want of proof of citizenship in the principal instance, impairing the legal force of any interposition whatever; and on the other, the danger of rousing the susceptibilities of the government and people here, already somewhat disturbed by a misconception of the sense of your application in Canada, as well as of implying menace where none was intended, rendered extreme caution necessary not to involve my principal by a misplaced word or a false step.

From the tone of the reply of Lord Stanley, I think I may trust I escaped the gravest part of the responsibility. If in the performance of your injunctions I shall have proved to have met the expectations of the President, I shall then feel myself in every respect fully relieved.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Adams to Lord Stanley.*

LEGATION OF THE UNITED STATES,  
London, May 25, 1867.

MY LORD: Under instructions from the government which I have the honor to represent, I feel it a most painful duty to present to your lordship some considerations which may possibly weigh with her Majesty's government so far as to induce it to mercy to the prisoners now under sentence of death in Ireland for political offences, at least to the extent of a commutation of the fearful penalty.

Disclaiming as I do on the part of my government any intention to interpose as matter of right in these cases, and freely admitting the fairness of the proceedings under which the parties have been condemned, I propose simply to confine myself to a statement of the reasons which prompt my government to venture upon any representation in their behalf.

No evidence has been received at this legation satisfactorily to show that the prisoner Burke has ever been naturalized as a citizen of the United States. It is not therefore on ground of that sort that I proceed. But there is reason to believe that at the critical period when an insurrection took place among us of a most alarming character, threatening at one moment to total subversion of the established authority of the land, this individual voluntarily came forward to offer his services in the support of the government. They were accepted, and he subsequently did his part bravely in the work which terminated in restoring the legitimate power. Under these circumstances it would seem to be no more than an act of grateful remembrance to offer a plea in his behalf, in mitigation of the penalty upon his present offence.

The case of John McCafferty stands upon wholly different grounds. He is a native citizen of the United States, and there is no doubt that instead of volunteering to the support of the government of the United States in the emergency referred to, he, though belonging to a loyal section of the country, not only enlisted but served throughout the war in the insurgent ranks. Hence it is certain that his conduct rendered him liable to pay the same penalty to the violated law of America that he appears now to have received in Ireland. But on the restoration of peace, the government wishing to inaugurate a new and more humane system of treatment of purely political offences than had heretofore prevailed, decided not to exact the last penalty against notorious offenders, but rather to remit it, and to accept a renewal of their allegiance in condonation of the past. This was the case with the prisoner. It is therefore in his behalf as a native citizen of the United States that I have the honor to transmit for your lordship's consideration an opinion of his counsel, Mr. Butt, on the present state of his case. It would appear from this that many questions of law were raised in the course of the trial, upon some of which the judges themselves differed in giving their decision. So far as it may be within the power of this legation, every proper means will be taken that may secure to him the benefit of the fullest privileges granted by the law of the realm. I am constrained to agree in opinion with Mr. Butt that this case does not admit of any right of interposition under the principles of international law; but I cannot help expressing the conviction that in view of the precise condition of things in the United States, the merciful policy there adopted in their domestic affairs is better adapted to allay the bitterness consequent upon a fearful internal strife than the shedding of blood with a view to deter future offenders. It is impossible to disguise to your lordship the fact that the United States now contain a population of Irish extraction so very numerous that what is thought to be a harsh decision of her Majesty's government in these cases will have even a more unfortunate effect on their sympathies than if they were all still remaining subjects to her Majesty's authority. The very peculiar relations into which the two countries are thrown by the fact of the distribution between them, now almost in equal numbers, of the people of that island, by which the peace of the one is affected almost as much as that of the other, may, I trust, justify me for what might otherwise be deemed as passing the proper limits of international courtesy in this representation.

Neither is it perhaps altogether out of place to remind your lordship that in the period of domestic insurrection referred to, persons were found engaged in the rebellion proved to be British subjects, and still more conclusively proved to have been guilty of acts of atrocity and violence far out of the pale of civilized warfare. In one case within my own personal knowledge the offender was condemned to suffer the last penalty inflicted by offended justice, but in consequence of the earnest and urgent representations of British subjects, forwarded in part through the medium of this legation, and partly more directly to my government, the sentence was commuted, and the offender is now expiating his offence in the prisons of the country.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, &c., &c., &c.,

CHARLES FRANCIS ADAMS.

The Right Hon. LORD STANLEY, &c., &c., &c.

*Lord Stanley to Mr. Adams.*

FOREIGN OFFICE, *May 26, 1867.*

SIR: I have the honor to acknowledge the receipt, at a late hour last night, of your letter of yesterday, interceding for the prisoners Burke and McCafferty, now lying under sentence of death in Ireland for the crime of high treason.

I need scarcely assure you that any representation which you might make under instructions from your government in behalf of persons whose lives were forfeited on account of their participation in even so heinous a crime, would always receive from her Majesty's government the most serious and earnest consideration; and in the present case I am most happy to inform you that, after fully weighing all the circumstances of the case, with the view of deciding whether it were right or possible to remit the extreme penalty of the law in favor of the two prisoners for whom you especially intercede, her Majesty's government came yesterday afternoon to the conclusion that there were grounds on which they might recommend them to the clemency of the Queen, so far as their lives were concerned; and as I cannot doubt that the Queen will gladly accept the advice of her government thus tendered to her Majesty, I feel that I need not hesitate at once to assure you that the sentence of death passed on these prisoners will not be carried into execution.

I may also say that it will be a source of no small satisfaction to her Majesty's government that the clemency shown in this case will be gratifying to the government of the United States, in whose name you have appealed to them for the mitigation of the punishment so justly due to persons who have wantonly engaged in treasonable acts against the peace of the Queen's dominions.

I have the honor to be, &c., &c., &c.,

STANLEY.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

P. S.—*May 27.*—I have delayed sending you this letter in the hope that I might be able to add to it the reply of the Queen to the recommendation, which I inform you had been made on Saturday to her Majesty; and I am now in a position to acquaint you that the Queen has been graciously pleased to comply with the advice of her ministers, and to signify her assent to the sentence of death, passed on the prisoners Burke and McCafferty, being commuted for penal servitude for life.

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*Mr. Adams to Mr. Seward.*

No. 1379.]

LEGATION OF THE UNITED STATES,

*London, June 4, 1867.*

SIR: I have to acknowledge the reception from the department of despatch No. 1985, of the 20th of May.

It is now tolerably well ascertained that none of the sentences of death pronounced in Ireland will be carried out. Since writing my No. 1357, on the case of McCafferty, I learn from the report of Mr. West that his legal advisers, not satisfied with the commutation of the penalty, are desirous of prosecuting the appeal from the decision of the court, with a view to his liberation, and demur to my refusal to incur any further responsibility for the costs of the process on the part of the United States. I can well understand why it would be very agreeable to throw the onus of expensive litigation upon the government, independently of the moral support incidentally gained to the general cause. But I am always disposed to be chary of the expenditure of the public money, especially in cases where I am called to act without authority. I have, therefore, persisted in declining to go further, at least until the matter shall have been fully submitted to your judgment. Any instructions you may think proper to give will, however, be faithfully carried out.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. F. W. Seward to Mr. Adams.*

No. 1996.]

DEPARTMENT OF STATE,  
*Washington, June 4, 1867.*

SIR: I enclose herewith a copy of a letter of the 24th ultimo, addressed to this department by James A. Hamilton, esq., son of the late Alexander Hamilton, in behalf of John McClure, a prisoner in Ireland, and to whom reference was made in your No. 1369 of the 18th of May.

I will thank you to do what you properly can, with a view to effect the object sought by Mr. Hamilton.

I am, sir, your obedient servant,

F. W. SEWARD,  
*Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Hamilton to Mr. Seward.*

NEVIS, *May 24, 1867.*

SIR: John McClure, the son of respectable parents, whom I have long known in this neighborhood, recently on trial in Ireland, has pleaded guilty and thrown himself on the mercy of the government.

He went off as a Fenian without the knowledge of his parents. He is under 21 years, served gallantly during the recent rebellion in defence of the United States government. He is a citizen by birth, although his parent is an Irishman naturalized. The father has gone to Cork; the mother is distracted with grief. I am requested to address this letter to you in hope that you may, not in your official but personal character, exercise an influence, perhaps through the English ministry, which will induce a pardon on condition that he will leave Ireland immediately and abjure Fenianism.

I have the honor to be your obedient servant,

JAMES A. HAMILTON.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington.*

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*Mr. Seward to Mr. Adams.*

No. 1998.]

DEPARTMENT OF STATE,  
*Washington, June 10, 1867.*

SIR: The third article of the treaty to settle and define the boundaries between the territories of the United States and the possessions of her Britannic Majesty in North America, for the final suppression of the African slave trade, and for the giving up of criminals and fugitives from justice in certain cases, ratified August 22d, 1842, is in the following words:

In order to promote the interests and encourage the industry of all the inhabitants of the countries watered by the river St. John and its tributaries, whether living within the State of Maine or the province of New Brunswick, it is agreed that, where, by the provisions of the present treaty, the river St. John is declared to be the line of boundary, the navigation of the said river shall be free and open to both parties, and shall in no way be obstructed by either; that all the produce of the forest, in logs, lumber, timber, boards, staves, or shingles, or of agriculture, not being manufactured, grown on any of those parts of the State of Maine watered by the river St. John or by its tributaries, of which fact reasonable evidence shall, if required, be produced, shall have free access into and through the said river and its said tributaries having their source within the State of Maine, to and from the seaport at the mouth of the said river St. Johns, and to and round the falls of the said river, either by boats, rafts, or other conveyance; that, when within the province of New Brunswick, the said produce shall be dealt with as if it were the produce of the said province; that, in like manner, the inhabitants of the territory of the upper St. John, determined by this treaty to belong to her Britannic Majesty, shall have free access to and through the river for their produce,



in those parts where the said river runs wholly through the State of Maine: *Provided always*, That this agreement shall give no right to either party to interfere with any regulations, not inconsistent with the terms of this treaty, which the governments, respectively, of Maine or of New Brunswick may make respecting the navigation of the said river, where both banks thereof shall belong to the same party.—(*U. S. Statutes at Large*, vol. 8, p. 574.)

It has come to the knowledge of the government of the United States that an export duty of 20 per cent. per thousand feet has recently been levied and exacted, in the province of New Brunswick, upon lumber which is sawed from logs the produce of the State of Maine. It is the opinion of this government that this export duty is in contravention of the treaty provision which I have recited.

You are, therefore, instructed to present a remonstrance on the subject to her Majesty's government, and to ask that the duty levied may be hereafter discontinued, and that in the few cases in which it has been paid, under protest, the amount so paid may be refunded.

The provincial authorities of New Brunswick are understood to take the position that the duty imposed upon American lumber, the produce of the State of Maine, in the province of New Brunswick, is authorized by that provision of the third article before recited which is expressed in the following words :

When within the province of New Brunswick the said produce shall be dealt with as if it were the produce of the said province.

The provincial authorities are understood further to insist that the impost upon lumber, the produce of the State of Maine, in New Brunswick, is justified by the fact that an export duty of the like amount is imposed by the colonial law of New Brunswick upon lumber grown in that province.

The construction of the treaty thus assumed by New Brunswick seems to the United States to be inadmissible. The intent of the treaty seems to be to make the St. John's, where it is either wholly or in part within the province of New Brunswick, a United States river for all purposes connected with the transportation of produce grown upon lands lying near the head-waters of that river. The object seems to be that such produce shall find its way to the sea without any impediment arising from the fact that a part of the transit over the St. John's is through the territory of New Brunswick. These intents are clearly expressed in the words which constitute the provision for free access "into and through the said river," "to and from the seaport at the mouth." What was intended is not merely access for persons but access for produce grown in Maine; and access from the seaport, in this connection, must mean not only exit from the seaport, seaward, but also access to the port from the State of Maine, with liberty in going out from that port.

Since these intentions constitute the main purposes of the treaty, the provision which is relied upon by New Brunswick, namely, that the lumber, the produce of Maine, "shall be dealt with as if it were the produce of the province," is to be construed in consistency with that superior purpose, and in subordination to the foregoing general provision. It is a provision intended to be beneficial, not injurious, to the United States.

It seems calculated to secure in New Brunswick to lumber, the produce of the State of Maine, every privilege that lumber might be entitled to which is the growth of that province, and was not intended to subject the former to every burden that New Brunswick may think proper to impose upon her own lumber in the way of domestic taxation or otherwise.

Some light is thrown upon the subject by the fact that, in 1843, a law was passed by New Brunswick for the purpose of imposing an export duty upon lumber grown in that province, which act contained an exception from its provisions in favor of lumber cut in the United States, passed down the river St. John's, and actually and *bona fide* shipped to the United States.

Her Majesty's government is understood to have withheld its approval of the law thus passed in 1843, upon a suggestion of the law officers of the Crown that the discrimination, though not likely to be objectionable to the United States, was inconsistent with the treaty.

The exception in favor of United States lumber, made in this provincial act of 1843, proves that, at that early period, the legislation of New Brunswick did not think it had the right under the treaty to impose such an export duty as is now insisted upon.

I need not dwell upon the importance of coming to an early understanding with the government of Great Britain upon this subject. The question is one of a class which cannot fail to produce great irritation, as well as much inconvenience.

It is proper to say that the sums hitherto exacted under the treaty are practically inconsiderable. It is the principle and its future operation, rather than the present claims for indemnity, which impart an importance to this subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Adams.*

No. 1999.]

DEPARTMENT OF STATE,

*Washington, June 12, 1867.*

SIR: I have received your despatch of the 21st ultimo, No. 1370, relating a conversation between yourself and a Mr. Holmes in regard to the Mexican bondholders.

I have to inform you in reply that the President does not think it necessary to charge you with any duty connected with this subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Adams.*

No. 2001.]

DEPARTMENT OF STATE,

*Washington, June 12, 1867.*

SIR: Your despatch of the 28th ultimo, No. 1374, giving me your favorable impressions of M. Rangabie, the diplomatic representative of Greece accredited to the United States, has been received. That gentleman has not yet appeared here, but he will meet with a friendly reception whenever he shall present himself.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Adams to Mr. Seward.*

No. 1383.]

LEGATION OF THE UNITED STATES,

*London, June 12, 1867.*

SIR: I have to acknowledge the reception of despatches from the department numbered from 1988 to 1993 inclusive.

The adjournment of Parliament for the Whitsuntide holidays has been largely made use of for the purpose of visiting the Exposition at Paris, so that little or

nothing of interest has occurred here. The attempt to assassinate the Emperor of Russia has created a great sensation all over Europe, but its immediate effect has been so far to change the current of popular sentiment at Paris as to turn what seemed at first a very doubtful experiment into a great success. In order to show the feeling that prevails in this country in consequence of the accounts of the brilliant display in France, I have the honor to transmit a copy of the London Times, of yesterday morning, containing a leading article on the position taken by the Queen, which I have reason to believe fairly represents the views of the governing classes.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

[From the London Times, June 11, 1867.]

The Emperors of Russia and Austria are about to be invested with the Order of the Garter, and missions will be sent to Vienna and St. Petersburg for that purpose. The same honor is to be conferred upon the Sultan, who will come here to receive it in person. Whether her Majesty will grace the ceremony by her own presence we are not in a position to announce, though we should gladly hear that such was her intention. While Paris is dazzled by a galaxy of crowned heads, and the London season is at its height, the "Court Circular" daily records her kindly occupations and simple amusements at Balmoral. Philosophers may smile at these formal chronicles of royal excursions to hilltops and waterfalls, neighbourly visits, and gracious acts of condescension; yet the "Court Circular" is read by thousands who read no other column of a newspaper. The domestic life of the Queen and her family is a living romance to vast numbers of her female subjects, and the interest which their joys and troubles continue to inspire in all but the most cynical coteries is a standing protest against the allegation that loyalty is no longer a reality. Difficult as it is to analyze the sentiment, and impossible as it might be to reproduce it in these days were it once extinguished, it is still an active influence not only in English society, but even in English politics. The mechanism of constitutional government would be nearly complete without a sovereign, and a Siéyès might probably succeed in making the necessary adaptations within a very few hours. Yet who is not conscious that without a personal monarch the spirit of our constitution would be gone, and that no abstraction could ever fill the void in the heart of the nation? The church catechism teaches every child to honor and obey the Queen and all that are put in authority under her, and the political creed of the child is not easily unlearned by the mass of grown-up persons. They know, if they know anything of the laws under which they live, that an English sovereign is not absolute—that he could not, for instance, order any one to be hanged or beheaded without form of trial. They do not believe, with the Jamaica negroes, that her Majesty is mistress of their destinies, and could, if she pleased, make them full owners of the lands which they now till for hire. Yet they regard her personal will as the hidden mainspring of government, and attribute to her a power, in the last resort, far beyond that of the greatest prime minister. Nor are they wholly mistaken. Parliament can make or unmake prime ministers, but it cannot make a sovereign. A revolution may place a new dynasty on the throne, but the early history of our present dynasty shows that generations were needed in a less democratic age to develop a popular faith in its legitimacy. Such a faith, once rooted, gives the sovereign a moral and almost religious ascendancy over the country, which the highest ability and the most signal public services fail to command. George IV was, perhaps, the worst of our modern kings, and the Duke of Wellington the most eminent of his subjects; but the Duke of Wellington's importance in the state, though unique, was not equal, on the whole, to that of George IV. There is a just instinct at the bottom of the ignorant belief that her Majesty reigns, or at least might reign, over England as Queen Elizabeth actually reigned over it.

There is, however, one function of royalty upon the due performance of which both the real and the imaginary influences of the Crown depend for their permanence. The sovereign must appear frequently in public, must exercise a splendid hospitality, must be the visible head of English society. The policy of some oriental despots has been to seclude themselves from the eyes of their subjects, lest familiarity should dissipate the impression of superhuman attributes. The policy of English kings has been exactly the reverse, and Englishmen have come to regard the social duties of sovereignty as very real and serious duties. The Stuarts, with all their faults, understood this part of kinglycraft thoroughly; William III, though much against the grain, did his best to cultivate it; for want of it the first two Georges utterly failed to redeem the disadvantage of German extraction and

manners; by virtue of it George III recovered the popularity which he had lost by his apparent subservience to his mother and Lord Bute. He never forgot the lesson. Though he cordially hated pageantry, he was always to be seen, and charmed by his entire freedom from royal airs the bitterest opponents of his political bigotry. The retirement of George IV, little as he was beloved, was borne with great impatience; the affable and sailor-like manners of William IV won him golden opinions; and the accession of a young queen, who made it evident that she loved to meet her subjects, elicited an outburst of loyalty which most of us can still remember. It was not dimmed by twenty-four years of unbroken sunshine, and it has not been quenched by more than five years that have elapsed since the prince consort's death. At the same time, we have never concealed, and have more than once respectfully expressed, our conviction of the injurious effect which so protracted an eclipse of her Majesty's social prerogative must needs produce. There cannot be a greater mistake than to suppose that signing papers and transacting with punctuality the indispensable business of state is the one thing incumbent on a sovereign, all else being optional. It would be hardly too much to say that the reverse is nearer the truth. It has already been found possible to relieve the Queen of much manual labor in signing commissions, and there is probably room for still further economy of her time and trouble in matters of routine. What can only be done effectually by herself, and cannot properly be delegated to others, is this very function which some may call merely ornamental. The reception of foreign princes and foreign ministers, the holding of drawing-rooms and levees, occasional appearances on public occasions, and all the nameless courtesies and hospitalities of a court—these are just the acts which the English nation expects of its sovereigns, and which, therefore, it is impolitic for an English sovereign to neglect. They cannot be neglected without risk of consequences which all would deplore. English society will have leaders, and if the sovereign abandons the leadership, others will inevitably usurp the place, to the injury, perhaps, of that purer morality which the example of the Queen has done so much to establish. But we have also obligations to perform, and even debts to repay, to foreign nations. At this moment the sovereigns of Russia and Prussia, with other princes of minor rank, are the guests of the Emperor Napoleon, within ten or twelve hours of Buckingham palace and Windsor castle. The Czar, in particular, who entertained the Prince of Wales last winter so magnificently, and who seldom comes so far west, ought surely to visit our capital. He cannot, however, visit it in her Majesty's absence, and our national character for hospitality is compromised by a *contretemps* for which the nation is not responsible. Parliament would doubtless, if it were necessary, be ready to vote any reasonable sum for his entertainment, as the common council has already voted money towards the reception of the Sultan and the Belgian volunteers; but it cannot vote her Majesty back from Scotland, nor can the want of a hearty welcome be supplied even by the Order of the Garter.

In reverting to so delicate a subject, we do not forget either the sacred rights of private sorrow, or the truly royal compassion which the Queen has so often manifested for the sorrows of others. Her devotion to the memory of a good husband, and her unflinching sympathy with all who are desolate or oppressed, come home to millions who know nothing of royalty in its political or social aspects, and will ever be associated with her name. Her letters to Mrs. Lincoln and Mr. Peabody have touched the hearts of the American people; her appeal to the King of Prussia is believed to have had its share in averting an European war; and her prompt expressions of womanly condolence, even more than her generous deeds of charity, have brought consolation to many a widowed home. Were it possible in these stirring days for a queen to withdraw from public life without losing her own constitutional position and weakening that of her successors, Queen Victoria might well claim that privilege. But this is not possible, and there is no true loyalty in disguising the inevitable results of such an experiment if carried on too long. It would not be safe to allow another generation to grow up rarely, if ever, seeing the face of their sovereign, and only knowing by report that she had once been the centre of a brilliant court, and moved freely among her people. It is not the aristocracy and its parasites, as is sometimes hinted, that would suffer by a social abdication. The aristocracy knows how to take care of itself, and royal invitations are not the passports to "good society." It is in the interest of the monarchy itself, and the country at large, that we venture once more to express the hope that her Majesty will soon resume the place which not even the heir apparent can hold for her.

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*Mr. Adams to Mr. Seward.*

No. 1386.]

LEGATION OF THE UNITED STATES,  
London, June 14, 1867.

SIR: I have the honor to transmit a copy of the London Times of Wednesday, the 12th, containing a report of a speech made by the chancellor of the exche-

quer at the dinner of the Merchant Tailors' Company on the evening before. It is regarded by the press as in the nature of an official justification of the ministerial policy on the enfranchisement question, addressed to members of their own party, and hence more important than the generality of such addresses.

I was myself present as an invited guest at that dinner, and when I found the gentleman rather going out of his way to make an ambiguous allusion to the United States, I was in great doubt whether it was possible for me to avoid noticing it when called up in my turn, according to the usual custom. Having very short time for reflection, I ultimately decided upon putting in a caveat against any presumption of acquiescence in his conclusions. Without wounding the pride of the Englishmen around me, I advanced a claim of traditions common to both countries, in behalf of all efforts for the application of the principles of liberty to the political advancement of the human race. Disclaiming all desire to approximate the differing institutions of the two countries, I yet trusted both might work in their respective positions with equal fidelity to this same end. The few remarks I made were not unfavorably received, so that I infer that though not absolutely palatable they gave no offence.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

[From the London Times, June 12, 1867.]

The next toast was that of the House of Lords, which was appropriately responded to by the Marquis of Salisbury.

The master, in proposing the health of her Majesty's ministers, said that it was a toast which unfortunately they had not been enabled to give on late occasions in that hall with entire satisfaction, (cheers;) but he was delighted to find, from the way in which the slightest reference to the toast was received, that they were prepared to do honor to the toast of "her Majesty's ministers." (Hear, hear.) They were honored by the presence of the leading minister of the Crown—at least, he might say, the leading minister in the House of Commons (cheers,) who had shown such consummate knowledge, tact, and ability in his management of the business before the House of Commons, as he believed no other member of that body could have displayed. (Loud cheers.) The result was, that by his extraordinary ability, tact, and adroitness, a measure which had baffled the exertions of his opponents during many years had been brought within half a session to a conclusion which he hoped and believed would be satisfactory to the country. (Loud cheers.) He begged to propose the health of "her Majesty's ministers coupled with the name of the Chancellor of the Exchequer."

The toast was drunk with all the honors. The Chancellor of the Exchequer, in rising to return thanks, was loudly cheered. The right honorable gentleman said: I beg, on the part of "her Majesty's ministers," to acknowledge with feelings of gratification and gratitude the honor you have done them on this occasion. Next to the favor of their sovereign, they most prize the approbation of their fellow-citizens. (Cheers.) And that approbation can never be offered to them under circumstances more agreeable than in a hall memorable as this is for its political and parliamentary history, (cheers;) in connection with which the fortunes of that party with which I have the honor to act are inseparably united, and which are now represented by the ministers of the Crown. You, sir, have originated what I should not have volunteered. I should have been most unwilling to notice anything which could lead to political controversy, but you have referred to a most important political measure with which, from my position in the House of Commons, I am in some degree connected. (Cheers.) Sir, I can say this on that subject, that it is one which has now for a number of years perplexed and interested the country, and hitherto no attempt at the solution of the difficulties connected with it has recommended itself to public approbation. Hitherto it has been considered that, by raising a certain section of the working classes in a manner, we think, was scarcely consistent with national dignity, by declaring a limited portion of them skilled mechanics, and loading them with epithets from which good taste sometimes recoiled, an effort was made to establish a body which should have the command of the constituents of the country. I think that is a policy the most dangerous and the most disastrous, and to which we have offered an undeviating opposition. Called upon ourselves to deal with the question, we have endeavored to take a larger view of it. We have endeavored to consider it as one in the management of which we must not merely look at the means of discounte-

nancing the influence of a rival party, but rather of establishing some system which might conduce to the permanent contentment and greatness of the nation. (Cheers.) We have sometimes been asked why we, who oppose a measure that was brought forward last year, that in some respects was limited in its character, can now conscientiously introduce and uphold a measure much wider in its consequences and in its arrangements. Sir, it appears to me that the answer to that is extremely easy, and one which is perfectly consistent, not only with our sense of duty, but with the nature of the circumstances that surround us. We looked upon the measure of last year as one which, if carried, would have seriously injured, if not destroyed, the conservative party, and which at the same time would not have satisfied the requirements of the state. We believe that the measure we have brought forward is one which will not injure the conservative party, but will satisfy the requirements of the state. (Loud cheers.) We have endeavored to found our measure upon a broad and deep foundation, and in our opinion we must err in our estimate of the character of the English people if the consequences of the measure we have proposed are such as some think, based upon too limited and contracted a view of the institutions of this country. What, I should like to ask, are the institutions that will be endangered by it? Is it the monarchy of England? Can we believe that the great body of the people of this country are hostile to the monarchy of England? I believe that from those days of splendor when large bodies of her Majesty's subjects, covered with stars and ribands, assembled around her Majesty, she has not been surrounded by subjects more devoted than those she will find among the toiling millions of this country at the present moment. (Cheers.) Is it then the Parliament of England that is endangered? Why, what is all this agitation about but a desire on the part of a great portion of the people to become more intimately acquainted with one of the houses of Parliament, the House of Commons? For let me remind you, and it is important at the present day, although the House of Commons is about to undergo a great change, that change is not occasioned by any feeling of discontent with the constitution of the House of Commons, but, on the contrary, it arises from a certain degree of estimation, even of admiration of that institution and its effects. (Cheers.) So far as the other house of Parliament is concerned he must indeed have mistaken the character of the English people who supposes that an assembly, consisting of the greatest champions of freedom, connected with the great lineage and influenced so much by the traditions of England, would be injuriously affected by this measure. (Cheers.) Why, the only criticism I ever heard with reference to the House of Lords is, that they are not more forward to take part in public affairs. (Cheers.) Is it, then, the church of England that is in danger in consequence of the change we have introduced? It is not for me to criticize the conduct of the House of Commons, but I hope there is no member of that House who will be found to express a belief that in consequence of the measures we have introduced the church of England will be in more danger than it is at present. (Cheers.) Am I told in this hall, in the centre of the great commercial metropolis of England, that great damage will arise from the new constituency with reference to the system of taxation, and that an attempt will be made to throw the burden of taxation on property which will end in recurrence to the old protective system? Why, these two objects destroy each other. (Cheers.) It would be quite impossible to re-enact the old protective system, and at the same time to throw the whole burden of taxation on property. So far from having these results, the measure we have proposed will, according to the unanimous opinions of my colleagues, add to the strength and spirit of the community. (Cheers.) There is one point on which I would venture to touch before I sit down. It has sometimes been said that the conservative party is always to do nothing. That appears to me a great mistake. I have always protested against that opinion. I believe that in this great country there must be two great bodies in the state, conscientiously performing their duties, and I am quite sure that if the conservative party act upon the dogma to which I have referred, it will end in the gradual decline and decrepitude of that party. These were not the opinions of the tory party in better days; these were not the opinions of Mr. Pitt. He was not content to be in the drag-chain of a party. He felt it his duty to originate those great opinions and advise those great measures which never were followed without adding to the strength, the glory and the greatness of the country. (Cheers.) Those were not the opinions of the great statesmen of the reign of Queen Anne, on which Mr. Pitt modelled his commercial and political opinions. (Cheers.) True we are on the eve of a great change. Believe me that the elements of democracy do not exist in England. England is a country of classes, and the change that is impending in this country will only make these classes more united, more complete, and more cordial. (Cheers.) I am warned by the example of America, but there is no similarity between the United States and the United Kingdom. The United states are still colonies, because colonies do not cease to be colonies because they become independent. They have all the elements of democracy, they have the unbounded possession of land and no tradition: we have a very limited possession of land and a vast and enormous artificial and complicated system entirely consistent with and sustained by traditional influences. Therefore, I believe that the nation, after a long period pondering on its state, and feeling that there should be some great change in its political system, has resolved and determined upon the course that ought to be pursued, and, although I hope I am as sensible to the feeling of patriotism as any man of this country, I own I am proud and happy that the conduct of this great change, which I believe will add to the greatness and glory of our country, has fallen to the tory party. (Cheers.)

The House of Commons was briefly responded to by Sir Stafford Northcote.

The chairman next proposed "the Bench of Bishops."

The Lord Bishop of Ripon. In behalf of my right reverend brethren and for myself I return our hearty thanks for the honor you have done us in drinking our healths. The bishops of the church of England are not insensible to the value and importance of public opinion; for while it is our high responsibility to go forward in the fulfilment of our duties regardless of human smile or frown, yet we are well aware that the efficiency of the church materially depends, under Divine Providence, on the cordial co-operation of all classes of her members. That co-operation could not exist without a spirit of confidence among the lay members of the church in those who are called to be rulers in that church. Therefore it is that the bishops set a high value on the expression of public confidence and esteem. It is not to be expected that the bishops of the church should all be of one mind. The national church itself is constructed on a comprehensive basis. It was intended to include many varieties of thought and feeling and opinion. But one point is to my mind unmistakably clear, and that is the distinctively Protestant character of the church of England. That church has no *locus standi* in this country except as the church of the Reformation. I trust the bishops of the church will never be wanting to maintain the Protestant principles of the church, and then I am confident they will never lack the confidence of the church and the country.

The chairman next proposed "the Merchant Tailors' School."

The Rev. Dr. Hessey, in acknowledging the compliment, said that for one whose duty it was to encourage others it was a most gratifying and consoling thing to be encouraged himself. He alluded, in most feeling terms, to the munificent mark of confidence which had recently been conferred upon him by the Merchant Tailors' Company, to the terms of eulogy in which he had been spoken of by his old college friend, Sir Stafford Northcote, and by the president of St. John's, and hoped that the Merchant Tailors' School would ever maintain its position among the public institutions of the country. The other toasts were "the Minister of the United States," which his excellency Mr. Adams very briefly acknowledged; "The health of the master of the company," "The governor and deputy governor of the Bank of England," and "The visitors; which having been briefly acknowledged, the company broke up.

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*Mr. Seward to Mr. Adams.*

No. 2005.]

DEPARTMENT OF STATE,  
Washington, June 20, 1867.

SIR: I have to acknowledge the receipt of your despatch of the 4th instant, No. 1379, in which you inform me that the legal advisers of John McCafferty, not satisfied with the commutation of the death sentence pronounced upon him in Ireland, are desirous of prosecuting an appeal from the decision of the court, with a view to the liberation of the prisoner, and that you decline to assume any responsibility for expenses incurred thereby until you shall have received instructions from this department.

In reply, you are requested to cause the appeal to be taken. You will draw upon Messrs. Baring Brothers & Company for the necessary funds to pay the expenses consequent thereupon.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Adams to Mr. Seward.*

No. 1392.]

LEGATION OF THE UNITED STATES,  
London, June 22, 1867.

SIR: In connection with the case of John McClure, referred to in despatch No. 1996, of the 4th of June, I have to report that the extreme penalty to which he was condemned has been commuted to imprisonment for life. He is now in prison undergoing that sentence. But inasmuch as he pleaded guilty

at the trial, confessed himself to have been deceived into the part he took, and is ready to bind himself to return to America if released, I have reason to believe that so soon as the state of things in Ireland becomes sufficiently settled to permit of it, the authorities will grant his discharge. A movement may be made in his behalf by some persons of influence here on what may be deemed the first favorable opportunity, with which I shall endeavor to co-operate.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Adams to Mr. Seward.*

No. 1393.]

LEGATION OF THE UNITED STATES,  
*London, June 22, 1867.*

SIR: I have the honor to transmit herewith a small box containing a gold medal, which the Royal Geographical Society of this kingdom has awarded to Dr. Isaac I. Hayes, for his success in reaching the highest northerly point of discovery on the continent of North America. At the desire of the president of the society, Sir Roderick Murchison, I consented that this medal should be committed to my care in presence of the society at its anniversary meeting, a few days ago. I take pleasure in communicating to you the intelligence of this honorable testimonial to one of our fellow-citizens, and pray you to take charge of the same, in order that it may safely reach its destination.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Adams to Mr. Seward.*

No. 1399.]

LEGATION OF THE UNITED STATES,  
*London, July 3, 1867.*

SIR: In accordance with the instructions contained in your despatch No. 1998, of the 11th June, I had an interview with Lord Stanley on the subject referred to. After some conversation, in the course of which I read the substance of your communication, it was arranged between us that I should embody the remonstrance in a formal note.

I have the honor to transmit a copy of that which I have presented. You will perceive that it goes more fully into the previous history of the question at issue, so far as I find it recorded in the archives of this legation, than you have done in your despatch. But there may be still another portion of it embraced in the preliminary negotiations to the Reciprocity treaty which would throw additional light on the inducements to the settlement then made. This may be easily ascertained by reference to the papers connected with that treaty remaining unpublished in the department.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*



*Mr. Adams to Lord Stanley.*

LEGATION OF THE UNITED STATES,  
London, July 3, 1867.

MY LORD: It has come to the knowledge of the government which I have the honor to represent that an export duty of 20 cents per thousand feet has recently been levied in her Majesty's province of New Brunswick upon lumber which is sawed from logs grown in the territory of the State of Maine, bordering on the tributaries of the river St. John's, and floated down to the mouth of that river under the rights of free access recognized by the third article of the treaty of boundaries between Great Britain and the United States, ratified on the 22d of August, 1842. I am directed to inform your lordship that it is the opinion of my government that this action is in contravention of the provisions of the article aforementioned.

This appears not to be a new question between the two countries. I find it to have been carefully and thoroughly presented to the attention of her Majesty's government by my predecessor, Mr. Everett, on behalf of the United States, in a note dated on the 28th of June, 1844, drawn up under urgent special instructions from Washington, and addressed to the Earl of Aberdeen, then acting as her Majesty's secretary of state for foreign affairs. The arrangement seems to suffer so little change in its character during the interval that without a repetition of it on my part I trust I may be permitted to refer your lordship at once to the paper containing it for the grounds on which the remonstrance is now revived.

It is no more than proper for me to observe that this paper was responded to by Lord Aberdeen in an elaborate note, dated 9th of December, 1844, in justification of the proceeding complained of.

The question appears to have been left open as a cause of difference between the two countries until the negotiation of the treaty of the 5th of June, 1854, when under the provision of its fourth article the right of New Brunswick to lay any such export duty was explicitly renounced.

It is inferred that the expiration of that treaty, in accordance with the fifth article, reserving a power of termination on notice of either party at the end of ten years from its date, has been regarded in New Brunswick as reviving the right to lay this duty. Hence the resuscitation of the law before complained of.

I am authorized to say that it is impossible for my government to acquiesce in the construction of the provision in the treaty of 1842, upon which this right appears to be claimed. Whilst I may be permitted to express my regret that the result of the rescission of the reciprocity treaty should be in this case the revival of differences thought at the time of its ratification to have been permanently reconciled, I cannot but infer from the general friendly disposition of the government of both countries a reciprocal disinclination to sanction by reason of it any needless reopening of ancient causes of irritation. In this view I cannot restrain the expression of my regret that her Majesty's province of New Brunswick should have been so prompt in returning to a practice which has never been regarded in the United States as otherwise than unjust to that portion of their people dependent in some degree upon a free navigation of the St. John's, and which the very fact that it has been once explicitly renounced renders it still more irritating. I do not entertain a doubt that some mode may be arrived at in this case, as it has been in the still more delicate one of the reciprocal rights of fishery involved in the expiration of the same treaty, of avoiding the difficulties that may be apprehended to grow out of it.

I pray your lordship, &c., &c., &c.,

CHARLES FRANCIS ADAMS.

The Right Hon. LORD STANLEY, &c., &c., &c.

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*Mr. Adams to Mr. Seward.*

No. 1401.]

LEGATION OF THE UNITED STATES.

London, July 5, 1867.

SIR: Since the date of my despatch No. 1379, to which your No. 2005, of the 20th of June, is in answer, the case of John McCafferty, therein referred to, has somewhat changed its character. The application for a writ of error, which, according to the practice in Ireland, appears to have been addressed to the lord lieutenant, has been replied to by the under-secretary of that officer in a note, stating that, in the opinion of the attorney general, there was no ground for such a writ, hence that it has been refused.

Under these circumstances the counsel for McCafferty have decided to take the course of petition to both houses of Parliament, praying their intervention

in his favor. I have the honor to transmit printed copies of the forms of this petition as they have been sent to me by the prisoner's counsel. I further learn that copies have been forwarded to Lord Westbury in one house, and to Sir John Coleridge in the other, with letters soliciting their aid in the presentation of them. A request has likewise been made to me that I would interfere in aid of these petitions. The only question that arises in my mind, in connection with this state of the case, is as to the extent to which a diplomatic representative may venture to proceed in attempting to influence the purely legislative proceedings of the country to which he is accredited. My general impressions, I confess, are unfavorable to setting an example of such an interference, as opening up dangers of its application to ourselves, with our peculiarly constituted forms of legislation, which might, in the progress of time, lead to serious disorders at home.

Bearing in mind, however, your instructions, I shall endeavor to make such verbal representations on the subject to Lord Stanley as may induce the government to withdraw its opposition to the movement. Should any success result from it, I shall then proceed in regard to the suit according to the directions which I have received.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*To the lords spiritual and temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled :*

The humble petition of John McCafferty, of the United States of America, now a prisoner in Mountjoy convict prison, in the city of Dublin, sheweth : That your petitioner in another petition has represented to your lordships a grievance arising out of the unjust denial of the right of appeal ; that he also prays your lordships to take into consideration the following circumstances connected with his conviction ; that no direct evidence was offered at his trial of any act of hostility to the British government committed by your petitioner in this country, except that of one Corydon, an informer examined on his trial ; that the only other evidence consisted of acts done in his own country, for which your petitioner was not accountable to British law, and of circumstances of suspicion affecting him in Ireland and England ; that upon such evidence his counsel insisted at the trial that there was no proof sufficient to warrant a conviction, requiring two witnesses to high treason ; that the judges who tried the case reserved such questions for the court of criminal appeal ; that in such last-mentioned court ten judges out of eleven gave their opinion in favor of upholding the conviction, the remaining judge (Mr Justice O'Brien) declaring that he had no doubt whatever that the evidence was insufficient to satisfy the statute ; that the judges who upheld the conviction all differed on the grounds upon which they did so ; several of them thought that there was just a scintilla of evidence to go to the jury. The Lord Chief Baron ruled distinctly that he had not a shadow of doubt in dissenting from the ground upon which the majority of the court decided, but that with great doubt and hesitation he upheld the conviction upon a point which had only been suggested by himself in his judgment ; that the result of the judgment of the judges on the appeal is to establish incontestably that in the trial in the court below your petitioner had not the benefit of the statute requiring two witnesses to prove high treason ; that, even if your petitioner could dispute the laws as laid down in the court of criminal appeal, your petitioner is informed that there is no means of bringing the decision of that court under the review of a superior tribunal ; that your petitioner humbly submits that, having regard to the difference of opinion among the judges, the contradictory and conflicting grounds upon which they rested their decision, and especially having regard to the very strong and clear opinion of the Lord Chief Baron, the decision cannot be regarded as satisfactory ; that, on the contrary, it is plain that at the trial, in point of fact, the question of your petitioner's guilt was left to the jury upon the testimony of one witness, and that he was really convicted upon the testimony of the informer Corydon alone ; that his conviction was against the provisions of the statute of William the Third ; that a sentence founded on such a conviction ought not to be carried out ; that there is no clear or satisfactory judicial decision establishing, as to the testimony of any two witnesses, that the same was sufficient to convict your petitioner, or that he was convicted by any witnesses proving any act of treason against him independent of the evidence of the informer Corydon.

Your petitioner humbly submits that a reading of the judgments delivered in the court of criminal appeal is sufficient to establish that, in point of fact, as the case was tried, he was convicted on the evidence of Corydon alone, against both the spirit and the letter of the statute.

Your petitioner therefore prays that all the papers and documents connected with the hearing of your petitioner's case in the court of criminal appeal, including the printed opinions of the judges, may be laid before your lordships' house, and if it shall appear that your petitioner has been convicted upon the testimony of one witness, or that the circumstances are not such as to warrant the carrying out of the sentence, that your lordships may address the Queen to grant to your petitioner a full pardon, on the ground that the legality or propriety of his conviction does not satisfactorily appear.

And your petitioner, as in duty bound, will ever pray.

JOHN McCAFFERTY.

*To the right honorable and honorable the knights, burgesses, and commons in Parliament assembled :*

The humble petition of John McCafferty, of the United States of America, now a prisoner in Mountjoy convict prison, sheweth : That your petitioner is a natural-born citizen of the United States of America, having been born in Sandusky city, Ohio ; that your petitioner was found guilty of high treason at a special commission of the county of Dublin, in the month of May last, and he was thereupon sentenced to death, but that the capital sentence was commuted into the punishment of penal servitude for life ; that your petitioner is now undergoing the latter punishment, and that if said punishment be carried out it will inflict upon your petitioner a doom more terrible than death ; that your petitioner now humbly approaches your honorable house, because he is advised and believes that he is enduring this punishment under a sentence not warranted by the laws of England, and that he is prevented from testing the legality of that sentence by an arbitrary and unjust denial of the right of appeal ; that your petitioner was committed to custody in the county of the city of Dublin on the 23d of February last, under the warrant of the lord lieutenant, issued in pursuance of the statutes 29 Vic., chap. 1, and the 29th and 30th Vic., chap. 119, continuing the said first-mentioned statute ; that the said statute, 29 Vic., chap. 1, contains in its first section an express provision that no judge or justice of the peace shall bail or try any person so committed to custody, under the warrant of the lord lieutenant, without orders from her Majesty's privy council ; that when your petitioner was tried your petitioner was in custody under a warrant from the lord lieutenant, and that no order was ever made by the privy council authorizing his trial ; that the fact of your petitioner being so in custody, under such warrant, was plainly stated in the calendar of prisoners given to the judges at the commencement of the sittings, and that the warrant itself was produced and given in evidence at the trial, and the fact of his being in custody under it was clearly proved ; that notwithstanding the said express provision of the said statute, the attorney general put your petitioner on his trial without obtaining any order from the privy council authorizing your petitioner's trial ; and the judges proceeded to try your petitioner notwithstanding the notice so given to them in the calendar, and after the fact of your petitioner being in custody under said warrant had been distinctly proved before them ; that after the verdict of "guilty" had been returned, and before any sentence was passed upon your petitioner, Mr. Butt, one of her Majesty's counsel in Ireland, defending your petition, called on the judges not to proceed further with the trial by giving judgment against your petitioner, as no order from the privy council authorizing the trial had been produced to them ; but that the judges overruled such objection and sentenced your petitioner to death ; that the judges, in overruling such objection, stated that they were bound by the terms of an order of the court or criminal appeal to pass sentence on your petitioner ; that the said order was made by the said court of criminal appeal upon questions reserved for the said court, as to the sufficiency and admissibility of evidence given upon your petitioner's trial, and which in no way related to the question of jurisdiction so raised by your petitioner's counsel ; that your petitioner has been advised that any order having such effect was wholly beyond the jurisdiction of the court of criminal appeal, and that any such order would be wholly illegal and of no avail, the power of such court being strictly limited to the decision of the questions reserved for them.

Your petitioner sheweth that the said order was drawn up without any opportunity having been given to your petitioner's counsel of seeing or objecting to same, and your petitioner believes that said order was never intended by the judges who sat in the said court of criminal appeal, nor could it in fact, as your petitioner submits, conclude the said judges from entertaining the said objection so made by your petitioner's counsel ; that Mr. Justice Fitzgerald, one of the judges at the commission, in overruling the objection so made by your petitioner's counsel, stated that he was bound by the form of the order made by the court of criminal appeal, and that if there had been a mistrial, your petitioner would have another remedy ; that the commission court having held themselves bound by the form of such order,

your petitioner has had no opportunity whatever of submitting the legality of his trial to any tribunal whatever; that your petitioner, before pleading to the indictment preferred against your petitioner, objected to plead to the said indictment upon the grounds that the provisions of the statutes of the 5th George III, chapter 21, Irish, and the 1st and 2d George IV, chapter 24, had not been complied with, and that your petitioner had not been furnished with a true copy of the whole indictment ten days before his said trial, and your petitioner tendered to the said court a plea for the purpose of raising the said objection upon the record, and praying that he might not be called upon to plead until the said statutes had been complied with, and your petitioner saith that the said judges refused to receive the said plea, contrary, as your petitioner believes, to your petitioner's strict right; that upon the record of your petitioner's conviction it is admitted that two of the grand jurors who found true bills against your petitioner were not sworn upon the Holy Evangelists, or at all previous to the finding of the said bills, and your petitioner saith that one at least of the said jurors was not a person qualified or permitted by law, in serving as a grand juror, to take an affirmation instead of an oath; that your petitioner was defended by Mr. Butt, Q. C., and Mr. Dowse, Q. C., counsel assigned by the court, and that they were aided and assisted by Mr. O'Loughlen and Mr. Molloy, and that these four gentlemen are in their respective positions among the men at the Irish bar most eminent for knowledge of the criminal law; that these four gentlemen unanimously advised the attorney acting for your petitioner that the matters hereinbefore stated, and the omission by the attorney general to obtain the order of the privy council authorizing the trial, were fatal objections, and made the trial a nullity. And your petitioner was further advised that such objections were proper subjects for a writ of error, and that on a writ of error, error in fact could be assigned, and upon a writ of error to the Queen's Bench, or at all events to the House of Lords, the judgment of the court against your petitioner would be reversed, especially as no superior court would be bound by the illegal order of the court of criminal appeal; that acting on such advice, your petitioner's attorney caused a petition to be presented to the lord lieutenant of Ireland for a writ of error; that after the lapse of some time your petitioner's attorney received a letter from the under-secretary of the lord lieutenant, stating that in the opinion of the attorney general there was no ground for the writ of error; that the petition for the writ of error was accompanied by the certificate of your petitioner's counsel that there were good grounds for such writ of error; that your petitioner submits to your honorable house that the attorney general was the prosecutor in the case, that the question was whether he had made a mistake or blunder in the conduct of the proceedings, and that it is contrary to the first principles of law and justice to permit him to be the absolute and final judge upon such a question; that your petitioner humbly submits to your honorable house that it is impossible to say that a fair question does not exist as to the legality of your petitioner's conviction; that if such fair question exist, it is the right of your petitioner to have same submitted to the proper court of appeal, and that any capricious or unjust denial of such right to a foreigner amounts to a violation of the established principles of international law; that your petitioner, an American citizen, now humbly claims his right to test the legality of his conviction by an appeal to the highest tribunals of British law, and most respectfully and most earnestly protests against the attempt to shut him out from that appeal; that your petitioner is ready to produce at the bar of your honorable house, or in any other way in which your honorable house may direct, the opinions of eminent British jurists, that the allowance of his appeal is a matter of right; that no possible inconvenience can result to the course of justice by allowing the writ of error; that your petitioner is undergoing his sentence, and must continue to undergo it, unless and until it is reversed by a superior court; that the only practical effect of the writ of error would be to test the legality of the conviction, which if legal would stand.

Under these circumstances your petitioner respectfully but most solemnly protests against the denial of his right of appeal, as a violation of the principles of justice and a breach of the principles of international law. Your petitioner is aware that your honorable house has no power judicially to interfere, but he appeals to your honorable house as her Majesty's commons not to permit this wrong to be committed in the name of the Queen.

Your petitioner, in his own name and in the name of all foreigners, protests against the rule that an Irish attorney general, in a case in which he prosecutes himself, can constitute himself the judge of the propriety of an appeal from the regularity and legality of his own proceedings; and as a citizen of the United States your petitioner humbly claims by the laws of nations the benefit of every appeal to which any citizen of this country is entitled.

Your petitioner is informed and believes that although in form the assent of the attorney general is required in this country to every writ of error in treason or felony, yet such assent is never refused when reasonable grounds are shown, and that writs of error in England are commonly issued in cases of the most heinous offenders, and upon grounds much less strong than those existing in the case of your petitioner.

Your petitioner further showeth that, in England, in order to obtain a writ of error, no petition to the executive is necessary; but that in Ireland a petition to the lord lieutenant is required.

That your petitioner's solicitor was required with the petition to the lord lieutenant to deposit, and did deposit, a sum of fifteen guineas as a fee for the opinion of the attorney

general, which sum is retained even when the attorney general refuses the writ; that no such fee is required in England upon an application for the attorney general's fiat; that your petitioner refers to such matters as an illustration of the different manner in which justice is administered in England and Ireland, your petitioner being perfectly persuaded that if he had been tried in England, and the same point had arisen, the allowance of a writ of error would have been a matter of course; that on the occasions of trials of prisoners imprisoned by virtue of the warrant of the lord lieutenant during a temporary suspension of the *habeas corpus* act, the attorney general of the day invariably produced to the judges the order of the privy council authorizing the trial; that your petitioner is now suffering a terrible punishment under a sentence which he is advised is illegal; that he is so advised by lawyers of more experience and reputation as criminal lawyers than the Irish attorney general, and that so long as he is prevented from testing their opinion by an appeal to the highest tribunals of British law, he must ever feel that he is condemned to penal servitude by the arbitrary act of his prosecutor acting as judge in his own cause.

Your petitioner therefore prays that your honorable house may take his case into your consideration, and that if your honorable house shall so think it necessary that the allegations of this his petition may be inquired into at the bar of your honorable house, or before a select committee appointed by your honorable house, or that your honorable house may be pleased to present an address to her Majesty, the Queen, praying that she may direct that a writ of error may issue at the suit of your petitioner to try the legality of his conviction, or that such other steps may be taken as will enable your petition to bring under the review of the proper tribunal the legality of the sentence which he is now undergoing.

And your petitioner, as in duty bound, will ever pray.

JOHN McCAFFERTY.

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*Mr. Seward to Mr. Adams.*

No. 2016.]

DEPARTMENT OF STATE,  
Washington, July 9, 1867.

SIR: I enclose a copy of a letter of the 4th instant from D. M. Nagle, esq., accompanied by one from Colonel William J. Nagle, in regard to the arrest and imprisonment of the last named in Ireland.

You will be expected to take such measures as may be practicable for securing the early discharge of Colonel Nagle.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Nagle to Mr. Seward.*

284 PACIFIC STREET  
Brooklyn, July 4, 1867.

DEAR SIR: I respectfully beg leave to enclose for your consideration a copy of Colonel William J. Nagle's letter recently addressed to me.

All my children were born in this State—five sons and three daughters.

I remain, very truly, your obedient servant,

D. M. NAGLE.

Hon. WILLIAM H. SEWARD,  
Secretary of State.

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The following letter from Colonel Nagle to his father will be read with interest. The colonel was an officer in the Union army, and having lost his health in the service, started upon a European tour. In Ireland he was arrested on charge of being a Fenian:

COUNTY CORK JAIL, June 14, 1867.

DEAR FATHER: I was arrested on the 1st of June, in company with Colonel J. Warren, on the bridge crossing the Blackwater from Waterford into Youghal. We were kept in the Youghal Bridewell until the morning of the 14th, when we were sent to this place, marched through the streets of both places hand-cuffed like felons. We are now held under a warrant from the lord lieutenant of Ireland, and will remain prisoners so long as the fears and purposes of the government may require the suspension of the writ of *habeas corpus*, unless some action is taken by the authorities or government of our country.

We are held under suspicion of being connected with the "Fenian conspiracy," so-called, in this country. No evidence of any kind is shown or charge made, other than "suspicion," which is applied as a general rule to all Americans. I will place my case before the United States minister at London. The correspondence with Mr. Adams, and his communication which may become necessary with the State Department, must consume much time. It would be well for you to take immediate steps to bring my case before the notice of the people, and have the subject brought before Congress at this coming session in July. This is not exclusively an individual case, but becomes a question of right involving the liberty of every American citizen that sets foot on this soil. I ask the government of my country, which I have faithfully served, whose laws I have never violated, to secure to me that liberty which is my birthright, and of which I am now deprived without any cause or plea of justification by an authority I do not recognize—a government to which I owe no allegiance, and whose laws I have in no way infringed upon.

My arrest followed so quick upon my arrival in this country that I had no opportunity to find out any of my relatives whom I intended to visit. My chances of being in Paris this summer are doubtful. I must be content to suffer the penalty of being an American soldier with Irish blood in my veins, so far offending the majesty of British laws as to be found upon Irish soil.

WM. J. NAGLE.

*Mr. Adams to Mr. Seward.*

No. 1402.]

LEGATION OF THE UNITED STATES,  
*London, July 6, 1867.*

SIR: The event of the week, which has excited the most public attention, has been the fate of the Archduke Maximilian, the first intelligence of which was transmitted from Austrian sources, but which appears since to be confirmed from other quarters. In consequence of it the Queen decided not to have the review of the troops in Hyde park which had been set down for the 5th, (yesterday,) nor yet the court ball, which was to have taken place in the evening. There is not yet any official announcement of court mourning, though it will doubtless soon be made, as the Queen was connected with the deceased through his marriage with the daughter of Leopold of Saxe Coburg, the late King of the Belgians.

The sensation made by this event has extended throughout Europe. It is, perhaps, fortunate for the United States that the intercession of the government in favor of a merciful policy took place as it did, for the effect has been to concentrate the public indignation upon the perpetrators of the deed, and incidentally to raise rather a share of sympathy with us. Hence the idea of intervention on our part for the regulation of the affairs of that country, which a few years ago would have excited much jealousy and aversion, is now suggested as presenting the only prospect of a satisfactory settlement. My reply to all such proposals, that we have no wish whatever to increase the existing complications in our own affairs by undertaking to assume the management of those of our neighbors, is regarded as idle. The odium to which the Mexicans have fallen drowns every other feeling. They are looked upon as ferocious savages whom it would be well for the world to be rid of as soon as possible; and as nobody else is in a condition to execute the process, that duty should necessarily fall upon the United States. One element of this opinion, though it does not appear much on the surface, is yet not without its secret force. It consists of those unfortunate persons who have more or less of their means involved in the credit of the public securities of that country. These would gladly see it all transferred to us, provided we were willing to assume its pecuniary obligations. I feel it my duty to mention all these things as facts, without desiring to be understood in any way as intimating an opinion of my own.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Seward.*

No. 1404.]

LEGATION OF THE UNITED STATES,  
*London, July 9, 1867.*

SIR: In connection with your despatch, No. 1886, of the 10th of December last, I now have the honor to transmit copies of the correspondence which has taken place between myself and Lord Stanley on the subject therein referred to.

It is very clear, from the unsatisfactory nature of the answer, that the act complained of was one of the series which took place in that unfortunate island at the period referred to, no justification for which ever has been or probably ever will be made.

I have the honor to be, sir, your obedient servant,  
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Adams to Lord Stanley.*

LEGATION OF THE UNITED STATES,  
*London, December 27, 1866.*

MY LORD: I have the honor to ask the attention of her Majesty's government to a case of alleged hardship which has been reported to the State Department at Washington, and which is deemed by it of sufficient importance to require that the particulars should be laid before your lordship.

It would appear from a report drawn by the consul of the United States at Kingston, in Jamaica, and transmitted to the proper authorities at Washington more than a year ago, that John Willis Menard, claiming to be a citizen of the United States, but resident in the parish of St. David's, in that island, was, on or about the 27th of October, 1865, without warrant or complaint under oath, seized by order of the authorities, in a district not under martial law, was conveyed by force into a portion of the county of Surry, then under martial law, and was there put into close confinement, no charges being exhibited against him, until the 4th of November, when he was banished from the island, by virtue of a simple order issued by the governor.

The consul, after investigating the circumstances attending this case, reports that he can find no evidence of any offence committed by Mr. Menard, nor any reasonable ground for suspecting him to have been implicated in illegal transactions or designs of any kind. So peremptory was the order that Mr. Menard was compelled to leave behind him a wife in destitute circumstances, who was soon afterwards delivered of a child, but whom he was not permitted to visit, as well as to appeal to the consul to provide for him the means of immediate transportation to the United States.

I am instructed by my government to communicate these facts as they have been reported to it; and, further, to ask your lordship the favor to cause the proper investigation to be instituted, in order that in the event of a confirmation of their accuracy such reparation may be made as would appear to her Majesty's government to be reasonable and just.

I pray your lordship, &c., &c., &c.,

CHARLES FRANCIS ADAMS.

The Right Hon. LORD STANLEY, &c.. &c., &c.

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*Lord Stanley to Mr. Adams.*

FOREIGN OFFICE, *December 31, 1866.*

SIR: I have the honor to acknowledge the receipt of your letter of the 27th instant, relative to the case of Mr. J. W. Menard, who claims to be a citizen of the United States, and who is stated to have received illegal treatment at the hands of the authorities of Jamaica towards the end of 1865; and I have to inform you that I have lost no time in requesting her Majesty's secretary of state for the colonies to cause an inquiry to be made into this matter.

I have, &c., &c., &c.

STANLEY.

CHARLES FRANCIS ADAMS, Esq., &c. &c., &c.

*Lord Stanley to Mr. Adams.*

FOREIGN OFFICE, July 1, 1867.

SIR: I had the honor to acquaint you, in my note of the 31st of December last, that your communication of the 27th of that month, respecting the treatment of John Willis Menard, in Jamaica, had been referred to the colonial office, and I have now received from that department a copy of a report from the governor of the island, forwarding an extract of a letter on the subject from the clerk of the peace of the parish of St. Andrew, dated November 2, 1865, together with a minute by the late executive committee.

From these documents, which contain all the information that the governor has been able to obtain respecting the case, it appears that on an examination of Menard's papers, there were found speeches and letters, with his signature printed in America, in which he spoke of his "deep hatred to the ruling class" of that country, and in which the following sentence appeared:

"I am for black nationalities. The prosperity and happiness of our race and their posterity lay in a separation from the white race. The overseer of Albion estate has inaugurated a most hellish system of oppression and imposition in this parish."

In consequence of the danger which was apprehended from the promulgation of these ideas, the clerk of the peace recommended that Menard, being a foreigner, should be deported from the colony, and this recommendation was adopted by the executive committee, who directed that it should be carried out immediately.

I have the honor, &c., &c., &c.,

STANLEY.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Seward to Mr. Adams.*

No. 2017.]

DEPARTMENT OF STATE,

Washington, July 13, 1867.

SIR: I enclose a copy of a letter of the 10th instant from Mr. Hugh Dunigan, of New York, regarding the arrest and imprisonment of Patrick Kane, in Ireland, charged with being a Fenian.

I will thank you to do what you properly can in behalf of the prisoner.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Dunigan to Mr. Seward.*

NEW YORK, July 10, 1867.

DEAR SIR: I write to you, hoping that you will take some action about a young man named Patrick Kane, who left this country to visit friends in Ireland, and was arrested on his arrival in Ireland on the charge of Fenianism. He was arrested on or about the 7th of June, and is in confinement yet, he being a citizen of the United States, and of the city of New York. I hope that you will take some action in his behalf. He has committed no overt act against the British government. He is now confined in Middletown jail, county Cork, Ireland.

Hoping that you will see justice done to American subjects, I remain,

Yours, most respectfully,

HUGH DUNIGAN.

Hon. WILLIAM H. SEWARD,

Secretary of State.

*Mr. Adams to Mr. Seward.*

No. 1405.]

LEGATION OF THE UNITED STATES,

London, July 13, 1867.

SIR: The accounts received from Mexico of the execution of the Archduke Maximilian have created a strong sensation in all influential circles here. The



court has been directed to wear mourning for three weeks, on the ground of the relationship of the Queen to the wife, through her father, the late King of the Belgians. There is a pretty strong wish expressed for the intervention of the United States by taking forcible possession of the country. To all such remarks, when made to me by distinguished persons, I reply that such a course is neither consistent with our established principles nor expedient for ourselves.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Seward.*

No. 1407.]

LEGATION OF THE UNITED STATES,  
*London, July 16, 1867.*

SIR: I have the honor to inform you that I had a visit this week from Blaque Bey, the newly appointed envoy extraordinary of the Sultan to the United States. He informs me that, after a long term of diplomatic service on the continent, he has been gratified by his promotion to the first mission established by his country in the United States. He speaks French and English with sufficient facility to render communication with him perfectly easy; and his familiarity with the manners and customs, as well as the policy, of western nations, places him at once on a footing to promote the relations of amity which it is the object of the Sultan by this step to confirm.

The Sultan himself is now on a visit to this kingdom, and notice was given to the various members of the corps diplomatique that he would be happy to receive them at Buckingham palace, where he is lodged. Accordingly, I attended among the rest, and was presented to him in my turn. He made, through his interpreter, some remarks upon the desirableness of maintaining friendly relations between the two countries, though situated at points of the globe so remote from each other, which I received with the proper acknowledgment. He looks, I think, younger than he is; has handsome features, with a good presence, and bears himself with simplicity and dignity becoming his situation.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Seward to Mr. Adams.*

No. 2021.]

DEPARTMENT OF STATE,  
*Washington, July 18, 1867.*

SIR: I have to acknowledge the receipt of your despatch of the 6th of July, No. 1402. I thank you for the interesting account you have given me of the demonstrations of official and popular feeling produced by the late tragical events in Mexico.

You will easily infer the present attitude of this government towards Mexico from a memorandum\* made at this department on the 12th instant, in regard to the adventures of Señor Santa Anna at Vera Cruz and Sisal, a copy of which memorandum is herewith transmitted for your information.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

\* For enclosure see instructions to United States minister to Mexico.

*Mr. Adams to Mr. Seward.*

No. 1409.]

LEGATION OF THE UNITED STATES,  
*London, July 22, 1867.*

SIR: I have had the honor to receive your printed circular of the 29th of March last, relative to diplomatic uniforms.

This matter is of trifling importance, excepting in so far as it may affect the usefulness of the public servants abroad.

So far as I can gather the sense of the joint resolution of Congress of the 29th of March, to which it requires them to conform, it means that no dress is to be worn by them on state ceremonial occasions that varies materially from the customary costume used in the United States, unless it be such as may be previously authorized by Congress.

Inasmuch as no dress has been authorized, and as the regulations established at the court of Great Britain absolutely require that all persons should wear on state occasions some dress different from the only one left permitted, no exception ever having yet been made, it necessarily follows that conformity to these directions must operate as an exclusion of the diplomatic representatives of the United States from participation in all the occasions of court ceremonial which take place here during the year.

The season for such things having passed for the present year, there will not probably be occasion for any action on my part until the opening of Parliament some time in February next. If it should happen to me to be still occupying this post at that time, I think it will not be difficult to come to an amicable understanding to relieve this legation from attendance altogether without giving rise to any unfavorable interpretation as to the state of the relations between the two countries.

So far as I am personally concerned nothing would be more agreeable to me than such an arrangement. Court attendance, with the annoyances resulting from numerous applications for presentation, have always proved here the most annoying and irksome of my public duties. Neither do I see how the strictly official efficiency of a foreign representative can be materially impaired by his taking no part in mere ceremonies. His social influence only is likely to be affected, which is perhaps a matter of more consequence to himself than to the country he represents. If, therefore, he accepts the position with a full understanding of the conditions, he can have no cause for reasonable complaint.

There is one mode open of avoiding even this personal inconvenience to the minister. That is by selecting exclusively for this class of appointments persons entitled by law, from former service in the army, to retain the right to wear a military uniform. This form of dress serves as a passport in all the courts of the Old World, and thus furnishes a ready way of solving these small difficulties. Should any public inconvenience be found ultimately to arise, this will prove at any time an easy remedy.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington D. C.*

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*Mr. Seward to Mr. Adams.*

No. 2031.]

DEPARTMENT OF STATE.  
*Washington, August 6, 1867.*

SIR: Herewith I transmit a copy of a letter, together with its accompaniments, which, on the 26th of July, was addressed to this department by Bernard

Dwyer, esq., on behalf of his brother, Owen Dwyer, who has been arrested at Carlisle Pier, England, on a charge of complicity in the Fenian movement in that country.

You will acquaint yourself with the facts of this case, and will demand his release or interpose your good offices in behalf of the accused, as the circumstances shall, in your judgment, warrant.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, &c., &c., &c.

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*Mr. Dwyer to Mr. Seward.*

MEMPHIS, TENN., July 26, 1867

SIR: The Boston Pilot of date June 27, 1867, contains notice of the arrest, as a Fenian, at Carlisle Pier, England, of Owen Dwyer, a citizen of the United States, resident of the State of Tennessee, and that after a preliminary examination had he was remanded. This communication is addressed you to request the immediate interposition of the United States in his behalf.

The said Dwyer has been a citizen of this State, and the United States, for many years past, has never affiliated in manner or form with the late Fenian movement, and in no manner connected therewith, and was, at the time of his arrest, on a visit to relatives in the kingdom of Great Britain.

I would state that said Dwyer removed to this country when a youth, has ever, without intermission, continued to reside here, is a large property-holder in this city and State, and has enjoyed all the rights of citizenship, and that his arrest and detention is most unjust and wrongful. I, his brother, therefore request and claim at your hands, as the representative of the government, the aid and protection of the United States in obtaining the release of this citizen.

Hoping that such steps as may be necessary and proper to attain the end desired, and afford the relief prayed for, may be immediately taken by the government,

I remain, very respectfully, your obedient servant,

BERNARD DWYER.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

Address all communications to Humes & Paston, Memphis, Tennessee.

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We the undersigned, citizens of Memphis, Shelby county and State of Tennessee, certify that we are personally acquainted with Owen Dwyer, and have known him for many years.

We further know that he is a *bona fide* citizen of this State, a large property-holder in this city, and has ever enjoyed the rights of citizenship. We further state that said Dwyer is a quiet, peaceable citizen, never having taken part in the late national struggle, and that he has never expressed any sympathy for or taken any interest in the late Fenian movement, to the best of our knowledge and belief, and we have known him well and intimately, as before stated.

W. O. LOFLAND,

*Mayor of Memphis.*

THOMAS L. POWER, O. P.,

*Pastor of St. Peter's Church.*

MICHAEL D. LILLY, O. P.,

JOHN DWYER.

BERNARD DWYER.

DANIEL SLENLIN.

ROBERT CARSON.

P. O'NEIL.

THOS. KELLY.

M. GARVIN.

G. W. TAYLOR.

M. MAGEVNEY, Jr.

MICHAEL MAGEVNEY.

H. CLOTHS.

HENRY E. GREEN,

*Prest. St. Geo. Benev't Ass'n of Tenn.*

JOHN DAVIS,

*Member of St. Geo. B. A. United States.*

JACOB STEINKUHL.

MEMPHIS, July 26, 1867.

This is to certify that we have known Owen Dwyer for many years; have been his counsel and attorney in all matters requiring our services; that his visit to England was for no other purpose than as above stated. Moreover, that he has ever claimed to be a citizen of the State, where he has acquired a large property, and that he is a peaceable, quiet citizen, abstaining from all political controversies and disputes.

HUMES & PASTON,  
*Attorneys-at-Law.*

UNITED STATES OF AMERICA,

*State of Tennessee, District of West Tennessee, City of Memphis:*

Be it remembered, that on this 26th day of July, A. D. 1867, before me, Fearn Penn, United States commissioner for the district of West Tennessee, duly appointed under the laws of the United States to take acknowledgments of bail, affidavits, &c., personally appeared W. O. Lofland, mayor of the city of Memphis, John Dwyer, Bernard Dwyer, Daniel Slenlin, Robert Carson, P. O'Neil, Thomas Kelly, M. Garvin, G. W. Taylor, M. Magevney, jr., Michael Magevney, H. Cloths, Thomas L. Power, Michael D. Lilly, Henry E. Green, John Davis, and Jacob Steinkuhl, all to me personally known, who being by me duly sworn, say that the statements contained in the foregoing certificate in regard to Owen Dwyer are the truth, the whole truth, and nothing but the truth, to the best of their knowledge and belief, and subscribed the same in my presence.

In testimony whereof I have hereunto set my hand and official seal, this 26th day of July, A. D. 1867.

[SEAL.]

FEARN PENN,  
*United States Commissioner.*

UNITED STATES OF AMERICA,

*State of Tennessee, District of West Tennessee, City of Memphis:*

I, Fearn Penn, United States commissioner for the district of West Tennessee, duly appointed under and according to the laws of the United States, do hereby certify that John Donovan, clerk of the criminal court of Memphis, Tennessee, whose genuine official signature is signed to the attestation to the annexed declaration of intention to become a citizen of the United States of America by Owen Dwyer, formerly a subject of Victoria, Queen of Great Britain and Ireland, is and was at the time of signing the same the clerk of said court, duly commissioned and qualified as such; that the attestation of said declaration is in due form of law; that the impress of seal is of the true and only seal of said court, and that all the acts of said Donovan, clerk, &c., in all his official capacity as such, are entitled to full faith and credit.

In testimony whereof I have hereunto set my hand and official seal, this 26th day of July, A. D. 1867.

[SEAL.]

FEARN PENN,  
*United States Commissioner.*

*Declaration of intention*

UNITED STATES OF AMERICA:

At a term of the criminal court of Memphis, begun and held at the court-house, in the city of Memphis, for the 5th, 13th, and 14th civil districts of Shelby county, State of Tennessee, on the second Monday, being the 11th day of February, 1867, present the Hon. William Hunter, judge, &c., presiding; and to wit, on the 12th day of February, 1867, one of the days of said February term of said court, the following is of record, to wit:

Be it remembered, that on this 12th day of February, 1867, Owen Dwyer, an alien, declares on oath, in open court, that it is bona fide his intention to become a citizen of the United States of America, and to renounce forever all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatever, and particularly to Victoria, Queen of Great Britain and Ireland, whose subject he now is.

OWEN DWYER.

Subscribed and sworn to in open court, this 12th day of April, 1867.

JOHN DONOVAN, *Clerk.*STATE OF TENNESSEE, *Shelby County:*

I, John Donovan, clerk of the criminal court of Memphis, do hereby certify that the foregoing declaration of intention of Owen Dwyer to become a citizen of the United States of America, is a true and perfect copy of the record of the same now in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at office, in the city of Memphis, this 12th day of April, 1867.

[SEAL.]

JOHN DONOVAN, *Clerk.*

*Mr. Seward to Mr. Adams.*

No. 2032.]

DEPARTMENT OF STATE,

*Washington, August 7, 1867.*

SIR: I transmit a copy of a communication of the 23d ultimo, from Henry Liebenau, esq., corresponding secretary of the Constitutional Union Association, concerning the cases of Colonel William J. Nagle and Colonel J. Warren, who have been arrested and detained in Ireland on charges of complicity in recent Fenian movements. You are well informed of the views of this government in regard to such cases, and those referred to in the enclosed have, it is believed, been already brought to your notice, that of Colonel Nagle being the subject of my instruction of the 9th ultimo, No. 2016. You need not be informed that faithful service in the armies or navy of the United States during the rebellion constitutes an enhanced claim of persons so serving to the consideration of the government which they have helped to perpetuate; and the instances now before us are of that class.

In presenting such cases to her Majesty's government, it is not expected that you will submit to the perusal of the authorities any expressions which could give just cause of offence to that government. This circumspection should be practiced as well for its favorable influence on the interests of the parties whose release is sought as upon grounds of international courtesy.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Liebenau to Mr. Seward.*

NO. 4 HAMILTON PLACE, WEST 51ST STREET,

*New York, July 23, 1867.*

SIR: I have been directed, as you will observe by the proceedings of a meeting of the general committee of "The Constitutional Union Association," hereunto attached, to address you in behalf of the liberation of Colonel William J. Nagle, a native of our State, having been born at Syracuse; and Colonel J. Warren, a native of Massachusetts, having been born at Boston; the former, (Nagle,) of the 88th regiment New York volunteers; and the latter, (Warren,) of the 63d regiment Massachusetts volunteers; and who are now incarcerated in Kilmainham prison, Dublin, Ireland; without having committed any overt act to justify or palliate such an unwarrantable act of oppression, and in direct violation of that comity of nations so essential to the harmonious and friendly understanding of a Christian people.

With one of these gentlemen, William J. Nagle, I have the honor of a personal acquaintance, and it gives me pleasure to state that I have always known him as a highly honorable and law-abiding citizen, one whom I am confident would not render himself amenable to any violations of British law. You are, I believe, personally acquainted with the family, and, therefore, it is perhaps superfluous for me to dwell upon their character and conduct, except so far as to remind you that *five* of their brothers rendered essential service in the Union army during the rebellion, while *three* of them were killed in the service.

Colonel Warren, the travelling companion of my worthy fellow-citizen, Nagle, I have not the pleasure of knowing personally, but he is very highly spoken of by those who are familiar with his general reputation.

As American citizens, they are entitled to the protection of our government, while the services they have both rendered in the army of our Union claim, as I am convinced they will receive from you, the earnest and decisive action of the government they have both so faithfully served in its hour of peril.

Permit me, in behalf of the organization I have the honor of representing, to urge most respectfully your immediate intercession in behalf of a speedy release of the aforesaid Colonel Nagle and Colonel Warren.

I have the honor to be, very respectfully, your obedient and humble servant,

HENRY LEIBENAU,

*Corresponding Secretary C. U. A.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

[From the New York Sun, Tuesday morning, July 16, 1867.]

THE FENIAN PRISONERS—MEETING OF CONSTITUTIONAL UNION COMMITTEE—RESOLUTIONS DEMANDING THEIR RELEASE.

A special meeting of the Constitutional Union general committee was held last evening at Masonic Hall to take into consideration the unwarrantable imprisonment by the British government of Colonel William Nagle, of this city, and Colonel J. Warren, of Massachusetts. After a short and earnest deliberation the following resolutions were passed:

We have heard with surprise and indignation of the unwarrantable imprisonment of American citizens in Ireland, arrested on the abject and pitiful pretence of suspicion of being Fenians, and their incarceration in a loathsome prison, subject to the indignities and manacles of convicted felons, in direct violation of every principle of international law and the comity of nations, in consequence of the cowardly fear of danger which the *guilty* only feel from the consciousness of their own transgressions; and

Whereas Colonel William J. Nagle, a native of New York State, and Colonel J. Warren, a native of Massachusetts, both gallant soldiers of our Union army during our late domestic struggle, have been arrested without the slightest overt act on their part while on a visit to their relatives in their fatherland, for no other offence to them known than the expressing here on their native soil a sympathy for the down-trodden country of their parents; and

Whereas the noble act of Commodore Ingraham in demanding of Austria the instant release of Koszta, an adopted citizen of America, met the hearty approval of our undivided nation, and the case of Colonel Nagle and Colonel Warren being entitled to no less a consideration, because of their being natives of the United States: Therefore, be it

*Resolved*, That steps be taken to effect their immediate release, considering the violation of international law in the case as just and proper cause for demanding indemnification and retribution: be it therefore

*Resolved*, That our corresponding secretary be directed to address the Hon. William H. Seward on behalf of the organization and in favor of our fellow-citizens, whom we believe are not amenable to British law by any overt act nor by any connection with Fenian movements in Ireland, and urge the honorable Secretary to make a speedy and resolute demand on their immediate release.

*Resolved*, That a petition be prepared and circulated for signatures by our fellow-citizens under the patronage of our organization.

DANIEL B. NORTHRUP, *President*.

H. J. BANKER,  
HENRY LIEBENAU,  
*Secretaries.*

*Mr. Seward to Mr. Adams.*

No. 2033.]

DEPARTMENT OF STATE,

*Washington, August 7, 1867.*

SIR: I transmit a copy of a letter of the 12th ultimo from his excellency Marcus L. Ward, the governor of the State of New Jersey, in relation to Stephen J. Meany, who it appears was tried and convicted and sentenced by the British authorities on charge of participation in Fenian movements.

I am not aware that the additional information as to the proceedings in this case, mentioned in your despatch of the 25th of January last, No. 1309, has been received at the department, nor does it seem to be fully established that Meany is not a citizen of the United States.

You are requested to adopt such proceedings in this case as in your judgment shall be warranted by the facts as they may be developed, and as may comport with the views heretofore expressed to you in cases of this nature.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Ward to the President.*

STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT,

*Trenton, July 12, 1867.*

SIR: The subject of the release of Stephen J. Meany, claimed to be a citizen of the United States, and wrongfully convicted and sentenced by the English authorities, has been brought to my notice by a large number of the citizens of New Jersey, with a request that I would call the attention of your Excellency to the case.

Feeling confident of your determination, and that of the Secretary of State, to maintain with firmness and decision the rights of all who, as citizens, are entitled to protection, I would merely add that this case seems to me to require what I have no question you will give it, the fullest consideration.

With the highest respect, I am, yours,

MARCUS L. WARD.

His Excellency the PRESIDENT.

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*Mr. Adams to Mr. Seward.*

No. 1421.]

LEGATION OF THE UNITED STATES,

*London, August 9, 1867.*

SIR: After many months of continued excitement, the great measure for the extension of the suffrage in this kingdom was last night brought to the shape in which its adoption by both houses of Parliament may be regarded as secured. The manner in which this result has been arrived at is as novel in the history of the country as its general nature was unforeseen by all. Nobody pretends to be able to measure the consequences to which it may ultimately lead. The prime minister has accurately described the proceeding as a leap in the dark. Everybody anticipates a material alteration in the balance of power as it has existed heretofore, but the degree to which it will be carried and the point where the weight will hereafter preponderate present questions upon which conjectures take the place of evidence and fears prevail over reasoning.

Looking at the present character of the body politic, it does not appear to me that any vital change is likely to follow this measure immediately. The prominent public men of the country, on one side or the other, are pretty sure to remain in the direction of public affairs at least until the time when a new generation shall have sprung up—the offspring of the transition—who will show themselves competent to assume the responsibility that may devolve upon them. At the present moment it cannot be said that the agitation has brought into prominence a single leader who was not well known before it commenced. Mr. Gladstone will never be an effective advocate of change. Mr. Bright, who is undoubtedly the most distinguished figure in the struggle, is rather the type of the class brought forward by the old reform bill of 1832 than of that which is now to be introduced. His term of life is too far spent to promise great activity for many years. He may, however, continue to serve during the period of progress from the old to the new, helping, perhaps, to smooth the way for the ultimate establishment of republican institutions under the guidance of purely popular successors. That this must be the end, unless some extraordinary reactionary movement should intervene, is now pretty generally believed, even by those who do not care to say so aloud. The process may be made slow by the strong conservative influences, still powerful to delay what they cannot stop. In the mean time, efforts will be made to extend the means of education so as to embrace the greater portion of the popular body and raise it to the level of its new responsibilities. Thus, the advance will be gradual, as it should be, and productive of no sudden shock to established institutions. The church, the aristocracy, and the Crown may hence be brought in succession to yield their respective privileges without the danger of a violent and destructive contest. What a contrast such a result would present to the fearful and ignorant icono-

clasm of the French revolution, and how much it would show to the world of an advance since that day in the faculty of self-government among the intelligent portions of the human race!

It is nevertheless certain that the issue thus predicted will be liable to be effected more or less on one side or the other, according to the nature of the example which will be held forth in America. In the same degree that the breaking out of the late conflict contributed to revive the courage of the privileged classes and inspire hopes of permanent resistance to innovation, has the restoration of the Union served to quicken the great movement made visible in the adoption of the present reform. But the end is not yet. Thorough peace and domestic harmony, with public prosperity—the direct result of them—are not yet so fully secured among us as to leave our ill-wishers no ground for reasonable cavil. There is still something to be done to prove to the world that the recuperative power of the people is not wasted away in internal strife and the protracted indulgence of hostile passions. The example is necessary to Great Britain, as it is to all the continental nations which are painfully struggling towards the end of intelligent self-government, to encourage them to persevere. I trust that it may not be long before it can be brought to shine out in its fullest splendor.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Seward to Mr. Adams.*

No. 2037.]

DEPARTMENT OF STATE,

*Washington, August 12, 1867.*

SIR: I have now to recur to Lord Stanley's despatch to Sir Frederick Wright Bruce of the 24th of May, concerning the so-called Alabama claims, a copy of which paper he placed in my hands during our recent visit at Auburn.

You are authorized to inform his lordship that I did not understand his previous offer of arbitration to apply alone to the claims arising out of the depredations of the Alabama, to the exclusion of those arising out of the depredations of the Florida, the Shenandoah, the Georgia, and other vessels of that description; and that, on the contrary, Lord Stanley's offer of limited arbitration was understood to apply equally to those claims arising out of the depredations of the several vessels last named as to those arising out of the depredations of the Alabama.

His lordship now observes that the British government is ready to go to arbitration upon the question whether, in the matters connected with all those vessels out of whose depredations the claims of American citizens have arisen, the course pursued by the British government and those who acted upon its authority was such as would involve a moral responsibility on the part of the British government to make good, either in whole or in part, the losses of American citizens.

The President considers these terms to be at once comprehensive and sufficiently precise to include all the claims of American citizens for depredations upon their commerce during the late rebellion which have been the subject of complaint upon the part of this government. But the United States government, in this view, would deem itself at liberty to insist before the arbiter that the actual proceedings and relations of the British government, its officers, agents, and subjects, towards the United States in regard to the rebellion and the rebels as they occurred during that rebellion, are among the matters which



are connected with the vessels whose depredations are complained of, just as in the case of general claims alluded to by Lord Stanley, the actual proceedings and relations of her Majesty's government, its officers, agents, and subjects, in regard to the United States and in regard to the rebellion and the rebels, are necessarily connected with the transactions out of which those general claims arose.

Lord Stanley's plan seems to be to constitute two descriptions of tribunals—one an arbiter to determine the question of the moral responsibility of the British government in respect of the Alabama, Florida, Georgia, and other vessels of that class; and the other a mixed commission to adjudicate the so-called general claims of both sides; and a contingent reference to the same or other mixed commission, to ascertain and determine the amount of damages, for indemnity, to be awarded in the cases examined by the first tribunal in the event of a decision upon the question of moral responsibility in favor of the United States.

No distinction as to principle between the tribunals seems to the United States to be necessary, and in every case the United States agree only to unrestricted arbitration. Convenience may require that the claims should be distributed between two tribunals, both of which, however, in the opinion of the United States, should proceed upon the same principles and be clothed with the same powers.

The President will be gratified if this explanation shall conduce to remove any of the difficulties which have heretofore prevented the two governments from coming to the amicable and friendly understanding and arrangement which is so sincerely desired by both.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Adams.*

No. 2038.]

DEPARTMENT OF STATE,

*Washington, August 13, 1867.*

SIR: I have to give you for your information and guidance a copy of an instruction\* of this date, which has been transmitted to Mr. Dickinson, minister of the United States of Nicaragua, concerning a question which has arisen between that government and the government of Great Britain.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Adams.*

No. 2039.]

DEPARTMENT OF STATE,

*Washington, August 13, 1867.*

SIR: I have to acknowledge the receipt of your despatch of the 22d of July, No. 1409. It authorizes me to assume that you will cheerfully comply with the joint resolution of Congress in regard to the dress to be worn on state ceremonial occasions. I have not the least doubt that your discretion will be a better guide for your proceedings in matters collateral with that subject than any instructions which could be given by this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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\* For enclosure see instructions to United States minister to Nicaragua.

*Mr. Seward to Mr. Adams.*

No. 2042.]

DEPARTMENT OF STATE,

*Washington, August 16, 1867.*

SIR: I transmit a copy of a letter which has been handed to me by Colonel J. R. O'Bierne, late of the army of the United States. This letter, dated the 10th of this month, and addressed to him by William J. McClure, is in regard to the case of his brother, who is one of the Fenian prisoners, in relation to whom we have already had some correspondence. Any proper measures which you can set in motion for the relief of McClure and his associates will receive the hearty approval of the department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &amp;c., &amp;c., &amp;c.

*Mr. McClure to Mr. O'Bierne.*NO. 207 PEARL STREET, *New York, August 10, 1867.*

KIND FRIEND: Pardon me for requesting your services again in behalf of my brother, who is at present confined in Millbank prison, England.

He appears (from a letter received from him lately) to be suffering greatly in his mental organization, produced by confinement, and I am fearful that it will affect his mind, which is not of the living-within-itself type, but requires association to make it active. In his composition he wanders, and some of the lines are erased, I presume by the British officials.

I received about a month ago assurances from Secretary Seward that my brother would be discharged from custody on the subsidence of the Fenian agitation in Ireland. If you will please see Mr. Seward and narrate to him the condition of my brother, and the injurious effect prison confinement produces on his mind, the sympathies of the Secretary may suggest further exertions on the part of the United States government for the prisoner's release. I do not think he can bear imprisonment long, as my father informs me that he complained of a head affection during his incarceration at Cork, where he was treated quite leniently.

Trusting that you and family are blessed with health, and praying for your happiness,

I am yours, most sincerely and gratefully,

WILLIAM J. MCCLURE.

Colonel J. R. O'BIERNE, *Washington, D. C.**Mr. Seward to Mr. Adams.*

No. 2043.]

DEPARTMENT OF STATE,

*Washington, August 20, 1867.*

SIR: I enclose a copy of a letter of the 31st ultimo from J. J. Rogers, esq., of New York, in regard to the arrest and imprisonment in Ireland of Mr. Augustine E. Costello, an American citizen.

You are instructed to take such measures as you may think proper for securing the early release of Mr. Costello.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &amp;c., &amp;c., &amp;c.

*Mr. Rogers to Mr. Seward.*

JULY 31, 1867.

SIR: I have the honor to call the attention of your department to the fact that Mr. Augustine E. Costello, an American citizen, was, on or about the 31st day of May last, arrested at or near Dunganon, Ireland, and imprisoned, and is now held and imprisoned under the "habeas corpus suspension act," of the British government.

I transmit herewith a duly certified proof of the citizenship of the gentleman named, and request that it may be transmitted to our minister in London, and to the appropriate consul in Ireland with directions for the immediate release of the prisoner.

I am, very respectfully, your obedient servant,

JAMES J. ROGERS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

UNITED STATES OF AMERICA,  
*State of New York, City and County of New York:*

Be it remembered that on the twentieth day of October, in the year of our Lord one thousand eight hundred and sixty-six, Augustine E. Costello appeared in the court of common pleas for the city and county of New York, (the said court being a court of record, having common law jurisdiction, and a clerk and seal,) and applied to the said court to be admitted to become a citizen of the United States of America, pursuant to the directions of the act of Congress of the United States of America, entitled "An act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," passed April 14, 1802; and the act entitled "An act for the regulation of seamen on board the public and private vessels of the United States," passed March 3, 1813; and the act relative to evidence in cases of naturalization, passed March 22, 1816; and the act entitled "An act in further addition to an act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," passed May 26, 1824; and an act entitled "An act to amend the acts concerning naturalization," passed May 24, 1828; and an act to amend the act entitled "An act for the regulation of seamen on board the public and private vessels of the United States," passed June 26, 1848; and "An act to secure the rights of citizenship to the children of citizens of the United States born out of the limits thereof," passed 10th February, 1854. And the said applicant having thereupon produced to the court such evidence, made such declaration and renunciation, and taken such oaths as are by the said acts required, thereupon it was ordered by the said court that the said applicant be admitted, and he was accordingly admitted to be a citizen of the United States of America.

In testimony whereof, the seal of the said court is hereto affixed this 20th day of October, 1866, in the ninety-first year of the independence of the United States.

By the court:

[SEAL.]

NATH'L. P. JARETT, JR., *Clerk.*

*Mr. Adams to Mr. Seward.*

No. 1426.]

LEGATION OF THE UNITED STATES,

*London, August 21, 1867.*

SIR: In connection with your despatch, No. 2031, of the 6th instant, relative to the case of Owen Dwyer, and his arrest in this country, on a charge of complicity with the Fenian movement in Ireland, I beg to call your attention to the fact which appears in the last of the accompanying papers, that Mr. Dwyer is not yet a citizen of the United States, having declared himself an alien at the time of declaring his intention to become such before the court at Memphis, on the 12th day of February last past. Hence, you will at once perceive that it could scarcely have been in my power to make any requisition on this government for his release.

Very fortunately, the case seems to have been already disposed of by Mr. West, who, so long ago as the 3d of July, had made an application on behalf of Mr. Dwyer, which is believed to have effected his release. Although no report of the fact has yet been officially made to me by him, it appears to be certain that he called at the legation in person some time in the latter days of the last month.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Seward.*

No. 1427.]

LEGATION OF THE UNITED STATES,  
*London, August 23, 1867.*

SIR: I have the honor to transmit herewith a printed copy of the Queen's speech on the prorogation of Parliament, which took place in due form on the 21st instant.

I have the honor to be, sir, your obedient servant,  
CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*The speech of the Lords Commissioners to both houses of Parliament, on Wednesday, August 21, 1867.*

MY LORDS AND GENTLEMEN: I am happy to be enabled to release you from the labors of a long and more than usually eventful session, and to offer you my acknowledgments for the successful diligence with which you have applied yourselves to your parliamentary duties.

My relations with foreign countries continue on a friendly footing.

At the commencement of the present year great fears were entertained that differences which had arisen between France and Prussia might have led to a war, of which it was impossible to foresee the ultimate result. Happily the advice tendered by my government, and by those of the other neutral states, aided by the moderation of the two powers chiefly interested, sufficed to avert the threatened calamity; and I trust that no ground at present exists for apprehending any disturbance of the general peace.

The communications which I have made to the reigning monarch of Abyssinia, with a view to obtain the release of the British subjects whom he detains in his dominions, have, I regret to say, thus far proved ineffectual. I have therefore found it necessary to address to him a peremptory demand for their immediate liberation, and to take measures for supporting that demand, should it ultimately be found necessary to resort to force.

The treasonable conspiracy in Ireland, to which I have before called your attention, broke out in the early part of the present year in a futile attempt at insurrection. That it was suppressed, almost without bloodshed, is due not more to the disciplined valor of my troops, and to the admirable conduct of the police, than to the general loyalty of the population and the absence of any token of sympathy with the insurgents on the part of any considerable portion of my subjects. I rejoice that the supremacy of the law was vindicated without imposing on me the painful necessity of sacrificing a single life.

The bill for the abolition of certain local exemptions from taxation enabled me to avail myself of a liberal concession made, in anticipation, by the Emperor of the French, whereby several taxes were removed which pressed heavily upon British shipping.

I have concluded a postal convention with the United States of America, whereby the rate of postage between the two countries will be diminished by one-half, and further arrangements are in progress for increasing the intercourse between this country and the continent of North America.

The act for the union of the British North American provinces is the final accomplishment of a scheme long contemplated, whereby those colonies, now combined in one dominion, may be expected not only to gain additional strength for the purpose of a defence against external aggression, but may be united among themselves by fresh ties of mutual interest, and attached to the mother country by the only bonds which can effectually secure such important dependencies, those of loyalty to the Crown and attachment to British connection.

Gentlemen of the House of Commons, I thank you for the liberal supplies which you have voted for the public service.

My lords and gentlemen, I have had great satisfaction in giving my assent to a bill for amending the representation of the people in Parliament. I earnestly trust that the extensive and liberal measure which you have passed may effect a durable settlement of a question which has long engaged public attention, and that the large number of my subjects who will be for the first time admitted to the exercise of the elective franchise, may, in the discharge of the duties thereby devolved upon them, prove themselves worthy of the confidence which Parliament has reposed in them.

It is gratifying to me to find that the lengthened consideration which you have necessarily given to this important question has not prevented your entering on many subjects to which your attention was directed at the commencement of the session, and particularly to such as have immediate reference to the well-being of the industrial classes.

I have had especial pleasure in giving my assent to bills for extending to various trades, with such modifications as have been found necessary, the provisions of the factory acts, the success of which has proved the possibility of combining effectual protection to the labor of women and children with a due consideration for the interests of the trades immediately concerned.

I confidently anticipate from the operation of the present acts the same improvement in the physical, social, and moral condition of the working classes which has been found to accompany the application of the acts to those trades to which they have been hitherto confined.

The restraints alleged to be imposed on workmen and their employers by trade unions and other associations appeared to me to call for inquiry, and the revelations derived from the examinations before the commission, to which you gave your legislative sanction, have disclosed a state of things which will demand your most earnest attention.

The administration of the poor laws, which generally has conferred great benefit on the community, and especially on the poor themselves, requires constant supervision, and I have readily assented to a bill which, applied to the metropolis alone, will tend to equalize the pressure of taxation and improve the treatment of the sick poor, whose condition will be greatly benefited by your well-considered legislation.

The bill for the regulation of the merchant shipping contains important provisions calculated to add to the health and comfort of those engaged in the mercantile marine.

These and other valuable amendments of the law have been the result of your labors during the present session, and in returning to your homes you will carry with you the gratifying consciousness that your time and pains have not been misapplied, and that they have resulted in a series of measures which I hope and earnestly pray may contribute to the welfare of the country and the contentment and happiness of my people.

Then a commission for proroguing the Parliament was read.

After which the lord chancellor said :

**MY LORDS AND GENTLEMEN :** By virtue of her Majesty's commission, under the great seal, to us and other lords directed, and now read, we do, in her Majesty's name, and in obedience to her commands, prorogue this Parliament to Wednesday, the 6th day of November next, to be then here holden ; and this Parliament is accordingly prorogued to Wednesday, the 6th day of November next.

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*Mr. Adams to Mr. Seward.*

[Telegram per cable.]

LEGATION OF THE UNITED STATES,

*London, August 23, 1867.*

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C. :*

Measures already taken for the object desired.

CHARLES FRANCIS ADAMS.

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*Mr. Adams to Mr. Seward.*

No. 1428.]

LEGATION OF THE UNITED STATES,

*London, August 23, 1867.*

SIR : I have to acknowledge the reception of despatches from the department numbered 2032, 2033, and 2034, as likewise of a telegram by the cable, directing me to urge the release of Colonels Nagle and Warren, being on the same subject with that of No. 2032.

This matter had been already entered upon by Mr. West, so far as Colonel Nagle is concerned, in a note addressed to the authorities in Ireland on the 27th ultimo. The reason why Colonel Warren was not included by him appears to have been his own inability to establish the fact of his citizenship. How material this fact is to the strength of any representation that can be made on my part must be obvious to you at a glance. Yet I cannot but observe, in many of

the papers which are sent out to me as coming from the friends of the parties, a great looseness of statement, which tends to weaken my confidence in proceeding upon them as a basis. For instance, Colonel Warren is referred to in the letter of Colonel Liebenau, annexed to your despatch No. 2032, as being a native of Boston, whilst in his own memorial to the Irish authorities he expressly states that he is a native of Ireland, although he affirms that he is naturalized. But even on this point he has thus far failed to produce any satisfactory evidence.

To the application made by Mr. West in behalf of Nagle, a reply was received by him from the authorities dated the 10th of August, to the effect that—

Finding that he came to this country as one of the leaders of an expedition, the object of which was to bring in arms and otherwise forward the treasonable designs of the Fenian conspiracy, his excellency cannot, consistently with his duty, order the prisoner's discharge at present.

I very much regret to be obliged to call your attention to the fact that, by an article printed in a New York newspaper, a copy of which I transmit, it would appear that the friends of these parties in America fully confirm the allegation made by Sir Thomas Larcom.

Notwithstanding these obstacles, I have directed Mr. West to renew his representations in behalf of Colonel Nagle, and to make one in behalf of Colonel Warren, mainly on the ground of their services in the war and their allegation that they have committed no overt act of hostility within her Majesty's jurisdiction. This is probably technically true; hence it may justify an application at least for a trial, which I shall endeavor to renew directly to the government here, if a refusal should be given to Mr. West at Dublin.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*A Fenian episode.—A cargo of "hardware" shipped for Ireland, where it ultimately brought up.*

NEW YORK, July 20, 1867.

The little brig which conveyed the party of twenty Fenians to Ireland, including Generals Nagle and Warren, an account of whose landing and arrest at Dungarvan, Ireland, has been published, has arrived back. It appears that she was chartered by wealthy Irishmen of this city, who are reported to have cleared her with a cargo of hardware, said hardware being two thousand muskets and considerable ammunition. Arriving off the coast of Ireland, it was found that the brig was not provided with boats, and most of the party were obliged to jump overboard in the night and swim ashore in the surf. The brig attracted attention from the coast guard, but managed to elude them. The cargo of muskets has been discharged. Two or three of the parties came back in the brig. The expedition was conducted with the utmost secrecy.

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*Mr. Adams to Mr. Seward.*

No. 1429.]

LEGATION OF THE UNITED STATES,

*London, August 23, 1867.*

SIR: In connection with your despatch No. 2033, relative to the case of S. J. Meany, I have only to remark that, though called upon, he has not yet succeeded in presenting any evidence of naturalization as a citizen of the United States. He has gone no further than to say that he was a "declared" citizen, which I presume means to refer to a declaration of his intention. A declaration does not appear to be considered by the law at home as sufficient to change the allegiance, and certainly would not be admitted to do so here.

The representation of Governor Ward, annexed to your despatch, appears to contemplate still stronger proceedings. It affirms the wrongfulness of the trial

under which Meany was convicted and sentenced. Under this view, the question of his citizenship or otherwise becomes one of the first importance, as it regards the possibility of a ground of interference. It would seem necessary therefore to require from those who befriend him the most undoubted evidence on that point.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Seward to Mr. Adams.*

No. 2045.]

DEPARTMENT OF STATE,

*Washington, August 26, 1867.*

SIR: Your despatch of the 9th of August, No. 1421, has been received. Your comments upon the probable working of the reformed electoral system in Great Britain are very interesting. It is a hopeful circumstance in that connection that all classes of people, as well those without education as those who have enjoyed its benefits, seem to agree in the importance of diffusing knowledge now more widely and more effectual than ever. Every patriot at home and every friend of humanity abroad will in the abstract agree with you in the desire you express for an early restoration of constitutional peace, law, order and progress among ourselves. Political movements advance rapidly always in the United States. We may therefore reasonably expect a solution of present questions to be not far distant.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Adams.*

No. 2048.]

DEPARTMENT OF STATE,

*Washington, August 26, 1867.*

SIR: A company of New York are proposing to establish a bi-monthly mail packet line of steamers to Bermudas, Bahamas, Jamaica, St. Domingo, Hayti, Puerto Rico, St. Thomas, St. Iago de Cuba, Havana, Saint Croix, Saint Kitts, Antigua, Guadaloupe, Dominica, Martinique, Barbadoes and Trinidad. The company has opened negotiations with the local government of Antigua for privileges and facilities necessary to establish a depot for the use of their line and a harbor in that island. They ask the good offices and co-operation of this government in securing the assent of her Majesty's government to the arrangement they are making with the local authorities of those islands.

The enterprise, if successful, would be productive of great commercial benefits to the United States as well as to all the West India islands. This department is without express authority of law and does not deem it wise to cover by the executive patronage the commercial schemes and enterprises of citizens of the United States in foreign countries, however conducive they may be to the general prosperity of the country.

The President at the same time thinks that you may, within the scope of your general instructions, lend your good offices in bringing the enclosed to the favorable attention of the English government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Adams to Mr. Seward.*

No. 1433.]

LEGATION OF THE UNITED STATES,  
*London, August 27, 1867.*

SIR: In connection with my despatches Nos. 1428 and 1429, of last week relating to particular instances of arrest of persons in Ireland, I deem it proper now to add to them a more general report of the course which has been adopted in regard to other cases in which intervention has been required.

The presentation to Parliament of the petition of John McCafferty, referred to in my despatch No. 1401, of the 5th July, was delayed some time on account of objections raised by Lord Westbury, to whom a copy had been intrusted, on account of some portions of the language used. The consequence was, that a new draft was prepared, but, for some reason unknown, even that was kept back until the very last day of the session of Parliament, when it was presented in the House of Commons by Mr. Taylor. Of course no action could then be taken upon it, and the matter goes over to next year.

In an interview which I had with Lord Stanley some time since, I called his attention to the facts of the case, as well as to this movement about to be made on behalf of McCafferty, and expressed a hope that no objection would be raised on the part of the government. I added that the doubt as to the validity of the judicial construction of law under which he was condemned had been so strongly felt by a portion of the judges that it seemed to justify an attempt to obtain a reversal of the decision. This had been likewise felt by my government, so that I had been authorized to assume the expense that might be incurred in the proceeding.

His lordship took a note of my statement, and manifested a disposition not unfavorable, but owing, I presume, to the delay of the presentation of the petition, no occasion has occurred for any action upon it.

So in the case of John McClure, referred to in your despatch No. 1996, of the 4th June, I seized the same occasion to say a word in his behalf. I referred to his extreme youth, to his frank manner in which he had admitted his offence at the trial, and to the fact that no real injury to persons or property had been committed by him, as circumstances which I hoped might induce the government presently to remit the remainder of the penalty inflicted upon him. His lordship seemed to take so much interest in the statement that I have little doubt that so soon as the government feels itself in a situation to act, this individual will be among the first to be relieved.

My attention has been called by Mr. West to another case, the representation respecting which seems to have been made by the department directly to him and not through me. I refer to that of Lieutenant Joseph H. Lawler. As there was no evidence furnished by the department that Mr. Lawler was a citizen of the United States, Mr. West very naturally declined the responsibility of making a representation without consulting me. Mr. Lawler, when arrested last year, on being appealed to, promised, but proved unable then, to supply this evidence. The nature of his present situation was aggravated by the fact that he had been released under a distinct intimation that if he should return he would render himself liable to be seized again.

Under these circumstances I have advised Mr. West, nevertheless, to make on behalf of this man such a representation as the nature of his case will bear.

The case of Patrick Kane, or Carr, referred to in your despatch No. 2017, of the 13th of July, has been acted upon, but as yet the authorities decline to liberate him. A similar representation in behalf of James Lawless has met with a similar answer. It is, however, to be observed that the language used in the official replies almost uniformly implies that there is no intention of keeping these persons in custody longer than considerations of immediate security



will require. The fact that a number of them have violated their engagements made last year, and have appeared again in the midst of the late excitement, has contributed to weaken the confidence felt in the value of any similar promises in future. Were it not for this obstacle, I have little doubt that nearly all would have been released before this. The attempt to keep up the agitation in America, too, the newspaper reports of which are constantly transferred to the Dublin journals, contributes to delay their liberation. Even as it is, however, many are quietly released, and are finding their way back to America. I doubt not that the authorities here are quite as desirous to get clear of them as they are to go.

One serious difficulty is experienced here from the very vague ideas many of them have of their citizenship. They construe residence, military service, or a declaration of intention, as giving them a right to protection. Neither do the friends of the parties in America take sufficient care in their representations to the department to be accurate in regard to these points. They frequently write to these prisoners, raising their hopes of interference merely on the fact that they have made such representations. It might, perhaps, be well that they should be made aware that the first and most indispensable step is clear proof of birth or naturalization. After which it might not be amiss to add as much evidence as practicable of freedom from participation in hostile movements.

I may be permitted to express the belief that no case which has been presented, either by the department or directly by the parties in Ireland, giving reasonable proof of national character, has thus far failed to receive every practicable attention.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Seward to Mr. Adams.*

No. 2049.]

DEPARTMENT OF STATE,

*Washington, August 30, 1867.*

SIR: We have hoped that the condition of society in Ireland would be such, before this time, as to satisfy her Majesty's government that it might safely rescind the suspension of the *habeas corpus*, which is attended by so many cases of irritation and annoyance. There is one peculiar hardship which seems to require attention, if the practice of arbitrary arrests in that country is to be continued. The authorities in Ireland, properly enough, deny to the United States consul the right of intervention in cases of arrest, except where the person arrested is a native or naturalized citizen of this country. At the same time it is understood that there is no law or regulation in force in Ireland which requires the exhibition of passports by foreigners visiting that country. It has happened several times that American citizens, travelling without passports, have been arrested in Ireland and denied the good offices of the United States consul until they could procure evidences of citizenship to be sent from the United States.

Our own experience taught us, during the war, that in whatever case the *habeas corpus* was suspended, prudence, in regard to foreign relations, required us, at the same time to give notice that passports would be expected from foreigners coming within the region where the writ was suspended.

Will you have the goodness to mention this subject to Lord Stanley?

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Adams to Mr. Seward.*

No. 1438.]

LEGATION OF THE UNITED STATES,  
*London, September 3, 1867.*

SIR: In connection with your despatch No. 2032, in regard to the case of Colonel John Warren, I have the honor to transmit a Dublin newspaper containing what purports to be two letters written by him from Kilmainham jail. Colonel Warren has not yet established proof of his naturalization; but, relying on his own affirmation of the fact, the necessary representation has nevertheless been made on his behalf. It is much to be regretted that, by an act of this kind, done in contempt and without the knowledge of the authorities, he makes it still more difficult for us to serve him successfully. It is quite apparent to me, that one great object of these parties is to attempt to excite public feeling in America so far as to force the two governments into a conflict on the questions thus raised by them on their arrest and imprisonment. Whatever may be the sympathy of our fellow-citizens with Ireland, it can scarcely be so great as to induce them to fall into such a trap with their eyes open. I have reason to believe that the continuance of the detention of most of the persons now held in prison is owing to the distrust created by the gathering of more or less of the suspected class from America in Liverpool, and other places, as if they were still meditating plans of insurrection. The government is generally so well informed in America about these movements, that it rarely acts without a strong basis of presumption to sustain it. I shall persevere in my efforts to be of use to all citizens of the United States, and especially to those who may suffer unjustly from this arbitrary system; but our own indignation is too fresh yet in America against people from here who yielded assistance to our insurgents, for me to entertain great sympathy with similar attacks made from our side against the public peace of this kingdom.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C*

[From the Dublin Weekly News, August 31, 1867.]

*A voice from the dungeon.—A question for the American people.*

The following important and able document having reached our hands, we lose no time in laying it before the public, whose attention it fully merits. We trust our numerous American exchanges will insure for it in the United States a circulation that will bring it home to the consideration of the people to whom it is more particularly addressed, and whose interests and honor are deeply involved in the question which it propounds and argues in so masterly a manner. The principle involved in the case of Colonel Warren is one that the American government is bound to look to, if it does not mean to forfeit its duties towards its adopted citizens and lower its character in the eyes of the world.

KILMAINHAM PRISON,  
*Dublin, Ireland, August, 1867.*

*To the Irishmen in the United States:*

FELLOW-COUNTRYMEN: In calling your attention to my case, I do it not on personal grounds. My case is your case. Business or pleasure may any day bring you here, and it is well you should know positively if you are still subjects of her Britannic Majesty, amenable to her laws, or if citizens of the United States and entitled to her full protection. While in my adopted country my highest ambition was to obey and protect her laws, never dreaming nor, in fact, acknowledging that it was obligatory on me to regard or respect any English law, whose allegiance I indignantly renounced at my first opportunity. Was there an effort for freedom the world over—a spark, a gleam—every American freeman sympathized with it; and when the infant Cretan rose against the powerful Turk, America, true to her republican doctrines and right of self-government, was the first to sympathize; and when lately

the accumulated wrongs of poor Ireland tortured her into a premature outbreak, the Catos and Ciceros of the American House of Representatives nobly avowed their appreciation of the gallant movement. Under such an influence, such an inspiration, how can the Irishman whose political ideas are moulded in America, independently to his love of native country, do otherwise than sympathize with Ireland? And I do hold it is the duty of America to immediately protect any citizen whose liberty is assailed for giving expression to opinions in America favorable to the spread of republicanism and self-government. From the forum, press, and council chamber comes forth the spirit of freedom; we imbibe it; it is contagious. The American Constitution is the teacher—the minister; we are only a portion of the congregation. If our opinions and aspirations in favor of freedom are wrong, the teacher is wrong. If we are to be imprisoned, without appeal; for expressing and promulgating these teachings, why, the teachers should be locked up in Fortress Monroe, to prevent the spread of a heresy and a pernicious doctrine—all provided that no foreign law is violated.

This, my fellow-countrymen, is my position. 'Tis true I sympathize with all who aspire to self-government. It is also true that I have violated no English law, and it is doubly true that if circumstances could prove that I conspired against British dominion, on British soil, or were I found in arms fighting for freedom, no word of mine would be used to save me from the gibbet. But here, prompted by the dictates of a God-inspired love of my old home, to revisit old and dear scenes, full of hope, ambition, confiding—proud to meet my old companions as a modern Roman, a freeman, an American citizen—I neared these old loved scenes and companions and relations, when, without any cause, I am arrested, and cast into a dungeon, and for more than two months am treated as an ordinary prisoner, reduced to the equal of the murderer and robber, in solitude and silence. Unaccountable are the ways of the Lord, and great is the fall, and blighted the hopes, from the proud position of the modern Roman, and love's heartfelt hope of an immediate meeting with the old friends, to the position of an ironed felon and a dungeon; but conscious of never having willingly injured any one, in peace with my God, I will bear it as becomes an Irishman and a Christian. I have said my case was yours. In proof, on your arrival here you may be supplied with a passport, and consider yourself perfectly safe; but be careful—you may have brought an Irish bond, or, in your exuberance and excitement of the moment, you may have thrown hat at a meeting where some head-centre was belaboring John Bull, or you may have looked at No. 19 Chatham street, or 169 Broadway, as you went by; this is quite possible. Well, you arrive; you wear a good coat and a villainous moustache, and you have acquired a habit of standing erect and dashing ahead, swinging your hand, and, your republican barbarism, if you meet a lord you don't take your hat off; you look him right in the face; you don't get nervous; in fact, you care as little about him as about a common man. You wear the murdering square-toes, (the man who introduced that fashion has bagged more Americans than Corydon ever will;) all go to prove that your education is dangerous; that you don't worship monarchy; that you're a republican—a freeman. You're pounced on; you get indignant; what right have the mercenaries of England to interfere with you, an American citizen? But now you have spoiled it. If you had kept your mouth shut you might have had some chance. A little of the brogue is left; you are an Irishman; your goose is cooked. Well, you wax warm; you shake Andy Johnson at them; you tell them you will have him to send to Connecticut, the land of wooden hams and nutmegs, and get a big wooden spoon made, and come over here and spoon the G—d d—n kingdom into the Atlantic. Bluster away, old fellow, 'tis no use. On go the darbies, and such a sight! Why, *tear-an-ouns*, your mother would not know you, now, man; for there are soldiers, and policeman, and lancers, and governors, and deputies, and detectives, and crown prosecutors, and turnkeys—such a sight! It beats Finnigan's ball out and out. Forward! On you go, en route for Dublin, and the only bright spot in the whole scene are the maledictions cast by the old women on the peelers as you go along, with an occasional old shoe or a stone thrown at their heads, and the prayers of the said old women for you. You get to Dublin; the darbies are taken off; you are in your cell; God's light just peeps in through a small, heavily-grated window. Place your back to the wall, and if you feel like hitting out, *a la Heenan*, you can strike the wall at the other side. Sit down and meditate. Are you not in a tight place, Mr. Jonathan? There you are, though; you can apply to the United States consul; you have your passports; he will attend to your case. If you did not have this, you have to wait till the next mail was going to America. Write for your naturalization papers; write to this dignitary; he comes when he gets ready, and calls at the castle in your case when it is convenient. But wake from your reverie—'tis 9 a. m. There is a noise at your door; a little door is pushed one side, when, for consolation, a gruff voice summons you to appear and pick up, Mr. Republican, your breakfast, a dipper of stirabout; but never mind this; there are hundreds of good men in Ireland who are not sure of this same. Now sit down and eat. Don't you feel lonesome for your cocktail? Ten o'clock. The bell rings; stand in your door and fall in four paces from each other with the crowd, who are to be exercised in the bull-ring. The bull-ring is a closely-confined yard, and the only difference between exercising or ox driving and the exercise, or American-citizen driving, is, that the ox is a quadruped, or four-footed animal, and is driven at the point of a stick, while you are a biped, or two-footed animal, and are driven at the point of the bayonet, and with loaded revolvers in the hands of soldiers and prison officials. Walk on, old fellow, keep bobbing around; you must not stop to speak or

look at any one for two mortal hours. Twelve o'clock. You are relieved in the bull-ring, and return to your cell. Here you amuse yourself, which can be profitably and concisely done, (the prospects and scenery are all within 8 by 10 feet,) till 3 o'clock, when your small door is again opened, and your dinner—a junk of bread and a can of milk—is pushed in to you. Your memory immediately ruminates, and you think of Delmonico, Legett, Crook, and in your magnanimity you even think of the coffee and cake man. Keep up your spirits. Four o'clock. Your door is again opened and a powerful gaslight is lit, which burns, by the doctor's orders, all night for the good of your eyes, and, if the nimble-hopping enemy attack you, to get at him with your eyes open. Five o'clock. You stand at your door to be inspected by the governor and some of the officers of the garrison, after which you are shut up for the night. This is a good time to meditate. Just think of your coming home from business and meeting a happy family. Think of your hot flap-jacks, your doughnuts and chops. Oh, don't; 'tis murder! But think of vengeance, retribution! your God! Such, my countrymen, is the position into which any American is liable to be thrown if he visits England, Ireland, or Scotland. There is nothing to prevent his arrest: nothing to prevent a Massey or a Corydon to swear he saw him at a public meeting in America, saw an Irish bond hanging up behind his counter, or saw a name to correspond with his published through the press as having spoken or written in favor of republicanism. In some cases proof may be easily obtained, and the party released. In others it may take a month, two, or three; but the very idea of the myrmidons of England being permitted, for one moment, to touch an American citizen and imprison him for presumed acts done in America, should rouse the indignation of every American citizen, and demand that England should be made immediately and significantly to understand that *no American citizen is amenable to her laws for acts committed within the jurisdiction of the United States*. If England *pointedly* understood this, she would never attempt to prosecute American citizens as she does. Why, it is only a few days ago since an American from Nashville, Tennessee, a man who actually did not know General O'Neill, who lives there, was arrested in London and confined in Kilmainham for a month, subjected to the treatment above described, because he looked like Colonel W. R. Roberts. If England were to know this she would not hold me an hour in custody. It is possible I may be released by the interposition of my government in some time; but where is my redress for my sufferings and probable loss of health, and the loss and suffering of my family by my being unable to provide for them, and greater still, for the indignity, the insult, the national wrong, the defiance offered to our common country every day by the arrest of her citizens, both native and adopted? Your bed, Mr. Republican, is democratic enough. It is a piece of canvas nailed on to two flat pieces of board, just big enough to get into. The covering has done its turn well, and has in its day enveloped the murderer, the robber, and the pickpocket without being sufficiently abused with soap to change its plumage. Sleep, sleep. But you are uneasy. You kick at imaginary something; you again think of home, mother, wife, and children. But compose yourself; you have one inseparable luxury which the miscreant informer cannot take from you, and which he, wretch, never will possess—a clear conscience. Sleep, sleep, and dream of home. Five o'clock. The bell rings; get up. The scriptural phrase, "Take up thy bed and walk," won't apply, but "make up your bed and sling" it up to the wall. The next order is "Take arms," shoulder, and present yourself at your door, chamber ornament in hand; next, "march" by the closet to the wash-room, where stalls are built for the American animals, but, by a recent magnanimous act of Parliament, they have dispensed with putting the halters on. Wash—driven, as a matter of course; don't look or speak to any of the other animals; return to your cell; and thus ends one day and begins another in Kilmainham. Let us see what the United States consul is doing in your case in the mean time. 'Tis 3 o'clock. He is after his dinner and feels well. He walks forth as proud as a peacock. He knows he is admired; the people love him because he is a representative of freedom. He walks to the castle; even here he must be respected. In the course of conversation with some of the officials on the result of a game of billiards they had the night before, it incidentally occurs to him he may as well inquire into your case. "What progress?" he inquires. He is told those congenial assistants of the Crown, Messrs. Massey and Corydon, are at present engaged in another part of the country in pursuit of their profession, and would not be able to come to Dublin for some weeks yet. He calls again and again, gets no satisfaction, and, after months, refers that case to the minister in London. Let us look in there and see what are the prospects. There is Mr. Adams himself, as stiff and starch as a lord. He is sitting at his desk, and in turning a lot of papers yours (you're lucky) fortunately turns up. He reads, turns to a clerk and instructs him to write to the castle in Dublin for a copy of documents and papers connected with your arrest. He receives an answer that they will be furnished at the earliest opportunity. He is satisfied. Diplomacy! And thus it is, Mr. Republican, between the diplomacy and the red-tapeism and the toadyism and the flunkeyism, the *habeas corpus* suspension acts may have expired, and you crawl into existence again, broken down in health, business ruined, with a cauldron of vengeances burning in your breast, and no increased love for your own government.

I repeat again, my countrymen, that my application to you is not personal. It is general, and seeks the removal of and redress for a general insult. You have entered into a sacred compact with the American government. You have renounced all former allegiance and

have sworn to obey and protect her laws. By your industry, by your manual labor, by your intellect, by your capital, by your devotion, by your blood on the battle-field, you have, in proportion to your number, done more than any other class of citizens to raise your adopted country to the proud position which she holds to-day. You are a producing class. You are the material from which, in case of internal or foreign war, the fighting element is to come. You, in case of a draft, seek not money exemption; you prefer to take your position in the field. You are the faithful sentinels on the outpost, guarding with a jealous, with a vengeful eye the sacred approaches to republicanism and freedom from the insidious salleys of Englishmen and monarchy. While you have done and are doing all this, you are neglecting a sacred duty to yourself, to your children, to posterity, to the aspirations of freedom, and to generations yet unborn, by, without remonstrating, permitting England with impunity for one hour to hold in imprisonment an American citizen for presumed acts committed in America, thereby defiantly ignoring your citizenship, and consequently the right of the United States to confer it. I seek no organized or organization interest in my behalf. I will fight my own battle while there is a rule left; I know my rights and will seek them; and if I have not in the ordinary walks of life made friends sufficient to see justice done to me, now let my case go. I am only an humble individual; but protect the sacred right of citizenship. I have placed my case on the desk of the President, as will be seen by the subjoined letter. I have in a true and independent style stated my case. It is short. I am a United States citizen. I have violated no English law. I am falsely imprisoned and seek his protection; and I am sure that that independence of character which marked his noble conduct on the occasion of the patriotic position which he took in his native State, when native enthusiasts, instigated by material aid and still further promises from England, nearly pulled down the temple of liberty, will, on the occasion of this encroachment on the Constitution of the United States and abuses of her citizens, when properly placed before him, rouse his old Hickoryism again, and in discharge of his grand mission he will independently notify John Bull that now and forever more no citizen of the United States is to be touched for acts committed in the United States, and as an indication of what he is going to do and what he will do, he will despatch, "Drop that Irishman, Warren, you have in No. 17 Kilmainham. The keeping of him 24 hours longer won't be conducive to your health."

I am, fellow countrymen, as ever, no better or worse,

JOHN WARREN.

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*Letter to the President.*

KILMAINHAM PRISON,  
*Dublin, Ireland, August 3, 1867.*

DEAR SIR: I most respectfully call your Excellency's attention to my case. By birth an Irishman, by adoption an American citizen. Here is a member of the press, collecting notes, coupled with the desire to see the old scenes, and to meet the old friends of my boyhood, and near and dear relatives. I was arrested on the 1st of June, and have since been closely confined in silence and solitude. I have violated no English law. No evidence has been advanced against me. I have repeatedly demanded my release, or an immediate trial; and now, as an American citizen and a freeman, ask your Excellency's interposition in my behalf, to obtain a right (my freedom) which England has no power to take, and which claims your Excellency's protection. My friends will place my case more fully before your Excellency.

I am your Excellency's faithful friend,

JOHN WARREN,  
*Citizen of the United States.*

His Excellency ANDREW JOHNSON,  
*President of the United States, America.*

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[Circular.]

DEPARTMENT OF STATE,  
*Washington, September 5, 1867.*

SIR: I transmit herewith a copy of a proclamation by the President of the United States, which was issued on the 3d day of September, instant, and it is made my duty to enjoin upon you an observance of the requirements of that proclamation for an earnest support of the Constitution of the United States, and a faithful execution of the laws which have been made in pursuance thereof.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

By the President of the United States.

A PROCLAMATION.

Whereas, by the Constitution of the United States, the executive power is vested in a President of the United States of America, who is bound by solemn oath faithfully to execute the office of President, and to the best of his ability to preserve, protect, and defend the Constitution of the United States, and is by the same instrument made commander-in-chief of the army and navy of the United States, and is required to take care that the laws be faithfully executed;

And whereas, by the same Constitution, it is provided that the said Constitution and the laws of the United States which shall be made in pursuance thereof shall be the supreme law of the land, and the judges in every State shall be bound thereby;

And whereas, in and by the same Constitution, the judicial power of the United States is vested in one Supreme Court and in such inferior courts as Congress may, from time to time, ordain and establish, and the aforesaid judicial power is declared to extend to all cases in law and equity arising under the Constitution, the laws of the United States, and the treaties which shall be made under their authority;

And whereas, all officers, civil and military, are bound by oath that they will support and defend the Constitution against all enemies, foreign and domestic, and will bear true faith and allegiance to the same;

And whereas all officers of the army and navy of the United States, in accepting their commissions under the laws of Congress and the rules and articles of war, incur an obligation to observe, obey, and follow such directions as they shall from time to time receive from the President or the General, or other superior officers set over them, according to the rules and discipline of war;

And whereas it is provided by law that whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the government of the United States, it shall become impracticable, in the judgment of the President of the United States, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory, the Executive in that case is authorized and required to secure their faithful execution by the employment of the land and naval forces;

And whereas impediments and obstructions, serious in their character, have recently been interposed in the States of North Carolina and South Carolina, hindering and preventing for a time the proper enforcement there of the laws of the United States, and of the judgments and decrees of a lawful court thereof, in disregard of the command of the President of the United States;

And whereas reasonable and well-founded apprehensions exist that such ill-advised and unlawful proceedings may be again attempted there or elsewhere:

Now, therefore, I, Andrew Johnson, President of the United States, do hereby warn all persons against obstructing or hindering in any manner whatsoever the faithful execution of the Constitution and the laws; and I do solemnly enjoin and command all officers of the government, civil and military, to render due submission and obedience to said laws, and to the judgments and decrees of the courts of the United States, and to give all the aid in their power necessary to the prompt enforcement and execution of such laws, decrees, judgments, and processes.

And I do hereby enjoin upon the officers of the army and navy to assist and sustain the courts and other civil authorities of the United States in a faithful administration of the laws thereof, and in the judgments, decrees, mandates, and processes of the courts of the United States; and I call upon all good and well-disposed citizens of the United States to remember that upon the said Constitution and laws, and upon the judgments, decrees, and processes of the courts made in accordance with the same, depend the protection of the lives, liberty, property, and happiness of the people. And I exhort them everywhere to testify their devotion to their country, their pride in its prosperity and greatness, and their determination to uphold its free institutions by a hearty co-operation in the efforts of the government to sustain the authority of the law, to maintain the supremacy of the federal Constitution, and to preserve unimpaired the integrity of the national Union.

In testimony whereof I have caused the seal of the United States to be affixed to these presents, and sign the same with my hand.

Done at the city of Washington, the third day of September, in the year one thousand eight hundred and sixty-seven.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,  
*Secretary of State.*

*Mr. Adams to Mr. Seward.*

No. 1442.]

LEGATION OF THE UNITED STATES,  
*London, September 6, 1867.*

SIR: I have the honor to inform you that on the 24th of August I received from Mr. Raymond, consul at Leeds, information that an attempt was making in Hull to put in circulation counterfeit notes of the United States, and asking instructions what to do. I immediately directed an investigation to be made, which produced a reply transmitting to me one of the two-dollar notes, and also stating that the source of the issue had been discovered.

Mr. Raymond being about to return home on leave of absence, requested me to communicate directly with Mr. Atkinson, his consular agent at Hull. I did so at once, authorizing him to pursue the investigation, and, if proof could be had, to prosecute the guilty parties. He reports to me on the 3d and 4th instant that a woman named Meanna Jackson had been taken before a magistrate for examination. She had, in her testimony, involved a man named Hoffman, against whom a warrant has accordingly been issued. The material part of her statement was that Hoffman had received the notes from New York. It remains to be seen whether Hoffman himself will be found to confirm it. I shall send a copy of his testimony so soon as I receive it. The note sent to me is so poorly executed that I should scarcely suppose any attempt would be made to utter it in America. Here, of course, it could gain no circulation. I have taken the responsibility to prosecute the matter at the expense of the government, rather as an early preventive measure than with any idea that it could itself do much harm.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Seward.*

No. 1443.]

LEGATION OF THE UNITED STATES,  
*London, September 7, 1867.*

SIR: I have to acknowledge the reception of despatches from the department numbered from 2045 to 2047 inclusive.

There is little or nothing happening, at this the most quiet season of the year, in this capital. The ministers are generally in the country as usual, while the business of the departments is in the care of the assistants.

The military expedition to Abyssinia for the purpose of rescuing the English subjects imprisoned by King Theodore is in the process of organization. The affirmation which came from Constantinople that they had been liberated, does not appear to have been confirmed from more direct sources.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Seward to Mr. Adams.*

[Telegram per cable.]

DEPARTMENT OF STATE,  
*Washington, September 13, 1867.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.:

Collector of customs at New York reports the Fenian episode of your 1428 a mere sensational fiction.

WILLIAM H. SEWARD.

*Mr. Seward to Mr. Adams.*

No. 2053.]

DEPARTMENT OF STATE,  
*Washington, September 13, 1867.*

SIR: With a view to the better understanding of the merits of the cases of such persons, claiming to be citizens of the United States, as may have been or may hereafter be arrested in Great Britain, upon charges or suspicion of complicity in hostile proceedings against that government, you are requested to do what may be practicable towards having this department furnished promptly, through our consuls or otherwise, with a copy in each case of the minutes of any judicial proceedings or examinations which may be held.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Adams to Mr. Seward.*

No. 1447.]

LEGATION OF THE UNITED STATES,  
*London, September 13, 1867.*

SIR: In connection with my despatches Nos. 1430 and 1439, I have the honor now to report that Lord Stanley, the day after returning to the city, granted me an interview which took place on Tuesday last, the 10th instant.

I read to him your despatch No. 2037, and consented to his taking a copy of it. He said that his first impression was that the terms furnished a practicable mode of arriving at some agreement. But it would be necessary for him to consider maturely the language of the fourth and sixth paragraphs, as well as to consult more or less with his colleagues, before he could give a definite answer.

It was clear to him that there must be some limit applied to the field of arbitration, or it would be impossible to find an umpire. But with any proper share of confidence in the selection, it might be perhaps possible to trust the performance of that task to his own judgment.

I remarked that this suggestion certainly seemed to present a practicable way out of the main difficulty.

He then made some general and informal reference to the range of selection of such a power. It seemed desirable to choose from the chief powers of the world. Of these he had thought of four. With regard to one of them, he presumed that late circumstances would not render it agreeable to the United States to think of him. On the other hand, there might be an impression, whether well or ill-founded, he did not say, among his own countrymen, that another would not be in a perfectly impartial frame of mind. Hence there



remained the two German powers, either of whom appeared to occupy a sufficiently favorable position.

I replied that I believed our relations with both of them were on so friendly a footing that I saw no obstacle at this moment to our consent to the selection of either.

His lordship ended by saying that he really was now in hopes that the matter might be arranged. He should endeavor not to take a great while in preparing a reply.\*

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM. H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Adams to Mr. Seward.*

No. 1448.]

LEGATION OF THE UNITED STATES,

*London, September 13, 1867.*

SIR: Having received from Mr. West, the consul at Dublin, a report of the condition and treatment of Colonel Nagle, which seemed to me unreasonably harsh, I did not await for a response to the second representation made by him to the authorities, but at once addressed a note to Lord Stanley on the subject, a copy of which I have the honor to transmit.

The morning after that was despatched, I received your telegram on the same subject, calling upon me to renew my urgency for the release of both Colonel Nagle and Colonel Warren.

I have, in accordance with your desire, addressed a note to Lord Stanley, a copy of which I have the honor to transmit.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Adams to Lord Stanley.*

LEGATION OF THE UNITED STATES,

*London, September 11, 1867.*

MY LORD: It is reported to me by the consul of the United States at Dublin, that he finds in the case of Colonel William J. Nagle, a native American citizen, now confined in prison in Kilmainham jail, on suspicion of complicity with hostile designs against her Majesty's government, that there is reasonable cause of complaint on the score of the severity of his treatment. He is kept in close confinement in a narrow cell for 22 hours out of the 24, bound to preserve strict silence all the time. The effect of this course has been already materially to depress him in spirits and in health.

It is alleged, in justification of this course, that it is in conformity with the system of rules established in that prison for all persons there confined, to which I would beg permission to observe that surely there should be some distinction preserved between persons confined on suspicion, without any offence proved against them in due course of law, and those who are subjected to a penalty for their offence after their guilt has been fully established.

I have received from my government very strong instructions to do all in my power in behalf of Colonel Nagle, on account of the services rendered by him and several brothers during the late difficulties in America, as well as of his character as a citizen. I cannot but permit myself to hope that he may at least have an opportunity early afforded him of being put on his trial for any offence he may have committed. At the same time, I have thus far forbore to press the case on your lordship's attention, in the hope that the representations already made, and still pending at Dublin, may yet meet with favorable notice. Meanwhile, however, I would pray your lordship's aid to procure some alleviation of the alleged harshness of his treatment.

I pray your lordship, &c., &c.,

CHARLES FRANCIS ADAMS.

Right Hon. LORD STANLEY, &c., &c., &c.

*Mr. Adams to Lord Stanley.*

LEGATION OF THE UNITED STATES,  
*London, September 13, 1867.*

MY LORD: Since the despatch of my note to your lordship of the 11th instant, in regard to the case of Colonel Nagle, I have received from my government special instructions to urge the early release both of that gentleman and of his companion in prison, Colonel Warren. Whatever may have been the purposes of those gentlemen in coming to Ireland, on which I am not called to give any opinion, it is quite clear at least to me that they could not have committed any act of hostility to her Majesty's government within her jurisdiction which would fairly subject them to the probability of condemnation, if tried in a court of justice. Hence it is hoped that the confinement and severe treatment to which they have already been subjected may be regarded as sufficient penalty for anything they might even be suspected to have intended to do, to entitle them to a release at an early day.

I pray your lordship to accept, &c., &c., &c.,

CHARLES FRANCIS ADAMS.

Right Hon. LORD STANLEY, &c., &c., &c.

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*Mr. Adams to Mr. Seward.*

No. 1453.]

LEGATION OF THE UNITED STATES,  
*London, September 14, 1867.*

SIR: In connection with my despatch No. 1442 of the 6th instant, I now have the honor to transmit a report from Mr. Atkinson at Hull, of the further proceedings in the case of Hoffman, to whom the counterfeit notes of the United States had been traced. It would seem that he received them in exchange, as he says, in good faith, from a seaman on board of the steamer Atlantic. The matter is therefore closed on this side of the water. Possibly it might be traced further in New York.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Atkinson to Mr. Adams.*

CONSULAR AGENCY OF THE UNITED STATES,  
*Hull, September 13, 1867.*

SIR: Referring to mine of the 4th instant, I have now to enclose a letter from Messrs. Rollit & Son, solicitors, reporting the result of the examination of the prisoner Hoffman.

I also enclose copy of correspondence, giving the information obtained at Bremerhaven respecting this man.

I regret that I am not able to carry this matter further, but have done my best; and I trust that the action taken here will have a tendency to prevent further attempts of a similar nature.

I have the honor, &c.,

HENRY J. ATKINSON,  
*United States Consular Agent.*

His Excellency CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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AMERICAN GOVERNMENT *vs.* HOFFMAN.

18 TRINITY HOUSE LANE,  
*Hull, September 12, 1867.*

DEAR SIR: Our inquiries in Bremen tend so strongly to the conclusion that the prisoner Hoffman was an innocent utterer of the counterfeit notes, that we have thought it our duty to assent to his discharge. The charge against Meana Jackson was also withdrawn. I enclose

you copies of the information on which we have acted, which was corroborated by inquiries made through another source. The guilty party is most probably a sailor on board the Atlantic steamship trading to Bremen, and it will be for your government to consider the expediency of prosecuting further inquiries there with a view to the apprehension of the sailor who gave the notes to Hoffman.

The inquiry here will in all probability be the means of stopping the further circulation of the counterfeit paper in this country.

Yours, truly,

H. J. ATKINSON, Esq., *United States Consul, Hull.*

ROLLIT & SON.

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AMERICAN GOVERNMENT *vs.* HOFFMAN.

*Copies of replies to inquiries.*

HULL, *September 11, 1867.*

GENTLEMEN: In accordance with your request of the 6th instant I made inquiry at Bremerhaven respecting Bernard Hoffman, who is accused of passing counterfeit \$2 notes, and hand you annexed the result of my inquiries.

I remain, gentlemen, yours obediently,

C. KUHLLING,  
*Vice-Consul for Bremen.*

Messrs. ROLLIT & SON, *Hull.*

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[Translation.]

BREMERHAVEN, *September 9, 1867.*

At the request of Mr. H. Reidhl (agent of the North German Lloyd) I hereby declare on oath that the mate, B. Hoffman, of the schooner Moene, exchanged about three months ago, in my presence, from a fireman on board the American steamer Atlantic, a number of \$2 notes without knowing that they were counterfeit.

CARL WIESE.

The above declaration was signed and declared in my presence.

J. HEITMAN,  
*Captain of the steamer Moene.*

The agent of the North German Lloyd writes as follows:

Hoffman appears to be a respectable man, who for a length of time has served on board the steamers of the North German Lloyd to the satisfaction of the captains.

The innkeeper and retailer, Carl Wiese, is a citizen of Bremerhaven, residing in the Jahrstrasse, and, so far as I have been able to ascertain, has a good reputation.

One of the crew of the Atlantic wished to change American notes. Wiese himself had not sufficient cash, and Heffman, who happened to be in the house, offered to change it.

Wiese was under the belief that the money was genuine, and is of opinion that Hoffman shared in this erroneous belief.

I learn that one of the crew of the Atlantic exchanged paper money in various places, which afterwards proved to be counterfeit, and probably this man is the same who visited Wiese's shop.

H. REIDHL.

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*Mr. Seward to Mr. Adams.*

No. 2054.]

DEPARTMENT OF STATE,  
*Washington, September 14, 1867.*

SIR: Your despatch of the 23d ultimo, No. 1428, in relation to the cases of Colonels Nagle and Warren, has been received, and a copy of the paper which accompanied it has been submitted to the collector of customs at New York, with a view to an inquiry as to the truth of the statements made therein. I transmit a copy of the collector's reply, the tendency of which is to throw discredit upon those statements.

Special interest is felt in these cases by a large number of highly respectable and influential citizens, as an illustration of which you are informed that the President has recently received and referred to this department, petitions in the form of one which has already been forwarded to you, containing upwards of a thousand signatures, embracing those of the mayor of Brooklyn, judges and other judicial and civil officers, and many persons of eminence.

The communications which have been addressed to you render it unnecessary for me to assure you of the gratification which would be afforded by an early release of these officers.

There is probably little doubt that Colonel Warren is a naturalized citizen of the United States; but I have pointed out to the applicants in his behalf the importance of positive proof of the fact of citizenship.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Smyth to Mr. Seward.*

CUSTOM-HOUSE, COLLECTOR'S OFFICE,  
*New York, September 12, 1867.*

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, and to state, in reply, that the records of the several departments of this custom-house do not enable me to furnish any facts or information in regard to the subject-matter to which you refer.

If specific data—say name of vessel and date of sailing—were at hand, it is believed that the files of this office would repudiate the suggestions of the writer of the enclosure of your letter.

I am, sir, with much respect, your obedient servant,

H. H. SMYTH, *Collector.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington.*

*Mr. Seward to Mr. Adams.*

No. 2055.]

DEPARTMENT OF STATE,  
*Washington, September 16, 1867.*

SIR: Information has been received here from the United States consul at Amoy, China, to the effect that on the 26th of March last Commander Broad, of her Britannic Majesty's sloop-of-war *Cormorant*, with a view to the rescue of such of the survivors of the American bark *Rover*, wrecked near the southern coast of Formosa on the 12th of the last-named month, as might be left in the hands of the savages of that island, proceeded to the scene of this painful disaster, having on board a Chinaman, the only known survivor of the ill-fated crew.

On the arrival of Commander Broad at the place he discovered the *Rover's* small boat on the beach, and in attempting to land a force from the *Cormorant* was fired on from the jungle, which was so dense that it was found to be impossible, with the limited number of men at his command, to penetrate therein, and consequently the expedition was abandoned. It is proper to state that Charles Carroll, esq., the British consul at Tam-suin, Formosa, kindly interested himself in the matter, and accompanied the expedition for the purpose of rendering such assistance as might be in his power.

Under these circumstances I have to request that you will avail yourself of an early opportunity to express to her Majesty's government in fitting terms the high appreciation entertained by this government of the generous and humane conduct of Commander Broad and Consul Carroll on that occasion.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Seward to Mr. Adams.*

[Telegram per cable.]

DEPARTMENT OF STATE,  
*Washington, September 19, 1867.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c. :

Sir Frederick Bruce died at Boston this morning. Express President's sympathy to Lord Stanley. We are conferring with legation concerning funeral, subject to wishes of government and friends in England.

WILLIAM H. SEWARD.

*Mr. Seward to Mr. Adams.*

[Telegram per cable.]

DEPARTMENT OF STATE,  
*Washington, September 20, 1867.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c. :

Obtain definite answer about Warren and Nagle.

WILLIAM H. SEWARD.

*Mr. Seward to Mr. Adams.*

No. 2056.]

DEPARTMENT OF STATE,  
*Washington, September 20, 1867.*

SIR: Your despatch of the 3d of September, No. 1438, has been received. It relates to the cases of John Warren and of W. J. Nagle, so-called Fenians. It is accompanied by a printed copy of letters of Colonel Warren. Beyond a doubt their publication has a tendency to counteract a favorable disposition on the part of her Majesty's government in his case. You rightly therefore disapprove of it. A disposition is indicated here, by some persons who sympathize with Fenian movements in Great Britain, to work out a certain issue between the governments of the United States and Great Britain which is expected to be connected with those movements. That issue may be distinctly stated thus, namely: that her Majesty's government arbitrarily seize and detain, without trial or process of law, in the British realm, unsuspecting citizens of the United States sojourning or travelling there—not for breaches of the peace, or for offences of any kind committed within the realm, but for matters of speech or conduct occurring exclusively within the United States, and which are not forbidden by treaty or by local or international law.

The detention of Warren and Nagle is liable to be used for the purpose named. Each of them is known to be a citizen and to have made a meritorious officer in the service of the United States. There is no evidence that either of them has committed or attempted to commit any offence or breach of the peace in Great Britain, while evidences to justify or excuse their detention are understood to be made out of an avowal, *in the United States*, of sympathies with Fenianism.

In conference with the late Sir Frederick Bruce, it was thought expedient to ask by telegraph that they should be discharged. He despatched Lord Stanley a message to that effect on the 11th of September, simultaneously with a despatch which was transmitted by this department to you. On the 13th I renewed

the suggestion by telegraph. I have again renewed it in the same manner to-day.

The President has expected that courtesy and conciliation would induce a compliance with a request which was inspired by good will to Great Britain. A definitive reply has now become absolutely necessary. What use you shall make of this despatch, whether to treat it as public or private, is left to your own discretion.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Adams to Mr. Seward.*

No. 1455.]

LEGATION OF THE UNITED STATES,  
*London, September 21, 1867.*

SIR: I have to acknowledge the reception of despatches Nos. 2049 and 2050 from the department, and likewise a telegram of the 19th announcing the demise of Sir F. Bruce, and another of the 20th, in regard to Colonels Nagle and Warren.

There can be no doubt that the inconvenience to Americans who visit Ireland for any purpose of business or pleasure is very considerable. I shall take the earliest opportunity to see Lord Stanley for the purpose of suggesting your remedy of a passport to meet the temporary need.

I regret to be obliged to report little prospect of relief to those persons now under arrest and detention in prison on account of their supposed complicity with the attempt at insurrection there. The authorities are becoming less and less disposed to grant releases upon any conditions whatever. The late successful attempt to rescue the two persons taken at Manchester, of which I transmit a report in the Times and the Star, 20th September, has been attended with such violence and bloodshed, that I very much fear the temper of both the government and people will not be much longer restrained from dealing with the offenders with the utmost severity. It is unfortunate that these events take place just at a moment to revive the feelings which would have otherwise been so far quieted as, I doubt not, to have admitted of the liberation of almost, if not all, the persons remaining in confinement.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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[From the London Times, September 20, 1867.]

THE FENIAN RESCUE AT MANCHESTER.

MANCHESTER, *Thursday Evening.*

The latest accounts obtained from eye-witnesses of the attack upon the police van yesterday indicate a skillful organization beforehand to take advantage of an opportunity. The attacking party seems to have numbered about fifty, a large proportion of whom had pistols; some of them had revolvers, while others of the band were well supplied with hatchets, hammers, and stones. The place chosen for the attack was probably the best that could have been selected for the purpose, being just outside the city, near a railway arch crossing the road. When the van approached the place the abutments of the bridge served to conceal from its conductors the party that was awaiting them, until they had driven into the ambush. Men had been noticed loitering about the place all day. It is now evident that they were on the look-out for the van passing on its way to the jail with the prisoners, and that the rest of the gang, though scattered, were sufficiently near to be summoned on a signal being

given by those stationed on the road. These, again, were duly prepared for the arrival of the van by confederates who preceded it in a cab from the police court. The prisoners had been remanded early in the day, but kept in the cells of the court-house until, all the business being over, there were more than thirty prisoners ready for removal in the van, including Kelly and Deasy, the Fenians. The attack consequently was not made till about four p. m. It is unfortunate that the authorities received no information of the suspicious appearances on the Hyde road, and that although, on the occurrence of the disturbance we mentioned in yesterday's account at the exit from the court, the hint seemed to be so far acted upon in official quarters as to provide an extra escort of police—eleven constables being sent in charge of the conveyance—the precaution was not carried so far as to provide against a formidable attack with fire-arms. As the event proved, the assailants had made calculations adequate for the enterprise. Some persons have suggested that the publications in the local papers of the fact that supposed Fenians were in custody should have been prevented by the police, as it was giving warning to their friends to prepare for the rescue. It is at least equally probable that their friends had prepared for the opportunity as soon as their capture was first known in their own haunts, and before the newspapers obtained the information. When the van had driven into the midst of the assailants the horses were at once shot, the driver dislodged with a stone, and the practically defenceless police were driven off by a volley of pistol-shot. Then the armed assailants surrounded the van, keeping the police and the spectators at bay, while the men who had been provided with the requisite implements set to work to break open the door and the roof. The van being a very strong one, the task was one of considerable difficulty, and shot after shot was fired both among the crowd and into the wards of the lock before an opening could be effected. When the door was burst open, the man who is believed to have taken the leading part throughout, a Fenian named O'Meara Allen, was the one to complete the work, entering the van and demanding from the officer inside the keys of the separate compartments in which the prisoners were locked. The officer, Sergeant Brett, not complying, was shot in the head fatally by Allen, according to very positive statements, and the prisoners were then set free. In the general chase across country which immediately followed it was observed that Allen seemed to cling to Kelly, while a man named Larkin kept close to Deasy, and thus the handcuffed fugitives were helped over obstacles, such as walls and fences. But the pursuit became too hot for this plan to be acted on to the last. The men separated, and ultimately both Larkin and Allen were run down, while the "head centres" escaped, and have not yet been heard of. Allen was heard saying to Kelly immediately after the release and the shooting of the policemen, "Kelly, I will die for you!" He was captured at Beswick, and had then twenty rounds of cartridges for breechloaders, but had been so hard pressed in the run that he had no time to load.

No further violence is reported to-day, nor is any outbreak apprehended. Nearly thirty prisoners have been apprehended as the result of the chase last night and the search in those districts where Fenian sympathizers are known to resort. The whole of the prisoners were examined before the magistrates this afternoon, merely to be identified as having been seen engaged in the attack, and they were at once remanded for a week. They are lodged at the Central police station, under a guard of fifty of the 57th Foot, commanded by Captain Halstead. An escort of the 8th Hussars accompanied the prisoners when they were removed from the lock-ups to the police-court and back again, a distance of about two hundred yards. The streets were much thronged with lookers on, who attempted no disorder.

The following are the names of the prisoners first captured and the charges against them:

For wilful murder, William O'Meara Allen and Michael Larkin.

For riot and murder, William Martin, clerk, aged 35 years; William Gould, clerk, 30; Louis Moore, joiner, 56; Patrick Hogan, laborer, 26; John Carroll, laborer, 23; Charles Moorhouse, clerk, 22; John Gleeson, laborer, 42; Patrick Barragan, laborer, 49; Henry Wilson, clothes dealer, 28, at whose house Kelly and Deasy were first apprehended; Michael Joseph Boyland, schoolmaster, 37; William Wells, laborer, 29; Michael Corcoran, laborer, 29; Edward Shore, *alias* Short, traveller, 26; John Butler, weaver, 54; Patrick Cloney, scavenger, 69; Patrick Kelley, laborer, 35; Michael McGuire, clothes dealer, Smithfield market, 32; Patrick Daley, tailor, 36; William Luther, striker, 19; James Woods, hackler, 22.

An exciting scene took place this morning at the A division of the police station, on the occasion of the prisoners being placed in line for identification. A great crowd of people blocked Albert street, and manifested an intense eagerness to secure a point whence they could view the probable removal of the prisoners to the city court. In the rear of the station the military were drawn up in line, each man having twenty rounds of ammunition. The prisoners were arrayed along the main corridor, and as witness after witness passed up and down the line the expression on the prisoners' countenances showed, in most cases, that the men had something like the "courage of despair." Occasionally some of the witnesses would have to repeat their walk up and down more than once. Not a word was spoken during each single progress. The several witnesses, after the inspection, communicated their knowledge to a sergeant in charge.

Charles Thomas, a plumber and glazier, identified Allen, Larkin, and two others. He had observed them before, during and after the affray. Before the attack he was watching them from over a wall, standing on a dog-kennel. He saw one of them run from the Hyde-

road Hotel, and give the word to the others, and immediately afterwards the van came in sight. Two of the men, whom he is able to identify, he saw drawing a revolver each, and they appeared so deliberate that he said to a neighbor, "Good God, these men are going to fight a duel." He observed Allen, who was dressed in a light coat, with a pistol in each hand, and when he was not firing he was hammering away at the van. He saw him fire the shot into the van.

Edwin Walton, japanner, in Mr. Port's employ, Ancoats, besides observing Allen, gave much of his attention to another man, who appeared to be an officer of the gang. He was well dressed, wore a hat, and the lappels of his coat were bordered with worked silk. He also had a light mustache. After the rescue this witness joined in the pursuit, and while others chased Allen, he went after the well-dressed man. He came up with him at the wall near Ashton road, and helped to capture him. He also identified three others.

James Mayer, a barman, identified Allen and two others. When Sergeant Brett came headlong out of the van, Allen, who had been off a little distance exchanging his discharged revolver for a fresh one, rushed to the front and swore he would shoot anybody dead who came near. After the fight the witness followed them. Kelly and Deasy were in handcuffs. When they got to a wall Allen jumped up and got hold of Kelly's arms to pull him after him, while some men below hoisted him at the same time. The other officer tried to help one of the other men over in the same way, but he could not and he ran away. This other man was captured.

William Hughes, a locomotive fitter, in the employ of Boyer and Peacock, identified six of them. He saw Allen fire three times while the constables were kept at bay. One of his shots took effect in Prowsen's heel, who cried, "My God, I'm shot!" (Prowsen was a bystander.) He also saw the other officer, the man with the lappelled coat. He noticed that while they were waiting for the van to come up this man seemed to be receiving news and giving orders.

Thomas Sperry, in the employ of the Midland Railway Company, identified three as the men he saw running across the line, pursued and pelted by some platelayers. He did not know what had occurred at the time, but, as he said, the platelayers "were making it so hot for them" that he could not help noticing it.

John Hayes, master brickburner, was in his croft during the *melee*. He saw the whole affair. Two of the men, whom he now identified, were trying to turn their horses' heads towards Manchester, and, as they plunged a good deal, one of the men fired his revolver into the animal's nostrils, and then both of the men tried to pull the brute on his haunches. Allen at this time was keeping guard, daring the crowd to interfere. After Allen had fired several shots witness saw him go to a man on the other side of the arch and change pistols. Two other men, whom the witness identified, took a leading part. One of them, cautioning his comrades, said, "Don't shoot, or you'll hit Allen." (At this time Allen was in the van.) Larkin seemed to be taking charge of Deasy in the same way Allen was attending to Kelly. Witness followed the crowd as far as Beswick, and was present when Allen was captured. Allen had then twenty rounds of cartridge for breech-loaders, but had been so hard pressed that he had not time to load.

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[From the Manchester Examiner and Times.]

### THE FENIAN RESCUE AND OUTRAGE IN MANCHESTER.

The two men who it was stated in yesterday's paper were believed to be the Fenian leaders, known as Colonel Kelly and Captain Deasy, were again brought before the city magistrates during the morning, for the purpose of a formal remand only; and it would appear that their friends, on learning of the capture, had determined not to let slip the opportunity of a rescue which might occur during the conveyance of the prisoners between the police court and the city jail. We regret to have to relate the success of this enterprise, attended with a scene of fatal outrage which has naturally created the most painful excitement and surprise in the neighborhood where it occurred, so little accustomed are the inhabitants of this part of the kingdom either to see or to apprehend the triumph of an armed band of desperadoes over the agents of the law. The police van was stopped and broken open in the Hyde road, the captives were set free, and their guards were shot, one of them fatally. Some of the leading perpetrators of the crime were promptly secured, and it was probable that further arrests would be made last night after this account was written. The affair seems to have been thoroughly organized beforehand, and carried out by a resolute commander. It is most unfortunate that the police were not prepared to resist such an attack, and that no report of the preparations made for it should have reached the authorities in time.

The account of the apprehension of the two men last week, and the report we published of the suspicion that they might turn out to be connected with the Fenian movement, would probably not attract as much attention as the event proves it to have merited. The circum-



stances under which they were apprehended seemed to prove that they were prepared for violence, even if they did not contemplate it. The police had observed four men loitering about in a manner that might indicate that a robbery was being planned. It was between three and four o'clock on Wednesday morning. Two of them were accordingly taken into custody, while the others made their escape. The prisoners made a great resistance, but were overpowered. It had been noticed that they tried very hard to get their hands in their pockets. On being searched, each was found to have in his pocket a loaded revolver. The two men who spoke with an Irish-American accent, and said they were American citizens, were brought up and remanded by the city magistrates on the representation of Superintendent Maybury that he had reason for thinking it might prove that they were Fenian refugees. The subsequent communications with the Irish police have led to their identification.

When the men were again placed in the dock yesterday, Superintendent Maybury, of the Manchester detective department, said he believed Inspector Williams, of London, had a communication to make to the bench. Mr. Williams said he had been instructed by the authorities at Scotland-yard to apply to the magistrates for a remand. He had reason to believe that the two prisoners, who gave their names as John Wright and Martin Williams, were Colonel Kelly and Captain Deasy, both of whom were notorious leaders in the attempted Fenian rising in Ireland in March last. He produced the warrants which had been out for their arrest since that date. Mr. Nuttall, solicitor, who appeared on behalf of Mr. Ernest Jones, (who was said to have been retained for the defence,) acceded to the remand, and the prisoners were accordingly removed to the cells below. The court, especially the gallery, was densely crowded, and it was observed that the greater number of those present appeared to take an intense interest in the proceedings. A considerable number of strangers crowded the corridors and the open rooms below the court. After the court adjourned, which was about one o'clock, these same persons were still hovering about, as if with the intention of waiting to see the prisoners removed in the prison van. By the time the van arrived, which was not before three o'clock, the narrow street in the rear of the court-house was filled by an excited throng. A considerable force of police was told off to keep the van clear. Meanwhile, the attention of Superintendent Gee had been called to two men of soldierly appearance, who had been seen lounging about all the morning. He saw that they observed him, and from their suspicious and impudent manner—they were humming Fenian airs—he informed Inspector Garner that he thought they ought to be arrested. Inspector Garner and Constable Shaw went forthwith to arrest them. One of them made off and escaped. The other, a tall, powerful man, made a desperate resistance. He drew from his breast a long-handled, loose-springed knife, which on the blade being thrown forward became a formidable dagger, the spring tightening with a click. Inspector Garner seized his prisoner by the wrist, and while he was in the act of wrenching the weapon out of his right hand, the fellow aimed a fearful blow with his left, which caught Constable Shaw full in the eye. Some more constables came upon the scene and completed the capture. The man was searched and handcuffed. A few minutes afterwards the prisoners, including the "colonel" and the "captain," were marched between a double row of constables to the steps of the van. A murmur rose from the crowd as the prisoners, who were in handcuffs, were placed inside the vehicle.

The prison van then proceeded through the city in the direction of the jail. The van is divided into separate compartments, each intended for a prisoner. The two Fenians, together with several women and young boys, were the occupants of the vehicle, which was accompanied by eleven policemen, seven besides the driver upon it, and four following in a cab behind. Police-constables Shaw and Yarwood, with Detectives Bromley and Taylor, were on the box; Knox and Connell were behind, and Sergeant Brett was inside the van in the middle compartment. The names of the four officers in the cab were Sergeant Hartley and Constables Trueman, Schofield, and Thompson. With the exception of Brett, who is said to have had a cutlass, none of the police were armed otherwise than with their ordinary truncheons. The van proceeded quietly until they arrived at the railway arch, on the Hyde road, near the clay pits, not far from Messrs. Higginbottom & Heywood's paper works. The officers in front, when they got to the arch, noticed a crowd of men, consisting of about fifty or sixty, the majority of whom were armed with revolvers. This crowd was composed of men dressed some in cloth and some in fustian; but there were not many in the garb of workmen; the majority seemed better dressed. They appeared to be acting in concert, and one man, who was known to be a Fenian, named William O'Meara Allen, appeared to be acting as the leader. The moment the van approached the arch Allen shouted to the driver to stop. This was followed immediately after by a volley of pistol shots. One of the policemen in the rear called to the driver to drive on. Simultaneously, however, the Fenians in front fired at the near horse and shot it through the neck, and the driver was knocked off his box with a large stone. Some one then presented a pistol at Bromley and shot him through the fleshy part of the thigh. Taylor was also knocked on the chest by a large stone. A moment afterwards the other horse was also shot. Several of the other officers narrowly escaped being shot, and only saved themselves by ducking their heads as they were aimed at. The progress of the van was, of course, effectually prevented, and the mob set to work to liberate the occupants. About twenty of the assailants formed a cordon round the van, and kept the police at bay. Several bystanders joined with the police, and made a rush;

but, as they were unarmed, they could do nothing against a score of desperate men with loaded pistols. In the mean time the remainder of the gang had attacked the van, and were trying to open it. They were armed with hatchets, hammers, and stones, with which they tried to force an entrance. The van, which is a very strong one, appeared to resist their efforts, till at last a party of men managed to haul a very large stone upon the roof, where they began to use it with great execution. They had soon pounded the top of the van into chips. The door was by this time nearly forced open, when the leader, who had a pistol in each hand, put one to the lock, fired it, and burst the door open. The gradually increasing crowd of spectators had in the mean time made several rushes, but were easily defeated by the occasional firing of pistol shots. The police are of opinion that some of the pistols were not loaded with ball, for several times when they were fired point-blank, no effect followed. This might, however, have been the consequence of hasty aim. One of the bystanders, named Sproom, was shot through the ankle, and one of the policemen, Trueman, who was in the cab, and who came up to assist the others, received a shot in the back, which did no more than graze the skin. In addition to this several bullet marks were found on the arch. The leader, Allen, was seen to fire five shots at the van before it was burst open. When the party at the door had forced an entrance, the leader called to the prisoners to come out. They were, of course, locked up in their separate compartments. The leader then asked Brett for the keys, but he refused to give them, upon which Allen fired. Brett was shot in the head, the ball entering at the eye and coming out near the top of the hat. Brett staggered out of the van as soon as Allen had possessed himself of the keys. Allen then released the two Fenians. The whole party then decamped across the fields in the direction of the Ashton road. Besides the two Fenians, four of the female prisoners took the opportunity to escape, their compartments having been unlocked.

Allen was seen going along in the company of Kelly, and was heard by the bystanders to say, "Kelly, I will die for you." Some young men in the crowd, in the employment of Messrs. Heywood and Higginbottom, gave chase. Allen, with one or two others, continued their flight over the fields. At Ashton road a police constable named Bradley joined in the chase and captured one of the party, named Michael Larkin, of Eliza street, City Road, Hulme. Another young man, named Hunter, of Pendlebury, ran down Allen, and laid hold of him. He resisted violently, and threatened to shoot his pursuer with a revolver. Hunter, however, who is a powerful young fellow, closed with him, wrested the pistol from him, and struck him with it several blows on the head, causing a very ugly wound. Other assistance then came up, and the two we have named with a third, who was afterwards captured, were taken to Fairfield street station. Allen was identified by twenty or thirty witnesses as the leader of the gang, and the man who entered the van and shot Brett.

From the statements of eye-witnesses of all that took place on the Hyde road, we are enabled to add further details of some portions of what is related above. A very acute looker-on, who lives near the railway arch, had noticed a number of strange, suspicious-looking men loitering in the neighborhood all the morning. Some of them visited the neighboring inn, the Railway Hotel, from time to time, and then went across the road into the unenclosed field along the line of railway. They were stily built men, and some of them looked as if they had been soldiers. One of them was rather taller than the rest. He was a fair-complexioned man, with a black coat and cap. He appeared to be the leader. Our informant felt sure that "something was going to happen." About four o'clock he was so occupied with watching the men that he did not see the prison van when it was coming up the road. He saw the tall man standing with ten or twelve others on a bank of clay on the opposite side of the road. He put up his hand, and several other men who had been loitering about joined those on the bank, making the number from fifteen to twenty. The tall man, who acted as captain, then drew a revolver, which looked like a new one, and it shone in the light. The other men at once did the same. All the pistols were quite bright. At this moment the rumble of the van was heard, and the leader, as he seemed to be, stepped into the middle of the road, raised his revolver, and fired. At the firing of the shot, the constables were seen clambering down from the van as fast as they could. The other barrels of his revolver the same man then discharged at the horses. One of the animals plunged about a great deal, and it was afterwards found that it was shot in the back. In the mean time other shots were being fired behind the van, and the officers driven off. By this time a great crowd of people had gathered together. A neighbor ran into his house to fetch a poker, and while he was inside a constable followed him and asked him if he had any arms. This constable (A 76) had been shot at, the ball passing through a portion of his uniform at the left side. As above stated, while some of the assailants kept back the constables and the crowd, others surrounded the van and began to break away into it. This they tried to do, some with hammers, others with an axe head, and others with stones. As soon as one of the panels gave way, the man who from the first had been set to act as captain presented his pistol through the opening, and was heard to demand the keys from somebody inside. The answer could not be heard through the din caused by the battering of the stones and the hammers, and the shrieks of the women who were also in the van. The next thing observed was a captain firing a shot into the van. At this time the constables and some of the crowd made a rush at the van, but fell back on being fired at. Whenever an attempt of this kind was made, there were always some men to jump to the front, so as to keep the way clear

between the constables and the van. On one of these occasions a bystander said to a neighbor of his, "They've fired all their shots; let's make another rush." They did so, and the next moment one of them exclaimed he was shot. When the van was broken open, the first thing seen was a constable with keys in his hand (Sergeant Brett) tumbling from the inside down the steps. He was bleeding from the temples, and his head looked as if it had been hit by some of the stones. The captain and some of his men stood at the door, calling out to the prisoners, "Come out." A woman was among the first to get out. Afterwards a tall man with a dark moustache ("Captain" Deasy) came out, and then followed a short, thick-set man, ("Colonel" Kelly.) Both of the men looked as if they were still handcuffed. Nearly all the assailants crowded round, and whilst some of them hurried across the unenclosed fields others remained behind, and fired more shots. The firing seemed quite at random, as if there were now no wish to wound, but only to keep the police at bay. Sergeant Brett was helped into a cab. He was speechless, and seemed dying. Other wounded men were attended to in the same way. The walls of the railway arch were found studded with shot marks. One of our informants saw the mortar fly off in flakes while the firing was going on. He afterwards counted nearly thirty of these marks. He also found a revolver in a neighbor's coal grid. It was quite new, with the exception of all the chambers having been fired off once, or perhaps twice. The injured men were removed to the Royal Infirmary, where Brett died shortly after his arrival. The other persons wounded are expected to recover.

Immediately on the receipt of the intelligence in town, the mayor and several of the city council, with the heads of the police department, assembled together, and consulted as to the steps to be immediately taken for the recapture of the prisoners. A telegram was despatched to the Home Office, and the cavalry regiment in Hulme barracks were called upon to be in readiness to defend any of the police stations if they were attacked. A strong force of police was on duty at each station.

In reply to the mayor's telegram, the Home Office has offered a reward for the recapture of Kelly and Deasy.

The prisoners first captured, including Allen, were removed during the evening, under a strong escort of the 8th Hussars, from Fairfield street station to the central station in Albert street, where fifty of the 57th Foot, under Captain Halstead, remained on duty all night. The revolver which was found on Allen is perfectly new, and similar to the one in possession of Kelly when he was taken last week.

The country was scoured in all directions during the night, and before 11 o'clock twelve to fifteen arrests had been reported from different places in the neighborhood. Some of those who offered resistance got severely punished in the struggle. The last that was seen of Kelly and Deasy was near Clayton bridge. They were seen by some brickmakers to go into a cottage, they then being in handcuffs. When they came out their hands were free. At 7.20 a porter at Heaton Norris saw two men run across the line into the open country. He challenged them, but they did not stop. Inspector Gill and Constable Schofield took train to Stockport, and thence to Hazel Grove, but failed to fall in with them. In the mean time, a hot pursuit was kept up after Allen and others. When the constable overtook Allen he was already in custody, and had already been severely stoned about the head and body by some young men who said they saw him fire the shot that killed Sergeant Brett. Several other arrests were made about the same time. Among the captured are two desperadoes who give the names of Martin and Gould. These men were conveyed in the first instance to the city jail, where they were so violent that it became necessary to put leg irons as well as handcuffs on them. Thus heavily chained and guarded by a military escort, they were taken in a cab to the station of the division, (Albert street,) where a large and excited crowd remained until a late hour last night. The man who shot at Constable Yarwood, and who was also among those arrested, has been identified by that officer.

Sergeant Brett, who had been nearly thirty years in the force, is highly spoken of as an efficient and trustworthy officer.

It is ascertained that the prison van was preceded on its way from the court in the afternoon towards the jail by a cab containing several of the assailants, who joined those who had previously been seen loitering about the railway arch, and who appeared to take the command.

#### IDENTIFICATION OF ALL THE PRISONERS.

An exciting scene took place yesterday morning at the A division police station, on the occasion of the prisoners being placed in line for identification. A great crowd of people blocked Albert street, and manifested an intense eagerness to secure a good stand-point whence they could view the probable removal of the prisoners to the city court.

In the rear of the station the military were drawn up in line, each man having twenty rounds of ammunition. The prisoners were arrayed along the main corridor, and as witness after witness passed up and down the line, the expression on the prisoners' countenances showed in most cases that the men had something like the "courage of despair." Occasionally some of the witnesses would have to repeat their walk up and down more than once. Not a word was spoken during each single progress. The several witnesses, after the inspection, communicated their knowledge to a sergeant in charge.

Charles Thomas, a plumber and glazier, identified Allen, Larkin, and two others. He had observed them before, during, and after the affray. Before the attack he was watching them from over a wall, standing on a dog-kennel. He saw one of them run from the Hyde-road hotel and give the word to the others, and immediately afterwards the van came in sight. Two of the men, whom he is able to identify, he saw drawing a revolver each, and they appeared so deliberate that he said to a neighbor, "Good God, these men are going to fight a duel." He observed Allen, who was dressed in a light coat, with a pistol in each hand, and when he was not firing he was hammering away at the van. He saw him fire a shot into the van.

Edwin Walton, a japanner, in Mr. Port's employ, Ancoats, besides observing Allen, gave much of his attention to another man, who appeared to be an officer of the gang. He was well dressed, wore a hat, and the lappels of his coat were bordered with worked silk. He also had a light moustache. After the rescue this witness joined in the pursuit, and while others chased Allen he went after the well-dressed man. He came up with him at the wall near Ashton road, and helped to capture him. He also identified three others.

James Mayer, a barman, identified Allen and two others. When Sergeant Brett came headlong out of the van, Allen, who had been a little distance exchanging his discharged revolver for a fresh one, rushed to the front, and swore he would shoot anybody dead who came near. After the fight the witness followed them. Kelly and Deasy were in handcuffs. When they got to the wall, Allen jumped up and got hold of Kelly's arms to pull him after him, while some men below hoisted him at the same time. The other officer tried to help one of the other men over in the same way, but he could not, and he ran away. This other man was captured.

William Hughes, a locomotive fitter, in the employ of Boyer & Peacock, identified six of them. He saw Allen fire three times while the constables were kept at bay. One of his shots took effect in Prowsen's heel, who cried, "My God, I'm shot!" He also saw the other officer, the man with the lappelled coat. He noticed, while they were waiting for the van to come up, this man seemed to be receiving news and giving orders.

Thomas Sperry, in the employ of the Midland Railway Company, identified three as the men he saw running across the line, pursued and pelted by some platelayers. He did not know what had occurred at the time, but, as he said, the platelayers "were making it so hot for them" that he could not help noticing it.

John Hays, master bricklayer, was in his croft during the *mêlée*. He saw the whole affair. Two of the men whom he now identified were trying to turn the horses' heads towards Manchester, and as they plunged a good deal one of the men fired his revolver into the animal's nostrils, and then both of the men tried to pull the brute on his haunches. Allen at this time was keeping guard, daring the crowd to interfere. After Allen had fired several shots, witness saw him go to a man on the other side of the arch and change pistols. Two other men, whom the witness identified, took a leading part. One of them, cautioning his comrades, said, "Don't shoot, or you'll hit Allen." (At this time Allen was in the van.) Larkin seemed to be taking charge of Deasy in the same way Allen was attending to Kelly. Witness followed the crowd as far as Beswick, and was present when Allen was captured. Allen had then twenty rounds of cartridge for breech-loaders, but had been so hard pressed that he had no time to load.

The following are the names of the prisoners captured and the charges against them:

For wilful murder, William O'Meara Allen and Michael Larkin.

For riot and murder, William Martin, clerk, aged 35 years; William Gould, clerk, 30; Louis Moore, joiner, 56; Patrick Hogan, laborer, 26; John Carroll, laborer, 23; Charles Moorehouse, clerk, 22; John Gleeson, laborer, 42; Patrick Barragan, laborer, 49; Henry Wilson, clothes dealer, 28, at whose house Kelly and Deasy were first apprehended; Michael Joseph Boyland, schoolmaster, 37; William Wells, laborer, 29; Michael Corcoran, laborer, 29; Edward Shore, *alias* Short, traveller, 26; John Butler, weaver, 54; Patrick Cloney, scavenger, 69; Patrick Kelley, laborer, 35; Michael McGuire, clothes dealer, Smithfield market, 32; Patrick Dailey, tailor, 36; William Luther, striker, 19; James Woods, hackler, 22.

In the afternoon the prisoners were brought up at the city police court, and after some formal evidence had been given they were remanded for a week.

The two Fenian leaders, at the time of writing, are still at large.

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*Mr. Adams to Mr. Seward.*

No. 1457.]

LEGATION OF THE UNITED STATES,  
London, September 23, 1867.

SIR: I have received information that Colonels Nagle and Warren have been transferred from Kilmainham jail, where they have been exposed to the rather

severe discipline of that local prison, to Mountjoy, which is more directly under the supervision of the government.

The reason assigned for the delay in an answer to my application for their release is, that the Irish attorney general has not yet returned from a brief absence.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Seward to Mr. Adams.*

No. 2058.]

DEPARTMENT OF STATE,

*Washington, September 24, 1867.*

SIR: I transmit a copy of a letter of yesterday, addressed to this department by Henry Liebenau, esq., of New York, and of the affidavit of the parents of Colonel W. J. Nagle, in which they swear that he was born in Niagara county, in the State of New York. Mr. D. M. Nagle, the father of the colonel, has also addressed a letter to the department, stating that his four sons, of whom the colonel was one, all joined the Union army during the late civil war, and fought with gallantry in many battles. Two of the sons were killed or died in the service. These facts will be an incentive, if any were needed, for all proper exertions on your part for the purpose of obtaining the release of Colonel Nagle.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Liebenau to Mr. Seward.*

NO. 4 HAMILTON PLACE, WEST 51ST STREET,

*New York, September 23, 1867.*

HONORED SIR: I enclose with this the affidavit of Mr. and Mrs. Nagle, the parents of Colonel William J. Nagle, showing him to be a native of this State, and hope by the next mail to be able to place in your hands the naturalization papers of Colonel Warren; he was naturalized, as I now learn, in Boston, whither I have sent for the properly authenticated papers.

I greatly regret that, from an error in representation, I should have created a discrepancy in regard to the nativity of Colonel Warren, and I can assure you, like myself, the organization I represent will continue as earnest in their efforts to release our adopted citizens as they have been for the liberation of our native citizens, when unjustly arrested and held by any of the despotic governments of Europe.

Thanking you heartily and sincerely for the prompt attention and earnest action given to this matter by his Excellency the President and your honorable self, please accept my sincere regards, with the assurance of a faithful report to the "Constitutional Union Association" at their next meeting of the alacrity with which their communications have been responded to by the President and yourself.

With the highest respect, permit me to subscribe myself your very obedient and humble servant,

HENRY LIEBENAU,

*Corresponding Secretary Constitutional Union Association.*

Hon. WILLIAM H. SEWARD,

*Secretary of State, U. S. A.*

CITY AND COUNTY OF NEW YORK, *ss* :

David M. Nagle and his wife, Maria D. Nagle, of the city of Brooklyn, county of Kings, State of New York, being duly sworn, depose and say that their son, Colonel William J. Nagle, now a prisoner in Kilmainham jail, Dublin, Ireland, under the assumption of being connected with the Fenian organization, was born in Niagara county, State of New York.

D. M. NAGLE.  
MARIA D. NAGLE.

Sworn before me this 18th day of September, A. D. 1867.

[SEAL.]

JACOB E. HOWARD, *Notary Public*.

STATE OF NEW YORK, *City and County of New York, ss* :

I, William C. Conner, clerk of the city and county of New York, and also clerk of the supreme court for the said city and county, being a court of record, do hereby certify that Jacob E. Howard, before whom the annexed deposition was taken, was, at the time of taking the same, a notary public of New York, dwelling in said city and county, duly appointed and sworn, and authorized to administer oaths to be used in any court in said State, and for general purposes; and that his signature thereto is genuine, as I verily believe.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court and county, the 18th day of September, 1867.

[SEAL.]

WILLIAM C. CONNER, *Clerk*.

HER BRITANNIC MAJESTY'S CONSULATE, *New York* :

I, Edward Mortimer Archibald, esquire, companion of the most honorable order of the Bath, her Britannic Majesty's consul, do hereby certify that Jacob E. Howard, esquire, whose true signature and seal are respectively subscribed and affixed to the certificate hereunto annexed, was, on the day of the date thereof, a notary public in and for the State of New York, duly commissioned and sworn, to whose official acts faith and credit are due.

In witness whereof I do hereunto set my hand and seal of office, at the city of New York, this 21st day of September, in the year of our Lord 1867.

[SEAL.]

E. M. ARCHIBALD, *H. B. M. Consul*.

*Petition of the general committee of the Constitutional Union Association..*

AMERICAN PROTECTION ABROAD—AMERICA AND IRELAND.

At a meeting of the Constitutional Union Association, held on Monday evening, July 15, 1867, to effect the release of Americans unjustly imprisoned abroad, the following resolution, among others presented by Henry Liebenau, was unanimously adopted :

*Resolved*, That a petition be prepared and circulated under the patronage of our organization, for the signatures of our fellow citizens, in behalf of the immediate liberation of Colonel Nagle and Colonel Warren.

DANIEL B. NORTHRUP, *President*.

HENRY S. BANCKER,  
HENRY LEIBENAU,  
*Secretaries*.

TO ANDREW JOHNSON, *President of the United States* :

The undersigned, citizens of the city and county of New York and Brooklyn, respectfully represent that Colonel William J. Nagle, a native of this State, and Colonel J. Warren, a native of Massachusetts, good and loyal citizens of our republic, and gallant soldiers of the Union army during our late rebellion, are most inhumanly and unjustifiably imprisoned in Kilmainham prison, at Dublin, Ireland; that they were arrested while on a visit to their relatives, without the slightest overt act on their part to justify or palliate such cruelty and

oppression, and in gross violation of all international laws and the comity of nations. We therefore respectfully, yet urgently, ask the immediate interposition of our government for their speedy release.

P. S.—When signed, please forward to Daniel B. Northrup, No. 140 Water street, to O. Sloan Holden, No. 645 Seventh avenue, or to Wm. W. Lyons, No. 150 Lewis street.

DANIEL B. NORTHRUP,  
149 East Fifty-second street, President.  
EDWIN H. JUSON,  
290 West Fifty-first street, Vice-President.  
CYRUS SCHOONMAKER,  
352 East Fourth street, Vice-President.  
HENRY S. BANCKER,  
6 Grand street, Chief Recording Secretary.  
WILLIAM ABBOTT,  
62 Pike street, Assistant Recording Secretary.  
HENRY LEIBENAU,  
Hamilton Place, West Fifty-first street, Corresponding Secretary.  
G. C. NEWMAN,  
Harlem, Treasurer.  
O. SLOAN HOLDEN,  
645 Seventh avenue, Chairman Executive Committee.  
WILLIAM W. LYON,  
150 Lewis street, Secretary Executive Committee.  
J. M. NAMARA,  
230 Delancey, Sergeant-at-arms.  
And 109 others.

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*Mr. Seward to Mr. Adams.*

No. 2059.]

DEPARTMENT OF STATE,  
Washington, September 25, 1867.

SIR: On the 19th instant I announced to you by telegraph the sudden death of Sir Frederick Bruce, and instructed you to express to Lord Stanley the President's sympathy with her Majesty's government upon that lamented event. To what was said on that occasion I have now to add that his remains have received the care which was required, while necessary preparations were made for their removal to his own country, under the direction of her Majesty's government. Whatever could be done by this government to manifest a sincere national respect and sorrow has been done. The flag of the United States remained at half-mast everywhere throughout the republic until after the funeral obsequies were closed. Two officers of this department proceeded to Boston to co-operate with her Majesty's legation in the performance of those obsequies. Condolences were exchanged with the diplomatic body. The legislative and executive officers of the United States, and especially those of the army and navy in the vicinity of Boston, were requested by the President to be in attendance, and, as I learn by telegraph, the request was complied with. At the funeral, the pall-bearers were Mr. Sumner, senator of the United States, Mr. Hooper, member of Congress, Mr. Longfellow, the mayor of Boston, Mr. Berthemy, the French Minister, Mr. Pratt, of the State Department, Mr. Bayard, of Boston, and his excellency the Governor of Massachusetts. The combined flags of the United States and of Great Britain were borne over the hearse. A considerable portion of the diplomatic body, together with consuls of many countries, were in attendance, as were also the chief justice of Massachusetts, the collector of customs for the port of New York, his excellency the late Governor Andrew, Commodore Rogers, of the United States navy, and General Foster, in command of the United States forces at Boston.

It may give a mournful pleasure to her Majesty's ministers and to the British people to receive these details.

I cannot dismiss this melancholy subject without bearing testimony to the

ability, liberality, and loyalty of the three distinguished persons who have successively and through a very critical period represented the British government in the United States—Lord Napier, Lord Lyons, and Sir Frederick Bruce. It is a circumstance full of good auguries that each of those persons, and the last as completely as either of his predecessors, while preserving the confidence of his own government, was eminently successful in winning the respect, confidence, and affection of the President of the United States and of the whole American people. I am permitted by the President to add that in the death of the late Sir Frederick Bruce my own feelings are those which are produced by the bereavement of a near and dear friend, and to ask that the assurance of my personal sympathy may be made known to the family and friends of the deceased.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, &c., &c., &c.

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*Mr. Seward to Mr. Adams.*

No. 2060.]

DEPARTMENT OF STATE,  
*Washington, September 25, 1867.*

SIR: Your despatch of the 13th of September, No. 1447, has been received, and the proceeding on your part therein mentioned is approved.

It is somewhat remarkable, as a coincidence, that the impression communicated to you by Lord Stanley is, in sentiment and to the letter, the same which I announced to Sir Frederick Bruce, at Auburn, upon reading the letter from Lord Stanley, the reply to which was contained in my 2037.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, &c., &c., &c.

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*Mr. Seward to Mr. Adams.*

No. 2068.]

DEPARTMENT OF STATE,  
*Washington, October 3, 1867.*

SIR: I have to acknowledge the receipt of your despatch of the 21st of September, No. 1455, together with its accompaniments, being the Times and Star newspapers of the 20th ultimo.

I observe, with regret, though not altogether with surprise, that recent disturbances in Manchester are supposed to have created new obstacles to the liberation of the United States citizens who are held under arbitrary arrest in Ireland. It will be very much to be regretted if these new embarrassments shall be such as to induce her Majesty's government to lend color to the complaint which has been made against them, that they propose to hold indefinitely in custody, without trial or process, citizens of the United States, who have neither committed nor attempted to commit any offence in Ireland, and who are only alleged to have exercised a freedom of speech in the United States which is tolerated by our laws.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, &c., &c., &c.



*Mr. Seward to Mr. Adams.*

No. 2069.]

DEPARTMENT OF STATE,  
Washington, October 3, 1867.

SIR: Mr. West, our consul at Dublin, has recently transmitted another instalment of his correspondence with the local authorities in Ireland, concerning citizens of the United States held in custody, under the suspension of the *habeas corpus*.

I observe that in the case of Robert Kelly, the lord lieutenant informs the consul that the prisoner came to Ireland as one of an expedition, the object of which was to land men and arms in Ireland, in aid of an intended insurrectionary movement in connection with the Fenian conspiracy.

In the case of Augustine E. Costello, the lord lieutenant informs the consul that he is in possession of abundant evidence that the prisoner came to Ireland with other persons for the purpose of taking an active part in the Fenian conspiracy; and that, consequently, his excellency refuses to order his discharge.

In the case of Joseph H. Lawler, the lord lieutenant informs the consul that in February, 1866, this man was arrested in Dublin, in consequence of information having been received of his being actively engaged in the Fenian conspiracy. He was detained in custody until September, 1866, when he was discharged on condition of returning to America, and with the caution that if he should again be found in Ireland he would be re-arrested. The lord lieutenant further states that he was informed the object of the prisoner's return to that country in the beginning of the present year was to take part in the intended insurrection; and, under these circumstances, it does not appear to his excellency that he ought, at present, to take a favorable view of the case.

In the case of John Rooney, the lord lieutenant says he has been informed that the prisoner came to that country as one of an armed expedition, whose object was to assist the conspirators there in attempting the insurrectionary movement. He does not think that it would be consistent with his duty to allow his discharge at present.

In the case of Andrew Leonard, the lord lieutenant states that he is possessed of abundant evidence that the prisoner came to Ireland as one of an armed Fenian expedition, whose object was to join in furthering the designs of the conspirators there. His excellency does not think that it would be consistent with his duty to allow the prisoner's discharge at present.

In the case of Morgan Burke, his excellency informs the consul that this prisoner's complicity with the conspiracy is established by information received from several independent sources, and his excellency, though desirous of being able to comply with the consul's application for the prisoner's discharge, could not feel justified in acceding to it at present.

The lord lieutenant's answers in these cases are substantially the same as the replies before given by him in answer to inquiries in behalf of many other citizens of the United States.

The President is not unaware of the embarrassments resulting from what appear to be repressed insurrectionary or seditious movements in Ireland. He indulges no desire to aggravate those embarrassments, but, on the contrary, he carefully endeavors to avoid listening to any unnecessary and unreasonable complaint of citizens of the United States in connection with those proceedings. A time, however, has arrived when some explanations seem to the people of the United States necessary. The *habeas corpus* has been suspended in Ireland for the long period of twenty months. Frequent arrests and long detentions of citizens of the United States have occurred, who earnestly insist that they have committed no offence and attempted no proceeding inconsistent with a submission to the laws of Great Britain. The arbitrary and indefinite

imprisonment of these citizens naturally, I may also say justly, excites profound concern and sympathy in the United States. That sympathy is not effectually relieved by such general assurances, on the part of the lord lieutenant of Ireland, as we are favored with, that he has evidence sufficient to justify their arrest under suspension of the *habeas corpus*, while this evidence is neither produced nor described. Even though an insurrection or rebellion may still continue a subject of apprehension in Ireland, that fact would seem insufficient to excuse or to justify indiscriminate arrests and long detentions of citizens of the United States sojourning in that country, without some examination or form of trial.

Will you seek an opportunity to confer upon this subject with Lord Stanley, in a friendly spirit, and inquire whether in his opinion we may entertain an expectation, either of the restoration of the writ of *habeas corpus*, or of the adoption of such discriminating proceedings as may be calculated to assure the safety of innocent and unoffending citizens of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Adams.*

No. 2072.]

DEPARTMENT OF STATE,

Washington, October 8, 1867.

SIR: I have received your despatch of the 23d ultimo, No. 1457, informing me of the transfer of Colonels Nagle and Warren from Kilmainham jail to Mountjoy prison.

Thanking you for your attention in keeping me informed upon the subject, I trust that you will follow these cases up with renewed urgency.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Adams to Mr. Seward.*

No. 1459.]

LEGATION OF THE UNITED STATES,

London, October 10, 1867.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 2051 to 2062, inclusive, of a copy of a printed circular of the 5th of September, and likewise of the President's proclamation of the 3d of that month, to which it refers.

In regard to the main subject of interest, referred to in Nos. 2053, 2054, 2056, and 2058, touching the cases of Colonel Nagle and Captain Warren, I have reason to believe that the government will soon determine the question whether they will bring them to trial. Their release will turn upon it. Lord Stanley admitted to me that my demand was a reasonable one on that point. I think the government would now be glad to get rid of them, if they could be sure of their engaging in nothing new; but their confidence in the honor of parties entering into any engagements of this kind has been much impaired by the experience of the present year.

Should any further trials of United States citizens, arrested on suspicion, take place, I shall take care that you are fully furnished with reports of the

proceedings, as directed in your No. 2053, of the 13th of September. Had I not supposed they were regularly furnished by the consuls, I should have supplied them before now.

I have the honor to be, sir, your obedient servant,  
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Adams to Mr. Seward.*

No. 1463.]

LEGATION OF THE UNITED STATES,  
*London, October 12, 1867.*

SIR: I have this morning received letters from Colonel Nagle and Captain Warren, announcing that they stand committed for trial by a commission to be held in Dublin on the 25th instant. They both apply to me for pecuniary aid in employing counsel for their defence. Under the instructions I have received, I shall venture to assume the responsibility of authorizing Mr. West to engage counsel to appear on their behalf.

I have the honor to be, sir, your obedient servant,  
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. F. W. Seward to Mr. Adams.*

No. 2074.]

DEPARTMENT OF STATE,  
*Washington, October 15, 1867.*

SIR: I have to acknowledge the receipt of your despatch of the 13th ultimo, No. 1448, relating to your proceedings in the cases of Colonels Nagle and Warren, and enclosing a copy of your notes of the 11th and 13th of September to Lord Stanley, concerning them.

In reply, you are informed that your action thus reported is approved, and that the instructions heretofore given to you indicate the views of the President in relation to these cases.

I am, sir, your obedient servant,

F. W. SEWARD,  
*Acting Secretary*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Adams to Mr. Seward.*

No. 1464.]

LEGATION OF THE UNITED STATES,  
*London, October 16, 1867.*

SIR: On the reception of your despatch No. 2055, of the 16th of September, I addressed a note of thanks to Lord Stanley in recognition of the efforts of Commander Broad and Mr. Consul Carroll to rescue the crew of the American bark Rover, wrecked at the island of Formosa. Copies of that letter and of his lordship's acknowledgments are transmitted herewith.

I have the honor to be, sir, your obedient servant,  
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Stanley.*

LEGATION OF THE UNITED STATES,  
*London, October 11, 1867.*

MY LORD: From information officially received by the government which I have the honor to represent, it appears that, on the 26th of March last, Commander Broad, of her Majesty's sloop-of-war *Cormorant*, with a view to the rescue of such of the survivors of the American bark *Rover* (wrecked four days before, near the southern coast of Formosa) as might have fallen into the hands of the savages of that island, proceeded to the scene of this disaster, having on board a Chinaman as a guide, the only known relic of the crew.

On the arrival of Commander Broad at the place designated, the small boat of the *Rover* was discovered on the beach; but, on an attempt to land a force, a fire was received from a jungle so dense as to render it impossible to penetrate it with his small number of men; hence it became necessary to abandon the expedition. It is proper to add that Charles Carroll, esq., the British consul at Tam-suin, kindly interested himself in the matter, and actually accompanied the force for the purpose of rendering all the assistance in his power.

Under these circumstances, I am instructed to seize an early opportunity to express, through your lordship, to her Majesty's government the high appreciation entertained by my government of the generous and humane conduct of Commander Broad and Consul Carroll on this occasion.

I pray your lordship to accept, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. LORD STANLEY, &c., &c., &c.

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*Lord Stanley to Mr. Adams.*

FOREIGN OFFICE, *October 15, 1867.*

SIR: I have the honor to acknowledge the receipt of your note of the 11th instant, relative to the wreck of the *Rover*, and I beg to express to you the satisfaction with which her Majesty's government have learnt the assistance which the consul at Tam-suin and Commander Broad were enabled to offer, though unhappily without a successful result, on that occasion.

I have the honor, &c.,

STANLEY.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Adams to Mr. Seward.*

No. 1466.]

LEGATION OF THE UNITED STATES,  
*London, October 19, 1867.*

SIR: I have to acknowledge the reception from the department of despatches numbered from 2068 to 2071, inclusive.

In connection with the first two of these it is proper to state that the position of the British government has been so far changed since they were written as to remove the immediate necessity of a remonstrance. Most if not all the persons named by you are held for trial in the course of the next week.

In consequence of my consent to authorize the employment of counsel to defend Colonel Nagle and Captain Warren, as stated in my despatch No. 1463, of last week, I learn from Mr. West that a general demand has been made by the others for similar assistance. Messrs. Nagle and Warren also not only required the appointment of separate counsel for each of them, but to dictate who they should be. I saw at once there was a good deal of danger that my proceeding would lead to a large expenditure of the public money by way of incidental benefaction to numbers of lawyers sympathizing with the Fenian agitation and irritating to the government.

I have, therefore, declined to authorize the employment of more than one person, leaving the selection, however, to be determined by friendly consultation with Messrs. Nagle and Warren. I have further pleaded inability to engage the government in the defence of the other persons, without reference to the

department for special authority. At the same time I have authorized the consul to employ some one to watch the cases and make report in the event of any injustice done.

Thus far I have had opportunities to observe that the persons implicated in these proceedings have not been without assistance, which I presume to have been supplied from friends of the Fenian association or sympathizers at home. It would doubtless be a great relief to them if the charges thus incurred could be shifted upon the United States. Under such circumstances it seems to be incumbent upon me to be cautious in involving the government in pecuniary engagements of indefinite extent without any authority or opportunity of consultation with it.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Adams to Mr. Seward.*

No. 1467.]

LEGATION OF THE UNITED STATES,

*London, October 23, 1867.*

SIR: I have to acknowledge the reception of despatches from the department numbered 2072 and 2073.

At an interview which I had with Lord Stanley some days since I gave him the substance of your despatch No. 2049, of the 30th of August, and, at his request, consented to his taking, informally, a copy of it. His lordship has now sent me an unofficial note, covering a confidential memorandum from Lord Mayo on the subject, which he desires may be forwarded to you. I therefore now transmit a copy of it.

The main point involved in your suggestions, whether the government here would accept a passport as evidence of citizenship, seems to be evaded by this reply. I imagine that it is feared it may revive the old question of the right of expatriation, which we had succeeded in putting in abeyance for the time.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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[Confidential.]

OCTOBER 17, 1867.

Mr. Seward states, in a letter to Mr. Adams, copy of which was forwarded to me by Lord Stanley, "that it has happened several times that American citizens travelling without passports have been arrested in Ireland and denied the good offices of the United States until they could procure evidence of citizenship, to be sent from the United States."

As this is an important statement, and one that shows Mr. Seward is somewhat in error as to the course pursued, I beg to say that I have carefully searched the correspondence with the American consul, and the letter of which I annex a copy (A) is the only one I can find suggesting that the consul should adduce proof of the naturalization of the prisoner concerning whom he interferes.

Immediately after the passing of the *habeas corpus* suspension act he was informed (copy letter B herewith) that in the case of an Irish-born subject of her Majesty the government cannot recognize any right of the consul to interfere; and in every such case that occurred during the time Lord Kimberley was lord lieutenant the consul was always informed that, although as a matter of courtesy his excellency would be glad to communicate with him as to any prisoner in whose case he was interested, yet, that if a prisoner be a natural-born subject of her Majesty, he cannot, by any course he may have subsequently pursued in America,

divest himself of his allegiance to her Majesty, and must be treated as an ordinary subject, and that therefore his excellency must reserve the right of declining to discuss with the consul of any foreign power the conduct of her Majesty's government regarding such prisoners.

This rule, however, was subsequently relaxed in practice, and the consul has been since communicated with in the ordinary way concerning any prisoner who claims to be an American citizen.

Mr. Murray, D. C. P., however, informs me that Mr. West has frequently told prisoners under his (Mr. Murray's) care that he will not interfere on behalf of a prisoner without some proof of naturalization, and that he has told Mr. Murray himself that such were the instructions he had received from his own government.

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A.

DUBLIN CASTLE, *May 23, 1867.*

SIR: With reference to your letter of the 16th instant, relative to the case of Edward McGingan, at present confined in Mountjoy prison, I am directed by the lord lieutenant to acquaint you that his excellency has reason to believe that this man is a natural-born subject of the Queen, and that he does not feel it consistent with his duty to release him from custody. I am to add that, in giving you this reply as a matter of courtesy, his excellency thinks it right to point out that no evidence is adduced that McGingan is a citizen of the United States, either natural-born or naturalized; and that in the case of naturalized United States citizens the production of their papers of naturalization is the only evidence which can be accepted as satisfactory.

T. A. LARCOM.

W. B. WEST, Esq.,  
*United States Consul, Dublin, Ireland.*

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B.

DUBLIN CASTLE, *February 28, 1867.*

SIR: I am directed by the lord lieutenant to acknowledge your communication of the 24th instant, and to inform you that the three persons named by you, viz., John H. and Joseph Gleeson and Bernard McDermott, are Irish-born subjects of her Majesty, and that, notwithstanding any course which they may have pursued in the United States of America, they still, in this country, must be regarded as ordinary subjects of her Majesty, bound by the allegiance they owe to her as their sovereign, and they must be dealt with accordingly.

His excellency cannot, therefore, recognize any right on your part (as consul of the United States of America) to interfere in respect of the prisoners in question on the ground of their being citizens of the United States.

THOS. A. LARCOM.

W. B. WEST, Esq.,  
*United States Consul, Dublin.*

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*Mr. Adams to Mr. Seward.*

No. 1469.]

LEGATION OF THE UNITED STATES,  
*London, October 26, 1867.*

SIR: I have to acknowledge the reception this morning of despatch No. 2074, of the 15th instant, from the department, on the cases of Colonel Nagle and Captain Warren.

Although I have instructed Mr. West to transmit to you from Dublin the published reports of the trial, I venture, for further security, to send herewith a copy of the Dublin Evening Mail, containing a report of the charge of the lord chief baron to the jury at the opening:

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

[From the Dublin Evening Mail, October 25, 1867.]

THIS DAY.—COMMISSION OF OYER AND TERMINER.

The commission of oyer and terminer for the county and city of Dublin was opened this morning, before the lord mayor, the lord chief baron, and Mr. Justice Morris.

The Fenian prisoners, thirty-one in number, were conveyed from Kilmainham jail in two prison vans, under escort of a detachment of the metropolitan cavalry police and a troop of the 12th lancers. No demonstration took place along the route.

The court-house, Green street, was much crowded, but no inconvenience arose, in consequence of the excellent police arrangements made by Mr. Superintendent Hawe.

The attorney general, the solicitor general, Mr. Longfield, Q. C., Mr. James Murphy, Q. C., and Mr. Robert H. Owenes, Q. C., instructed by Mr. Anderson, Crown solicitor, appeared to prosecute in Fenian cases.

Messrs. Heron, Q. C., Dowse, Q. C., and Constantine Molloy, instructed by Mr. John Lawless, were of counsel for the prisoners General Nagle and Colonel Warren, whose defence it is stated will be conducted at the expense of the American government.

Mr. Scallan, solicitor, attended on behalf of the Dungarvan prisoners.

Their lordships took their seats on the bench at a quarter past eleven o'clock.

The crier having made the usual proclamation, Mr. Smart, deputy clerk of the Crown, called over the grand panel, when the following gentlemen were sworn on the respective grand juries:

City: William Graham, (foreman,) William Longfield, Andrew W. Ferguson, Robert Long, John De Burgh Morris, John Judkin Butler, Bernard Cannon, James Malins, Samuel W. Tyndall, Thomas French Williamson, Edward O'Conner, Caleb Palmer, Thomas Ord, George Morrow, Edward Leachman, Patrick Langan Nicholas Tallon, John McMahon, Charles Hely, William McGuire, Joseph R. Kirk, William McDowell, and Andrew Joseph Nowlan.

County: Alexander Terrier, (foreman,) Edward Walpole, Ashley La Touche, John Richardson, John Chambers, Henry Peile, John Malins, David Alexander, Frank Barrington, Hugh Browne, Robert Close, Trevor Hamilton, Richard Salter, William Reynolds, Daniel Sullivan, George O'Neil, John Fry, Joseph Johnstone, Charles D. Ingham, James Gillker, Charles Goodwin, James Whyte, and George Lynch.

The lord chief baron, addressing the city grand jury, enumerated the various items of the calendar, and observed that they were all offences of an ordinary character, and such as might be expected to occur from time to time in a large population like that of the city of Dublin. There was only one exception, and that was a case in which a person was charged with what was called Fenianism. With the particulars of that case he was unacquainted, but as he would have to address some observations to the county grand jury, he would request their attention to them. Having given the usual instructions as to the duty of a grand jury in respect to the finding of bills, the lord chief baron turned to the county grand jury and said that the ordinary offences appearing on the calendar were not more numerous than might be expected. There were, however, several cases of what was called treason-felony, an offence created by a statute passed in the year 1848, for the purpose of mitigating the law of high treason in certain cases, and reducing it from a capital offence to a felony punishable by transportation or imprisonment. Shortly after the passing of that act of Parliament, on one of the first occasions on which it became necessary to resort to a court of justice for the vindication of the law, it fell to his lot to make an exposition of the statute to a grand jury sitting in that box. Unfortunately, since then, and within the first two years, the enactment had been the subject of exposition from the bench, and in several instances from the bench he now occupied. The law was so defined, in terms so free from all ambiguity, that at this moment, and after the experience that had been had in courts of justice since he had so addressed the grand jury, he did not think it necessary to refer to the former state of the law, or to the general scope of the amending statute. By the third section of the treason-felony statute, it was provided that if any person whatever, after the passing of the act, should, within the United Kingdom or without, compass, imagine, invent, devise, or intend to deprive or depose our most gracious Queen from the style, title, dignity, or royal name of the imperial Crown of the United Kingdom of Great Britain and Ireland, or of any other of the dominions owing obedience to her Majesty, or should compass, imagine, invent, devise, or intend to levy war against her Majesty by force or constraint to compel her to change her counsels, or overawe both or either house of Parliament, or to move or stir any foreigner or stranger by force to invade the United Kingdom or any other of her Majesty's dominions, and such compassing, imagination, device or intention should express, utter, or declare by publishing any printing or writing, or by opened and advised speaking, or by any overt act or deed, every such person so offending shall be guilty of treason-felony, and shall be liable to be transported for the term of his natural life, or for any period not less than seven years, or be imprisoned for a period not more than two years. The punishment of transportation having been superseded by penal servitude, the penalty, instead of seven years' transportation, was now five years' penal servitude. They would observe that the offence was the com-

passing, imagining, devising, or intending to deprive or depose the Queen from the Crown of Great Britain and Ireland, and this was the portion of the statute which became material for their consideration. The compassing, imagination, device or intention was to be proved by one of three things: by publishing any printing or writing; by open or advised speaking—but this no longer existed, for the act in respect of it expired in two years; or by the doing of overt or open acts. Two things were required: in the first place the party must compass or design the object stated by the legislature to deprive or depose the Queen from the style, dignity, honor, and royal name of the imperial Crown of the United Kingdom of Great Britain and Ireland; and secondly, it was essential that the compass and design should be expressed by an overt act or deed. It was essential for the protection of the whole people, for the maintenance of good order and good government, and the security of life and property, that the monarch should be safe in the possession of his royal authority, and therefore the compassing or devising anything that affected his royal authority, either under the law of treason, by affecting his life or person, or under this statute, by affecting his power, was an offence punishable by severe penalties. But while the law was for the protection of the monarch and the people, it was essential, in order that no man should be unjustly convicted, that certain requirements of that law should be complied with. Accordingly it was enacted that the compassing, design, and so forth, should be proved by some overt act on the part of the person accused. Now, the overt or open acts by which he might declare the purpose of his mind were as various as the contrivances of mankind to reach the objects they might have in view. They were not and could not be defined by the law *a priori*, and could only be stated when judges and juries came to consider them. As their good sense would suggest, if a man conspired with another to effect a certain object, nothing could be plainer than that the object for which he conspired was the object which he designed. In this instance it was charged that the conspiracy which these men entered into had, for its design, the deprivation or deposition of the Queen, and in order to establish this proposition it was alleged that they combined together to establish an Irish republic. As an Irish republic and the Queen's government in Ireland could not coexist, it was plain that any person who conspired to establish a republic intended to depose the Queen, and if this was proved it was an overt act of treason going to sustain the indictment which would be submitted to the grand jury. Again, a variety of means might be made the subject of planning and conspiring to effect these objects. If there were a confederacy existing in America; if there were a confederacy existing in Ireland; if these confederacies be for one and the same object; and if, in fact, they constituted one and the same confederacy, comprising various persons, more or less numerous, some of them in America, some of them in Ireland, some of them in England, and some on the high seas, all engaged in the one common design of effecting the establishment of a republic in Ireland, each of them, by the fact of membership in the confederacy, did an act which testified a design to do that which was the object of the confederacy. But mankind could not do these things without taking means for their accomplishment; and if it formed a portion of the means devised and planned for the carrying out of the object of the confederacy to import arms into Ireland for the purpose of being used in the establishment of a republic, to come in more or less numbers to Ireland for the attainment of that object, to induce others to associate with them for the purpose of making war and invading this country with the view of raising an insurrection, to put arms into the hands of people here, to meet in council or in public assembly for the purpose of enlarging their own numbers or increasing the energy of their associates, or encouraging them by precept or example, acts of that kind would be overt acts or deeds indicating a design or purpose to depose the Queen. There were several overt acts charged in the indictment, and it would be for the grand jury to say whether or not they *prima facie* amounted to proof of the existence of the design alluded to in the act of Parliament. Having referred to the law bearing on the liability of every member of a conspiracy for the acts of his co-conspirators, his lordship instructed the grand jury as to the proof they should require of the alleged overt acts, and told them that where the offence charged was one so grievous as that of an attempt to overthrow the established government of the country, they were in point of law to give the cases not alone a careful but such a charitable consideration as was consistent with common sense. It was impossible to consider such charges brought before a court of justice without some feelings of amazement that such designs could be entertained by reasoning men, still more that they should be charged to-day against men of education, still more that they should be charged against men of military habits and military knowledge. This country was united to England, one of the most powerful states in the world. England had at its disposal a vast navy and a large army. It was a nation thoroughly organized with magistracy, with police, with troops, with commanders, with a steam navy calculated to convey, in the course of a few hours, almost any amount of troops across the small channel that divides the two islands. In Ireland itself there existed a population, he believed—and he was sure they who knew what was passing around them did so too—the enormous majority of which were perfectly free from all sympathy with the confederacy. There was hardly an interest that could exist in a civilized community, the interest of property or life, that was not arrayed against the designs of the conspirators. They in every town in Ireland were engaged, and largely engaged in trade, and upon them the agricultural population almost depended for its existence, for they all know that the largest portion of the transac-



tions of the country took place between the inhabitants of the towns and those of the country districts. The interests of the agricultural population were consequently bound up with those of the trading classes, for whom a state of tranquillity was a matter of essential importance. Nay, more. In the complicated society in which we exist credit is absolutely essential in carrying on the ordinary transactions of life, and in view of an insurrectionary movement having for its object the levelling of the government of the country, and calculated to diffuse confusion and disorder, credit shrank and disappeared. The Fenian conspiracy has imperilled the existence of order in the country, and induced confusion, which must have a most baneful effect upon trade and commerce. The experience of the past had proved how entirely free from all participation in schemes of this kind were the great mass of the inhabitants of Ireland. The country itself, from circumstances which could not be referred to from that bench, was divided in opinion, and therefore to obtain united co-operation for such a design as this was one of those wild dreams which sane men could scarcely entertain.

Again, it was well known that the island was not fortified, and consequently was not tenable by an invading force for any time. When it was alleged that persons should organize a scheme of this kind without a navy, without an army, without arms, without artillery, and without any settled organization or unanimity among the people themselves, and intend to sever the connection between England and Ireland, and throw off the authority of the Crown of Great Britain, and do this in the face of the whole force, military and naval and social, that England would bring against them, constituted another illustration of the old adage, "Truth is more wonderful than fiction."

In making these observations to them, which he did in the same spirit in which similar observations had been urged by those in whom all classes should have confidence, the grand jury would understand him as telling them that they were in no way to be considered as affecting the interests of the persons charged here, and whose cases they would now proceed to inquire into. After some further observations the grand jury retired to consider the bills submitted to them.

#### FINDING OF TRUE BILLS.

The grand jury found true bills for treason-felony against the following prisoners: John Warren, William Nagle, Octave Fariola, Augustine Costello, William Halpin, Patrick Nugent, John Fitzimmons, Frederick Fitzgibbon, and John Cade, the alleged Fenian prisoners.

Octave Fariola having been placed at the bar, Mr. Lawless handed in an affidavit to the court, which was sworn to by the prisoner, upon which to ground an application for a postponement of the trial.

The attorney general stated that more than two months ago the prisoner had been informed that the application could not be complied with on the part of the Crown.

Mr. Lawless said that he had been away out of the country, and that the prisoner had no means of communicating with him until his return.

The chief baron suggested that the matter should stand until Monday. In the mean time the attorney general could consider what course he would adopt.

The suggestion of his lordship was complied with.

The attorney general then proposed that William Halpin should be put forward.

This was accordingly done.

The chief baron asked if the prisoner was represented by counsel.

It not appearing that he was, the chief baron suggested that some prisoner who was represented should be put forward.

The attorney general said he wanted to see what course the prisoner would take.

The chief baron thought it would be better to let the prisoner stand back until Monday.

The attorney general said he would ask his lordship to tell the prisoner to be ready for his trial on that day.

The PRISONER. I am ready now; any time at all.

Mr. HERON. I understand that the prisoners for whom I am concerned will not be arraigned until Monday.

The chief baron said that it was proposed to arraign them now. If any question arose on the arraignment, he would let it stand until Monday, when Mr. Justice Keogh, whose term it was at commission, would be in attendance.

Mr. Heron was of opinion that a question would arise. He would, therefore, ask that the prisoners for whom he and Mr. Dowse were concerned should not be arraigned until that day.

The ATTORNEY GENERAL. That does not apply to the prisoner at the bar.

The chief baron thought that, as the prisoner was *inops consilii*, the same rule ought to apply.

The attorney general said he had better state in court that he proposed to try the prisoner on Monday morning.

The prisoner asked for a copy of the indictment, and was informed by the attorney general that he would be furnished with it forthwith.

He was then removed.

The trial of some minor cases was afterwards proceeded with.

*Mr. Seward to Mr. Adams.*

No. 2082.]

DEPARTMENT OF STATE.

*Washington, October 31, 1867.*

SIR; Your despatch of the 19th of October, No. 1466, has been received. I learn with satisfaction that her Majesty's government has so far changed its position in regard to citizens of the United States arbitrarily arrested, under a suspension of the *habeas corpus*, in Ireland, as to concede them a prompt and, as I hope the result may prove, a fair trial.

Under these circumstances the execution of my instructions, 2068 and 2069, may properly be suspended.

Your decision to authorize the employment of only one person to act as counsel in the cases of Colonels Nagle and Warren, leaving the selection, however, to be determined by friendly consultation with the accused, is satisfactory. Your further decision to refer to this department applications for the employment of counsel in other cases is judicious, especially so since you have authorized the counsel to employ some one to watch the cases and report in the event of any injustice being done. This last mentioned proceeding is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Adams to Mr. Seward.*

No. 1472.]

LEGATION OF THE UNITED STATES,

*London, November 1, 1867.*

SIR: I have the honor to transmit a copy of the Dublin Evening Post of yesterday, containing a further report of the proceedings in the case of John Warren, now on trial for treason-felony at Dublin.

After accepting the offer of assistance by counsel in his defence, it appears that Captain Warren has preferred to attempt to raise a question of citizenship in connection with a demand for a jury composed one-half of aliens, under the provisions of the common law *de medietate lingue*. It is evident enough that he expects by this to effect the object so long desired by parties connected with these movements in Ireland, of raising a difficulty between the two countries on the question of the right of expatriation.

The claim of a jury of half foreigners appears to rest entirely upon the special provisions of the English law, and is stated to be recognized nowhere else. I cannot find that it is admitted in the United States federal courts. Indeed, from the very limited authorities within the control of this legation, I find that the service of an alien at all on a jury, if taken notice of and challenged in season, has been rejected as inadmissible. Hence it does not seem as if any question could be raised, by this proceeding, on the ground of international law. It seems to be a privilege which the courts of Great Britain may be expected in courtesy to concede, but the refusal of which does not constitute a ground for reclamation as a wrong done. Captain Warren seems to have overlooked this important distinction, which would appear to render the other question, whether he be an alien or not, of secondary interest, at least in his own case, compared to his defence.

The first effect of this proceeding is that Captain Warren is deprived of the assistance which he might have had, and disabled from taking as much advan-

tage as he could of any legal defects in the prosecution. I am not advised of the course proposed to be taken by Colonel Nagle.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

[From the Dublin Evening Post, October 31, 1867.]

## THE FENIAN TRIALS.

### COMMISSION COURT—THIS DAY.

The lord chief baron and Mr. Justice Keogh took their seats on the bench shortly after 10 o'clock this morning, and proceeded with the trial of Colonel John Warren. A large number of policemen were stationed in the court, but very few persons were in the gallery. As on the previous days, the Fenian prisoners were conveyed to the court-house in the prison van, guarded by a troop of dragoons and an escort of mounted police.

The prisoners being put forward and the jury having answered to their names, Daniel Buckley was sworn and examined, and deposed as follows: I was born in Ireland; I am 25 years of age; I was born in Munster; shortly after my birth my parents emigrated to America; I remember being in New York when very young; I enlisted in the northern army in 1861; I served through the American war, and I left the service in August, 1865; I became for a time a Fenian after leaving the army; I pledged myself not to divulge the objects for which the organization was established, namely, to revolutionize Ireland and change the government, by making Ireland a republic; I paid subscriptions at the rate of tenpence a week for a year or more; last year I joined an expedition; I went with other members to the State of Maine; I came back again; in February of this year I was introduced in New York to Colonel James Kelly; he was at that time the head of the military department in New York; Kelly told me of an expedition, but he did not tell me when it was to start; it was a Fenian expedition, and I agreed to join it; I met Kelly frequently at the headquarters in New York; I took an oath that I would not divulge the secrets of the expedition; I went to a house in East Broadway, for which I received an intimation from Colonel Kelly through John Hogan; I was to meet others in connection with the expedition; that was on the 12th of April in the present year; I was told to follow others to the foot of Canal street in New York; I was not told what I was to do there; I went to the place, and met those whom I had parted with in East Broadway, coming in ones, twos, and threes; I had met about forty persons in East Broadway; I had no baggage with me; some of the others had baggage; Canal street opens on the river; when we get there we went on board one of the steamers; the steamer then left the quay and went to the outer bay of New York, a distance of fifteen or twenty miles; we remained there from the 12th until the 13th of April, and all that time we stopped on board the steamer; James Kelly and John Hogan had spoken of a vessel which was to convey arms; the vessel not appearing, we intended going back to New York; we met on the way a two-masted vessel, and we steamed close to her and jumped on board; she was called the Jacknell Packet; about four hours after our going on board she set sail; she was not very well rigged, and her crew consisted of four sailors, two officers, a cook, and a boy, besides the captain; I learned that we took the course usually pursued by West Indiamen, in order to avoid capture; I don't recollect seeing any colors, but during the voyage she hoisted English colors, especially when hailing vessels; the West Indian tack was changed after the 14th, and on the 15th we pursued the ordinary European tack, but a little more south; we continued that tack; a man named General James E. Kerrigan was in command of the expedition; he had been a colonel in the American army; I knew him as a congressman of the United States of America; I did not know he was connected with the expedition until I got on board; I obtained one commission in New York from Colonel Kelly, and another on board from General James Kerrigan; I threw one of them away, and the other I did not bring with me; I got the rank of captain; there were others—Colonel Nagle, Colonel Warren, Colonel Taylor, Colonel Prendergast, Colonel Cecilian, Colonel Jerein, Colonel Doherty, Captain Costello, Captain Greene, Captain W. Simmons, Captain Kane, Captain Leonard; Lieutenants Fitzgibbons, Roche, William C. Nugent, James Lawless, Cade, *alias* Murray, L. Doyle, Daniel Lee, Thomas Fernan, Patrick Nugent, James Coffey; there were more whom I don't recollect; I got my commission about an hour after getting on board the vessel; I saw Kerrigan giving commissions to other parties; I did not see the prisoner getting his commission; my commission was signed by Colonel Kelly and by Captain Hogan; its contents were: "To all whom it may concern, greeting: We by these presents do appoint (name) in the army of the Fenian Brotherhood;" it was in print, and on paper; nothing happened until Easter Sunday, and then the green flag with the sunburst was hoisted before noon; at its hoisting there was a salute fired, after which the order delivered to Kavanagh (captain) to land

the arms in Ireland was read; the order was signed by Captain Powell and Colonel Kelly; the arms were to be landed if possible at Sligo, or wherever else convenient; the vessel also received a new title—"Erin's Hope;" she was christened by Kavanagh; the officers were present when the order was being read and the vessel christened; Warren was there; we had arms of different kinds; we had Spencer repeating rifles, seven-shooters; we had Enfield and Austrian rifles; we had some breech-loading rifles; those were the larger arms; we also had revolvers; the arms were packed in large boxes; the boxes were put between decks; the vessel was well laden, and was reasonably deep in the water; she had no other cargo; we had some ammunition made up in cartridges which were not carefully packed; there were about a million and a half rounds of ammunition: I should say there were some 5,000 stand of arms on board; there were three pieces of artillery; they were fired as a salute when the green flag was hoisted; they threw three-pound shot or shell; they had no carriages; the cases of arms were opened during the voyage, and the arms were placed so that they could be easily distributed; they were then rearranged in the same boxes; it was stated in New York that the arms were to be landed in Ireland for the purpose of distribution; I had never seen the prisoner until I went on board the brig; there was a discussion on board to the effect that the arms were to be given to men in Sligo to revolutionize the province of Connaught; when we left New York, Colonel Prendergast said we were sailing in a vessel which had no clearing papers; this fact nearly occasioned a mutiny on board; General Kerrigan took Prendergast's command from him on that account; he afterwards returned it, after two or three weeks; we sighted land in the month of May; we took a pilot on board named Gallagher; he came out to meet us; in fact, he followed us for hours; that was two miles from land; in the bay of Sligo another person came on board and was received by Captain Kavanagh; he went on the quarter-deck with Kavanagh, and then they went to the cabin, where all the colonels were assembled; I heard from Costello that this man's name was Burke; he remained on board about an hour; it was dusk when he came on board; after an hour he went on shore in company with Colonel Devin, Colonel Phelan, and Colonel Prendergast; two others of the party had also landed—Colonel Doherty and a man named Shea; they went to Sligo very early in the evening—about an hour and a half before Burke came on board; Gallagher was taken down to the cabin by the captain, and I was about three feet from them; I was at the door leading to the cabin between decks; Gallagher and Kavanagh went into the cabin; the colonels were also there; Warren and Nagle were there, and I heard them conversing; I heard the pilot and Kavanagh talking; the pilot made an excuse for not taking the Fenian oath; he said he was too old; I also heard the pilot take an oath, which was administered to him by Colonel Nagle; the oath was that he would not divulge what the cargo consisted of; the pilot then went on deck; Doherty and Shea did not return; Colonels Prendergast, Phelan, and Devin did not return either; the day on which Burke came on board a loaded pistol exploded in my hand; I was cleaning it; James Coffey, *alias* Nowlan, and John Connor were wounded; Connor was wounded badly in the ankle, and Nowlan was wounded in the leg; those two men went ashore in company with a man named Pat. Nugent; Gallagher went also in the same boat with those three men; when the boat left the ship we were near the land; next day a council was held in the cabin; all the officers were present; General Kerrigan stated that it was impossible to attack the town of Sligo; that the Fenians were quiet lately; before Burke came on board it had been determined to attack the town of Sligo, but on his report this resolution was changed; Warren was present at this council; Kerrigan also stated that Burke had ordered the captain to sail for Cork; the vessel then put to sea; the council at which it was determined to attack the town of Sligo was held before the agent came on board; all the officers were present; after putting to sea the vessel steered for Cork, and we arrived at a place called Ballimore, in Cork; before arriving we held a council, at which all were present except the crew, General Kerrigan and Colonel Warren, who did not acquiesce in the summoning of the council; the result of the council was that they were to turn the ship's head towards the western islands in order to reprovision her; our provisions were short at that time; the captain was not at the council; there were notes taken at it by Nagle, by Costello, by myself; I threw my notes away before I came ashore; as the expedition had failed, it was debated whether it would be better to return to the United States and lay before the Irish the experience they had gained, or land in Ireland; the former course was agreed to; I communicated this resolve to the captain in the after part of the vessel; that resolution was changed; when I presented Captain Kavanagh with a docket exonerating him from any blame in the matter, he turned around and asked if they would not land anywhere he might select; it was agreed that they would land anywhere he chose; Kerrigan and Warren were made acquainted with the first resolution of the council; they were in the cabin while the council was being held on deck; the determination of the council was drawn up in writing and signed by the officers; Warren signed it; this document is in the possession of Captain Kavanagh, in New York; Kavanagh proposed to rescind this resolution, and Warren was agreeable to that course; we landed in Ireland two or three days after; we landed in a fishing boat within a mile or two of Dungarvan; it was on the 1st day of June, in the forenoon; about twenty were landed with us; the crew of the smack consisted of several men; we got on board the smack about four miles from shore; she beached in three and a half feet of water; we had to jump into the water; we were up to our arm-pits; when we landed I went with Costello

and Lawless, and shortly afterwards I was arrested; there were two magistrates present when I was arrested, one of whom I now recognize in court—Mr. Fitzgerald; the Costello who was with me at this time was a different man from he who introduced me to Colonel Kelly.

Five other prisoners were then put forward.

Examination resumed:

I see those five men; they are Colonel Nagle, Colonel Warren, Captain Costello, Patrick Nugent, James Coffey, *alias* Nowlan, and Lieutenant Fitzgibbon; all the prisoners were brought up to Dublin, excepting five.

The chief baron asked the prisoner if he wished to ask the witness any questions.

The prisoner said he did not.

The chief baron said he had some questions to ask the witness, but he would defer them for the present.

The court then adjourned for a short time.

#### SECOND EDITION.

On the reassembling of the court, MICHAEL GALLAGHER was examined by Sergeant Barry:

I am a pilot in Donegal; I recollect in May last seeing a brigantine coming into Sligo bay; it was in the evening; I was on shore at the time; I saw her up to six o'clock that evening, and next morning about eight o'clock; she was then leaving Sligo bay and coming towards Donegal; she was then about six miles off; I then boarded her in a small boat, about 12 o'clock noon; I had six men with me; I went on board myself, and saw a man on the quarter-deck, who told me he was from Spain bound for Glasgow, with a light cargo; he also said he landed the captain the night before, at Sligo to get provisions; he asked me if I was the pilot, and on saying I was he gave me charge of the vessel, I agreeing to pilot her for two guineas; he then called me down to the cabin; I went down and I found some men there; I saw that man there, (pointing to the prisoner;) there was another man there whom I would know; he asked me if I was a Fenian, and I said not; the man in charge of the ship then said "swear him;" I said, for God's sake don't swear me, for I have a large family; the man in command then took a loaded pistol and told me to take the book; I had to take it and swear as he told me. (Colonel Nagle was put forward.) That is the man who handed me the book and tendered the oath; I repeated what he said; I swore that I would tell no one of what I had seen, and that if I noticed anything in the ship I would not report it; neither was I to give a description of the vessel; one of the men gave me five or six shillings, when I spoke about my wife and family; I then went on deck and took charge of the vessel; the hatches were shut down and there were only six or seven men on deck; when I came on deck my crew went away in their own boat; I sailed the vessel to Mullaghmore, keeping within about a half a mile of shore; this is in Donegal bay on the Sligo side; I then steered for St. John's Point, on the Donegal side; when I saw that the coast guards did not come out I let the vessel drop down to Killybegs; I then learned that it was near six, and that I was to take the vessel to meet the captain; I then took the vessel to Streedagh and there was no sight of the captain; about ten o'clock I saw a hooker coming down; she came astern of the ship, and some conversation took place between the men in charge of the two vessels; the man in charge of our vessel took the man commanding the hooker on board the ship and they went down to the cabin; they then came up on deck, and I asked was that the captain; he told me to mind my own business and watch the vessel; I said I would watch the vessel no longer, and I went to the stern and jumped into the boat; the man in charge told me to come on board again, and said that he had two wounded men to send ashore; I forgot to state that I heard of the men being wounded two hours after I went on board; I was told that they had a fight; I was dragged up on board the brig, and I remained on board till one o'clock in the morning, and then I was told to put the vessel in towards land in order to land the two wounded men; I did so, and the two wounded men were sent ashore in a boat, besides three others and myself; the boat struck on the sand, and one of the wounded men was carried up to the beach; I then went away. (James Coffey, *alias* Nolan, and Patrick Nugent were then put forward.) Those are the men who were wounded.

THE CHIEF BARON (to the prisoner.) Do you wish to ask the witness any questions?

PRISONER. For the sake of law and justice, I wish to call your lordship's attention to this man's information given in May last and his evidence now; there are great discrepancies, and his evidence is a tissue of perjury and falsehood.

THE CHIEF BARON. We shall examine the informations, and question the witness on those matters in which the discrepancies occur.

The court again adjourned; and, on reassembling,

MICHAEL GALLAGHER, the pilot, was recalled.

The chief baron asked the prisoner if he wished to have the whole of the evidence read, or only that portion of it which seemed to be material.

The prisoner said that, merely for the sake of justice, he would wish his lordship to question the witness as to that portion which seemed material.

The chief baron then read a portion of the witness's information, in which he stated that he told all he knew to the coastguardsman, and that he knew nothing more about the vessel.

The witness said that he swore that to the magistrate in order that he might not break the oath that he took in the cabin.

The prisoner said that the witness, in his information, swore that he did not know what the cargo of the vessel was, and in his evidence now he swore that the vessel contained a cargo of fruit.

In reply to the chief baron, the witness said that he did not state to the magistrate that the vessel contained a cargo of fruit.

The CHIEF BARON. In the information of May the discrepancies occur, but perhaps they may be rectified in the informations of June and October.

The PRISONER. In the information of June he stated that he did not ask the name of the captain, nor did he learn it; and in that of October he says, "I asked the captain's name, and was not told it."

The chief baron asked the witness how he could reconcile these statements.

The witness, in reply, stated that it might have been put down in such a style, but, as he could not read, he was not aware of it.

The prisoner pointed out other discrepancies in the witness's informations, and especially where the prisoner, after leaving the vessel, did not say a word to the coast guards about the vessel.

The witness said he did tell the coast guards.

The PRISONER. That man is a perjurer, and ought to be in the dock where I now stand.

The CHIEF BARON. You are not at liberty now to say that.

The prisoner said the witness was in the same prison with him, and, after being liberated, was again brought to the prison to identify him. He submitted that the whole story was concocted, and that those men had not a foot to stand on. He also said, "Ignoring the jurisdiction of the court, I must thank your lordship for your kindness."

The CHIEF BARON. You are under no obligation to me; I am simply doing my duty to the Crown.

DANIEL COFFEY was then called, and, on coming on the table, he said he should refuse to give evidence, on the ground that it would criminate himself.

The chief baron said that he should be sworn, and that then he was not bound to answer any question that might criminate himself.

The prisoner protested against forcing the witness to give evidence.

Mr. LONGFIELD (to the witness.) Did you become a Fenian in America? I decline to answer the question. Did you embark on board the Jackmel? I decline to answer. Were you wounded at any time? I decline to answer.

The chief baron said the questions could not be pressed.

Mr. Longfield refused to question the witness any further, and he was told to leave the table.

JOHN HOCKEY was the next witness called.

The prisoner stated that the witness was present in court during the whole of Gallagher's examination.

The chief baron said he should not have been present; it was usual for Crown witnesses not to remain in court while evidence was being given.

The witness was examined by Mr. Murphy, Queen's counsel, and merely stated that he was the third man that went on board the vessel from the boat, and that he went to the galley to warm himself. He knew nothing about the vessel or her cargo.

The prisoner refused to ask the witness any questions.

DANIEL JONES was next examined, and stated that he brought a car to Streedagh and conveyed the wounded men to the infirmary.

JOSEPH CLARKE, a coast guard, was examined, and deposed that he arrested a man on the shore and brought him to the coast-guard station. He also landed the two wounded men.

On three of the prisoners being put forward, the witness identified Nugent as being the man he took into custody.

Examination resumed: "I saw a vessel on the day named, in the offing; she was a brigantine; she was two miles off the Streedagh station. I had a conversation with Gallagher in the morning; I asked him who he was; he said he was a pilot; he said he was after landing from the brigantine, and that she was a Spanish vessel bound for Glasgow; he said he did not know what cargo she had. He was out fishing, and he boarded her; he was asked, he said, to take her to Killybegs; he took her to Streedagh, and then the captain said they would land the pilot and proceed to Glasgow themselves. He said nothing more."

BERNARD BURKE, a coast guard, on being sworn, said he was on duty in Streedagh on the morning of the 25th of May last. He saw a horse and cart, and he went after them; it was going in the direction of where the wounded men were found; the man who had charge of the cart was named Michael Bruen, and the civilian was named Jones. I asked the wounded men who they were. There were a number of foot-tracks in the sand to the water's edge. Both men had bandages on them; I got them conveyed to the watch-house. [Identifies Coffey as one of the wounded men.] The evening before I saw a brigantine coming over from the Donegal shore; she had her sails set.

The witness was under examination when we went to press.

*Mr. Adams to Mr. Seward.*

No. 1474.]

LEGATION OF THE UNITED STATES,  
*London, November 2, 1867.*

SIR: At an interview which I had with Lord Stanley at the foreign office, on Tuesday last, I presented to him the letter for him transmitted with your despatch, No. 2070, of the 7th of October. I also read to him the substance of your despatch, No. 2059, of the 25th of September, to which he listened with great attention. He remarked that nothing could be more friendly and full of genuine sympathy than the tone of it. He should be glad to have a copy of the latter part of it to communicate the very language to the friends of Sir Frederick Bruce, who would, he doubted not, fully appreciate the nature of the testimony. I let him have it, as a matter of course.

I seized the occasion to allude to the rumor of the appointment of a successor. He said at once that he had offered the place to Mr. Thornton, a person whom he had every reason to believe likely to prove satisfactory. Then, as if having in his mind the objections made in the Times, he remarked that a selection might indeed have been made from the community at large, but the objection to that course grew out of an understanding long established with those persons who were willing to enter the diplomatic service as a profession, that they would be entitled to promotion under all but very exceptional circumstances. I observed that no systematic service could well be maintained without some such inducement. His lordship then went on to say that he considered the post as one of the most important in the service. On first coming into office it had been his wish to raise it to the rank of an embassy, but on further consideration of the difficulties in the way of introducing a solitary distinction at Washington, and for other reasons, he had abandoned the idea. It was, however, now placed on a direct line of promotion to an ambassador's post, which made it more an object of ambition. I observed that the proposal of an ambassador would, I thought, be somewhat embarrassing to us, as our established system rested on a different footing. There was really no difference in the duties to be performed. The only question involved was one in the order of precedence on public occasions and at court. Some time or other, perhaps, hereafter, if our people should get their pride up about yielding precedence to the representatives of the other great powers, they might change the nominal grade to establish equality, but it would probably be a good while yet before the idea would come to them. Meanwhile it was as well not to disturb it.

I then again, in connection with the loss of Sir F. Bruce, threw out a suggestion as to its probable effect upon the question yet pending between the two countries. His lordship took it up by saying that there really was little difficulty in coming to a settlement so far as the merits of the question itself were concerned. He was well convinced that the country would be perfectly ready to acquiesce in any decision that might be made even though it were adverse. But he intimated that the point of pride about leaving the right of recognition in any doubt was so great that it could not be so treated. He said this was the universal sentiment, as a proof of which he intimated that he had sounded even our best friend, Mr. Bright, and found that he felt like everybody else about it. I infer from what he said that the answer will be an acceptance of your proposal to adopt his language, but guarded by a caveat on that point.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Seward.*

No. 1476.]

LEGATION OF THE UNITED STATES,

*London, November 5, 1867.*

SIR: I have the honor to transmit copies of the London Times\* containing a report of the trial of the persons charged with the murder of a police officer in the prosecution of an attempt to rescue two prisoners at Manchester. In the course of the remarks made by two of these men, I perceive that they declare themselves American citizens, and complain that no attempt was made by me to interfere in their behalf.

Of one of these parties, Shore, or Shaw, I have never heard anything before, either directly or indirectly. So far as I know, he never made a sign to me of any kind.

With regard to the other man, Gould, he proves to be Michael O'Brien, the person who was arrested and tried at Liverpool for being accessory to the possession of some government rifles traced into the hands of the Fenian Irish in that place. As the evidence upon his examination seemed to me quite insufficient to justify the charge, I authorized Mr. Dudley to employ some one to protect him, and guard against the risk of political prejudice prevailing against him on account of a suspected connection with the Fenian agitation. The trial, however, was very fairly conducted, and the evidence not proving sufficient, as I supposed, he was acquitted and released. It was, however, quite strong enough to throw a doubt over his purposes, and to justify Mr. Dudley, the consul, who saw him, in giving him a friendly caution to avoid all further risks by returning at once to America.

In the present instance Mr. O'Brien wrote to me again soliciting assistance. But the circumstances seemed so entirely changed, the charges brought of so purely a criminal nature, and sustained by such strong evidence, that it did not seem to me to be a proper case to attempt to interfere with the usual course of law. It admits of little doubt that he was one of the chief parties engaged in the rescue by violence, and as such liable to suffer the penalty of the law. I presume at least three of the five persons convicted will be executed.

I learn from Mr. West that the trial of Colonel Nagle will be transferred to Sligo and postponed to the spring. This is alleged to be on the ground that the evidence to fix upon him, as an alien, an overt act, must clearly prove this act to have been committed within the British jurisdiction. Thus a clear distinction appears to be made between him as a native of the United States, and Warren, who is a naturalized citizen. In this connection much stress is laid on the doctrine of our courts, and works of high legal authority, upon the indefeasibility of allegiance. It is much to be regretted that on this point there should always have been some conflict between the established policy of the executive department and the ruling of the federal judiciary.

There is a leader on the subject in the London Times of to-day, which I send herewith.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

[From the London Times, November 5, 1867.]

There is one incident of the Fenian trials at Manchester and Dublin which deserves special consideration. It is the fact that several of the prisoners claimed the privileges of American citizenship and the interference of Mr. Adams as the representative of their adopted

\* The report of the trial as contained in the London Times was published in House Ex. Doc. No. 157, page 99, 2d Sess. 40th Congress.



government. After the verdict had been returned against him, and before sentence had been pronounced, Gould stated that he was a citizen of the United States of America, and if Charles Francis Adams had done his duty towards him, as he was paid for doing, he would not be in that dock answering questions. Shore declared that, "as an American citizen, he had of course expected to receive the protection of the ambassador of his own government." Warren, on being indicted before the commission court at Dublin, applied through his counsel for a jury composed in part of American citizens, on the ground that his allegiance had been transferred to the United States. The lord chief baron rejected the application promptly and decisively, "the law of England being clear, and administered without variation from the earliest times—that the man who was once a British subject, as the prisoner admitted that he was, remained so forever." Warren thereupon protested against being arraigned, tried, or judged by any British subject, instructed his counsel to withdraw from the case, and added: "I now place it in the hands of the United States; which has now become the principal." Though cautioned by the court, he adhered to this resolution, and a gentleman presently appeared to watch the proceedings on behalf of the United States consul. The chief baron very properly declined to allow so irregular a course, but treated the prisoner with great consideration, and took care that his cause should not suffer for want of professional advocacy. He was convicted, however; and one of our Irish contemporaries, in commenting upon the case, has thought fit to impugn the decision of the lord chief baron on the legal question, whether he was entitled to "ignore the jurisdiction of the court," or to claim a jury *de medietate*, as a foreigner. Upon the spirit and intent of the article headed "Only an American citizen," in which this point is urged, we forbear to make any remark, but the point itself is one of real importance, and calculated to mislead unlearned persons, unless placed in its true light. The writer maintains that, if the chief baron's ruling be sustained, George Washington, Franklin, and all the other early heroes of independence, remained to the last days of their lives subjects of Great Britain—"impenitent rebels"—"at any time liable to be hung by the neck, if caught, and not entitled to the rights of prisoners of war." "The question is," as he states it, "whether an American citizen has any right to the privilege accorded by law to every other alien," and, in particular, to that of being tried by a jury half composed of aliens; and upon this question, as he represents, "the two countries are now face to face." We have yet to learn the authority for this last assertion, if it be meant that any claim of this kind has been preferred or sanctioned by the government of the United States. Its validity, however, does not depend on whether it has been pressed or not, and admits of being determined on principles which are well ascertained.

Very few propositions of international law are better established or more familiar than the axiom, that a natural-born subject cannot transfer his allegiance from one sovereign to another at pleasure. How far he may be enabled to do so by the laws of his native or of his adopted country cannot be laid down with equal precision, inasmuch as there is no definite and comprehensive maxim on the subject universally adopted by the municipal legislation of all civilized countries. But no doubt whatever exists as to the doctrine of our own law, which is here identical with that of the United States. In the words of Lord Stowell, a person born in England, but naturalized in a foreign state, "is subject to all the obligations imposed on him by his nativity. He cannot shake off his allegiance to his native country or divest himself altogether of his British character by a voluntary transfer of himself to another country," even for the purpose of trading in contraband goods with an enemy of Great Britain. In the words of Chancellor Kent, "from an historical review of the principal decisions in the federal courts, the better opinion would seem to be that a citizen cannot renounce his allegiance to the United States without the permission of government, to be declared by law, and that, as there is no existing regulation on the case, the rule of the English common law remains unaltered." General Halleck, one of the highest and latest American authorities on international law, fully embraces the consequences of this rule, and, as he observes, even those writers who are in favor of limiting it, allow that "the renunciation of nationality does not release him who avails himself of it from any of the obligations which he owes either to his country or to his countrymen, nor can it ever be appealed to as a mask to cover crime." Mr. Webster, in one instance, went still further, and granted that France, which, like England and the United States, does not permit her citizens to renounce their allegiance, might lawfully claim the services of a Frenchman naturalized in America, "when found within French jurisdiction." The resistance of the United States to the impressment of naturalized seamen by Great Britain in the early part of this century is in no degree inconsistent with this position, since it was founded not on a denial of our right to claim their services, but on a denial of our right to enforce that claim by search. Indeed, whatever differences may be found in the codes of different nations with respect to the power of citizens to shake off the duties with the privileges of allegiance, we believe the annals of criminal justice may be searched in vain for a precedent in favor of the right asserted by our contemporary—that is, the right of a natural-born subject, indicted for treason or murder in this country, to plead naturalization in America, and to be tried, if at all, as an alien. It was assuredly not for the benefit of persons thus circumstanced that Edward I allowed foreign merchants, presumed to be ignorant of our language, the doubtful advantage of a mixed jury, coupled, as history tells us, with the hardship of a mutual liability for each other's

crimes. It is, perhaps, scarcely worth while to consider how a court of law would have dealt with Franklin or Washington, had they been indicted as "impenitent rebels" after the war of independence. Suffice it to say that, for obvious reasons, affirmed and explained in a memorable judgment on this very subject, all ties of natural allegiance are severed by a treaty of peace wherein the Crown expressly relinquishes its authority over a seceding colony.

The moral aspect of the claims so presumptuously advanced is too clear to admit of a moment's doubt. If there be one class of Fenian conspirators rather than another which deserves no mercy at the hands of the government, it is a class of American filibusters who have long infested Dublin, and are beginning to infest our own great cities. It is possible to feel some compassion for the silly Irish youths who are first seduced into playing at sedition, and then led on by appeals to their pride and their fears into overt acts of treason. It is even possible to feel compassion for an educated Irishman who becomes a Fenian with his eyes open, taking his life in his hand, under the influence of a patriotic hallucination. For the restless adventurers whom the close of the American war has let loose upon the world, and who fancy they can here perpetrate with impunity deeds for which they would be hanged at home, with or without law, we can feel no compassion at all, on whichever side of the Atlantic they may have been born. There were peculiar reasons which justified the government in sparing more than one of them on a former occasion, but those reasons exist no longer. We must deal with them as the government whose protection they invoke would deal with ruffians guilty of like outrages in the streets of New York. They have already had fair warning, and they may be assured that if they should fall into the hands of justice no American minister will intercede for them, and no English minister will venture to relieve them.

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*Mr. Seward to Mr. Adams.*

No. 2087.]

DEPARTMENT OF STATE,

*Washington, November 5, 1867.*

SIR: I have to acknowledge the receipt of your despatch of the 23d of October, No. 1467.

Having carefully read the papers which accompany that communication, I have now to observe that it will be impossible for this government to acquiesce in the practice which has obtained of an indefinite suspension of the *habeas corpus* in the time of peace and with no declared insurrection in Ireland, while the privileges of the writ remain undisturbed in England and Scotland. The practice especially operates to discriminate dangerously against one class of citizens of the United States when sojourning abroad under the protection of a mutual treaty, that class being one that, though discriminated against in Great Britain, has received special guarantees of protection from the United States.

It is certain that the course of proceeding which has been pursued in Ireland hitherto has induced the consul there to answer citizens of the United States detained under arbitrary arrest that he could not lend his good offices to them unless they should produce passports, which no public law or military order in force in that country requires a foreigner to carry while sojourning there.

It is easy to see how the studied reservations in the correspondence of the Irish local government with the consul has obliged him to give to arrested prisoners such replies as are complained of. It ought not to be difficult for her Majesty's government to perceive how such replies may serve to excite and inflame popular opinion in the United States.

For these reasons the President desires that you will earnestly renew your appeal to the British government to adopt either the measure which was suggested in my despatch No. 2049, or some other measure which will not leave it doubtful that every citizen of the United States arrested in Ireland without authority of law enjoys the same attention and measure of protection at the hands of this government that every British subject is allowed to claim from his own government under parallel circumstances when arrested or detained in the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Adams to Mr. Seward.*

No. 1478.]

LEGATION OF THE UNITED STATES,  
*London, November 9, 1867.*

SIR: Apart from the events taking place in Italy, there has been no incident of interest this week. The trials of persons implicated in the rescue at Manchester have resulted in the acquittal of a number, the release of others, and the condemnation of three more.

At Dublin the trial of Costello has terminated in the discharge of the jury on account of difference of opinion. This was mainly brought about by the very skilful management of the case by his counsel, Mr. Heron. Had Captain Warren consented to accept the same aid, instead of assuming the position he did, and attempting to manage his own case afterwards, it is not unlikely the same result might have followed.

The next case is that of William Halpin, who appears to allege citizenship from naturalization, but he has never thought proper to make any claim on this legation, from which I infer that he has not the evidence in his possession.

The charges made by the lawyers employed to defend Colonel Nagle and Captain Warren are, as I anticipated, very heavy. The other prisoners, I have reason to believe, are protected, when they prefer that course, at much less cost and with quite as much efficiency.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Seward to Mr. Adams.*

[Telegram per cable.]

DEPARTMENT OF STATE,

*Washington, November 15, 1867.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.:

Delay judgment or execution Warren's case.

WILLIAM H. SEWARD.

*Mr. Seward to Mr. Adams.*

No. 2091.]

DEPARTMENT OF STATE,

*Washington, November 15, 1867.*

SIR: You will have received a telegram from this department of the present date instructing you to obtain from her Majesty's government an order for suspension or delay of judgment or execution in the case of Captain John Warren, recently tried for treason-felony in Dublin, Ireland.

Your particular attention is further directed to this subject in order that time may be afforded the government of the United States to examine the subject fully and determine what measures to take in the premises.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Seward to Mr. Adams.*

No. 2093.]

DEPARTMENT OF STATE,  
*Washington, November 16, 1867.*

SIR: Recurring to your despatch of November 2d, No. 1474, I remark that we are not uninformed that even Mr. Bright and his political associates look unfavorably upon our claim to hold the British government responsible in the case of the Alabama for its unnecessary and ungenerous recognition of the insurgents as belligerents. This, although a source of regret, is not one of surprise or special complaint. With all their virtue, Mr. Bright and his associates are not citizens of the United States, but British subjects. In regard to the position held by this government, I can only say that the sentiment of the American people is as unanimous as Lord Stanley finds that the opposing sentiment is unanimous in Great Britain. It may be well, therefore, to let it be understood that we are not at all likely to yield the attitude we have hitherto maintained.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Adams to Mr. Seward.*

No. 1481.]

LEGATION OF THE UNITED STATES,  
*London, November 16, 1867.*

SIR: I have to acknowledge the receipt of despatches from the department, numbered 2085 and 2086; also, of a telegram by the cable, dated yesterday, the 15th instant, desiring me to delay judgment or execution in Warren's case.

This seems to have been sent under a partial knowledge of the facts attending this trial. At the close of it the court did not give judgment, but simply ordered the prisoner to stand aside, probably with an intention to reserve judgment until the other cases had been disposed of.

Moreover, the offence of treason-felony, as it is defined by statute, is not one involving a penalty of life, so that, in any event, there is no prospect of the execution of the prisoner. Under these circumstances, I do not quite perceive what I can do at present that will promote the object designated in the telegram.

The government has determined upon another effort to convict Costello, it being understood that in the last jury there were only one or two dissentients. The trial is now going on at Dublin. The reports are furnished to you from Dublin by my direction, as I learn from the consul at that place.

I have received a long letter from Shore or Shaw, one of the five men condemned to death for the attempt to rescue two prisoners at Manchester, affirming his citizenship under the name of Edward O'Meagher Condon, and asking my interposition to prevent the execution of the penalty. It is much to be regretted that he should not have made his application to me previously to the trial, when possibly a better defence might have been prepared for him.

From a careful review of the evidence, it appears pretty clear that he was present and actively engaged in the attack upon the prison van, but that, unlike the other three, he was without fire-arms or any other weapon than stones. I have written to Mr. Lord, the consul at Manchester, to see the prisoner if possible, and to report whether anything can be done for him; but I fear the nature of the assault, and the general feeling of panic which it has spread far and wide over the place and vicinity, will render it useless to approach the government with any plea in mitigation of the sentence.

I have the honor to be, sir, your obedient servant.

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Adams to Mr. Seward.*

No. 1482.]

LEGATION OF THE UNITED STATES,  
*London, November 18, 1867.*

SIR: Since writing my despatch No. 1481, of the 16th of November, I have received intelligence from Dublin of another change of plan on the part of the government.

On that same day the trial of Costello terminated in a verdict of guilty, and the solicitor of Ireland announced an intention to transfer the persons remaining in custody to be tried in the county of Sligo in March next. As a consequence the court, being about to adjourn, proceeded at once to judgment. Captain Warren was then sentenced to fifteen years and Costello to twelve years of penal servitude.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Seward to Mr. Adams.*

[Telegram per cable.]

DEPARTMENT OF STATE,  
*Washington, November 19, 1867.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.:

Solicit clemency for O'Brien and McCondon, sentenced at Manchester.

WILLIAM H. SEWARD.

*Mr. Seward to Mr. Adams.*

No. 2096.]

DEPARTMENT OF STATE,  
*Washington, November 21, 1867.*

SIR: I have to acknowledge the receipt of your despatch of the 9th of November, No. 1478.

The occurrences at Manchester must be regarded as unfortunate. It is not to be denied that the case involved a great crime against municipal law. At the same time, the nature of that crime is liable to be overlooked in this country in the political character which the Fenian proceedings everywhere assume. There is a period in the history of every popular cause when severity loses its restraining effect, and terror lends strength to the revolutionists. Under this view of the subject, I instructed you on the 19th instant to solicit clemency for Michael O'Brien and Edward O. McCondon, convicted at Manchester.

The proceedings in the case of Colonel Warren, at Dublin, are the subject of even more serious concern. The court on the trial of Warren pronounced British allegiance indefeasible, and claimed, by virtue of that indefeasibility, to hold the prisoner amenable, as a British subject, to that court for acts done in the United States which are not forbidden by our own laws or by international law, and for which, even by British law, they do not claim he would be responsible if not a subject of Great Britain. The United States hold, on the contrary, that in such case he, being a naturalized citizen of the United States, is not amenable to the courts of Great Britain or any foreign tribunal. I regret, exceedingly, that such an issue has been raised between the two countries. I

shall not now stop to inquire whether this solemn conflict with our naturalization laws has been necessarily declared in the trial of the case of Warren, or whether it might have been wisely left undeclared, nor shall I now wait to remove from the question the embarrassment with which it is encumbered by the citation of certain American judicial authorities and commentators. I content myself, for the present, therefore, with informing you that the pretension of the Irish court cannot be allowed by this government.

I shall have occasion soon to address you more fully upon the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Adams.*

[Telegram per cable.]

DEPARTMENT OF STATE,

Washington, November 22, 1867.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c. :

Urgently renew solicitation of clemency to O'Brien and McCondon, Manchester.

WILLIAM H. SEWARD.

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*Mr. Adams to Mr. Seward.*

No. 1484.]

LEGATION OF THE UNITED STATES,

London, November 22, 1867.

SIR: I have to acknowledge the reception of despatches from the department, numbered 2087, 2088, and 2089. Likewise a telegram by the cable, of the 20th instant, desiring me to intercede with the government in behalf of Shore *alias* Condon, and Gould *alias* O'Brien, condemned to death at Manchester.

On the morning of the 20th instant, and before receiving the message, I had, after a careful examination of the testimony given at the trial, as well as of a summary made of it by Shore himself, and sent to me through Mr. Lord, the consul at Manchester, decided to make a representation to Lord Stanley in his behalf. A copy of my letter is herewith transmitted. Last evening I received a note acknowledging, in the usual form, the reception of mine, and its reference to the home secretary. At the same time I received a private note from his lordship to inform me that a reprieve of Shore had already been determined upon, a fact which I find authoritatively announced in the London Times of this morning.

The question remains whether it is expedient to interpose in the same manner in behalf of Gould. On the most careful reflection which I can give the matter, I have come to the painful conclusion that such a step would be likely to do more harm than good. The ministry here are involved in grave difficulties, mainly by reason of the intemperate manner in which the relief of the three remaining prisoners has been demanded in popular meetings, and the demonstrations that have been attempted in order to overawe their decision. There can be little reasonable doubt of the guilt of the prisoners, and of the general feeling of panic their act has spread in every direction over the country, which calls for severe punishment to deter from repetition of it. Under these circumstances, a further effort at interposition on my part would lay them under

the necessity of giving a refusal, or else of appearing to give way to an extraneous influence, of which already a great deal of jealousy has been manifested, especially in the late cases in Ireland. It is difficult for people to manage their own cause more unfortunately than the prisoners in that country have lately done. They have gloried so loudly in their desire to enlist the United States in their cause, so far as to bring on a rupture between the countries, that it makes it more and more difficult for the government to avoid the appearance of fear in making any concessions whatever.

If, in coming to this conclusion, I have been in error, I can only regret it is the offspring of a sincere but mistaken conviction.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Adams to Lord Stanley.*

LEGATION OF THE UNITED STATES,  
*London, November 20, 1867.*

MY LORD: I have the honor to transmit to your lordship a memorandum addressed to the consul of the United States at Manchester, signed E. Shore, one of the persons now condemned to be executed for a criminal offence committed at that place.

This man claims to be a naturalized citizen of the United States. I am well aware that this furnishes no reason for official interposition in a case like this, of a gross violation of the laws of the kingdom. Neither is it my intention, in submitting this paper, to be understood as entertaining an intention to claim any right whatever to do so. It has appeared to me, however, on a review of the evidence presented on the trial, that the allegation of this prisoner, that he has suffered unduly from the fact of his association in the indictment with the other parties, is sufficiently sustained to justify me in calling your lordship's attention, for a moment, to his summary of the facts. I am very sure that it is not the intention either of her Majesty's tribunals, or of the government, to inflict upon any offender a penalty which may prove to have been more severe than he deserved, especially when that penalty be the taking of life. Having, therefore, the utmost confidence in the calmness and impartiality with which the entire testimony, as applied to this particular case, will be examined by those to whom the duty is committed, I shall not attempt to add a word in the way of argument. It is sufficient that I shall have done what, under the circumstances, seemed to be due to the prisoner, in giving him the benefit of the doubts with which the severity of his sentence appears to me to be accompanied.

I pray your lordship to accept, &c., &c.

CHARLES FRANCIS ADAMS.

Right Honorable LORD STANLEY, &c., &c., &c.

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*Mr. Seward to Mr. Adams.*

No. 2097.]

DEPARTMENT OF STATE,  
*Washington, November 23, 1867.*

SIR: The republic of Nicaragua has heretofore requested that the United States would lend their good offices in support of certain representations which that republic had then already made, or was about to make to her Majesty's government concerning the questions of administration over the Mosquito Territory, arising under the treaty between those two powers. The United States replied to the government of Nicaragua that Mr. Adams would make known to Lord Stanley the very ardent desire of the President of the United States that the subject might be treated amicably by her Majesty's government; but that before the United States could properly adopt any more urgent measures, it would be necessary to receive more explicit information from the government of Nicaragua concerning the questions at issue. The republic of Nicaragua

has now laid before the government of the United States its statement of the questions referred to. I communicate that statement for your information.

Perhaps it might not be improper for this government to pronounce an opinion at this time upon the case as thus *ex parte* presented, but such an expression of opinion would be justly liable to the objection that it was made without authentic information of the antagonistic positions of the British claimants. It is desirable, on the part of this government, to avoid the premature assumption of grounds which there might be ultimate occasion to relinquish. The President has, therefore, thought it proper that the statement made, on the part of Nicaragua should be transmitted to you, with instructions to exercise your usually sound discretion after you shall have acquired a full knowledge of the views of the British claimants. You will, however, apply freely to this department for special instructions if you find it necessary or expedient to do so.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Seward to Mr. Adams.*

No. 2101.]

DEPARTMENT OF STATE,

Washington, November 27, 1867.

SIR: I have just now received your despatch of the 16th of November, No. 1481. In my No. 2096 I explained the grounds for asking delay in the case of Warren. In the same paper I gave my reason for urging clemency to O'Brien and McCondon. I have this day, by telegraph, asked to be furnished with a copy of the statutes of treason-felony under which the prisoners Warren, Costello, and Nagle are indicted. Whatever may be the moral effect of those proceedings in Great Britain, it is quite certain that they have excited profound discontent in the United States. I shall have occasion to write you fully upon the subject after I shall have received the copy of the statutes referred to, and a more full and accurate report of the trials which have been held at Dublin.

In the *Globe*, which is regularly forwarded by this department, you will find a report of congressional debates concerning the subject of the Fenian trials.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Seward to Mr. Adams.*

No. 2102.]

DEPARTMENT OF STATE,

Washington, November 29, 1867.

SIR: Mr. Ford has given me a copy of a letter which Lord Stanley wrote to him on the 16th of November, instant, concerning the question of arbitration upon the so-called Alabama claims. I have submitted Lord Stanley's remarks to the President, and have received his directions thereupon.

The government of the United States adheres to the views concerning the proposed arbitration which I have heretofore had occasion to make known through your legation to Lord Stanley. We are now distinctly informed by Lord Stanley's letter that the limited reference of the so-called Alabama claims, which Lord Stanley proposes, is tendered upon the condition that the United States shall waive before the arbitrator the position they have constantly maintained from the beginning, namely: that the Queen's proclamation of 1861



which accorded belligerent rights to insurgents against the authority of the United States, was not justified on any grounds, either of necessity or moral right, and therefore was an act of wrongful intervention, a departure from the obligation of existing treaties, and without the sanction of the law of nations. The condition being inadmissible, the proposed limited reference is therefore declined.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Adams.*

No. 2103.]

DEPARTMENT OF STATE,

*Washington, December 2, 1867.*

SIR: You will be expected to give to Lord Stanley a copy of my No. 2102.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Adams.*

No. 2105.]

DEPARTMENT OF STATE,

*Washington, December 2, 1867.*

SIR: Mr. West, consul at Dublin, in answer to the request of Colonel Warren's counsel that he would apply to the Crown authorities for a copy of the official report of his trial, stated that he had no authority to do so, and reports the correspondence to this department. You will instruct Mr. West to make the desired application, and transmit the report when received to this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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### CORRESPONDENCE WITH THE BRITISH LEGATION.

*Mr. Seward to Sir F. Bruce.*

DEPARTMENT OF STATE,

*Washington, December 6, 1866.*

MY DEAR SIR: I have not yet received the transcripts of the records of the late capital trials which have taken place in Canada. It can well be conceived that the papers are voluminous, and the delay is, therefore, unavoidable; nevertheless the 13th of December is near at hand. I beg leave, therefore, to ask if you have it in your power to inform me of the probable disposition of those cases.

I am, my dear sir, very respectfully, yours,

WILLIAM H. SEWARD.

Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

*Sir F. Bruce to Mr. Seward.*

WASHINGTON, *December 7, 1866.*

MY DEAR SIR: In reply to your letter of yesterday's date, asking for information about the prisoners whose execution was fixed for the 13th December, I may state that Lord Monck informs me that he expects to receive, before that time, the orders of her Majesty's government as to the commutation of the sentences; that he would prefer leaving the matter as it stands till he can dispose of it finally, but that if the orders are not received, he will respite those who are condemned and whose application for new trials have been refused.

I remain, my dear sir, yours, very faithfully,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Sir F. Bruce to Mr. Seward.*

WASHINGTON, *December 8, 1866.*

MY DEAR SIR: I heard last night from the Canadian government that the prisoners have been respited to the 13th of March, by which time all the trials will be over, and the subject of the commutation of the sentences can be maturely considered.

The sentence of death will certainly not be executed, and I need not add how desirable it is that nothing should take place on the Canadian frontier to interfere with the disposition to lenity which I know is entertained by her Majesty's government, and which will be strengthened by the presence of Lord Monck in England, whither he proceeds by next mail.

I remain, my dear sir, yours, very faithfully,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Mr. Seward to Sir F. Bruce.*

DEPARTMENT OF STATE,

*Washington, December 8, 1866.*

MY DEAR SIR FREDERICK: I have the pleasure of acknowledging the receipt of your letter of this date, and of expressing my gratification at the intelligence it gives of the course of proceedings proposed in regard to the Fenian prisoners, as well as your friendly assurances on the subject.

I join you in the hope that no disturbance may occur on the frontier; I am sure that there will be practiced by our officials all possible diligence to prevent it.

Very faithfully yours,

WILLIAM H. SEWARD.

Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

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*Mr. Seward to Sir F. Bruce.*

DEPARTMENT OF STATE,

*Washington, December 14, 1866.*

MY DEAR SIR FREDERICK: I enclose a copy of a despatch of the 6th instant from Mr. Thurston, our consul at Toronto, and of the letter addressed to me by

Robert B. Lynch, of the same date, which accompanied it. I should be glad if you could obtain for it favorable consideration.

Very faithfully yours,

WILLIAM H. SEWARD.

Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

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*Mr. Thurston to Mr. Seward.*

No. 152.]

UNITED STATES CONSULATE,  
Toronto, December 6, 1866.

SIR: I have the honor to transmit the enclosed letter, at the request of Colonel Lynch. I am, with respect, your obedient servant,

D. THURSTON,  
United States Consul.

Hon. WILLIAM H. SEWARD,  
Secretary of State, Washington, D. C.

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*Mr. Lynch to Mr. Seward.*

MILITARY PRISON,  
Toronto, Canada, December 6, 1866.

SIR: I had the honor and pleasure of being introduced to you many years ago by an old and attached friend of yours, the late Richard Murphy, of Milwaukee, Wisconsin, who, if I recollect right, lived with you at Auburn. Little did I then expect that I would be now addressing you from a condemned felon's cell, in Canada. But my case has been laid before you, and the Rev. Mr. McMahon and myself are under a deep debt of gratitude to you and to our government for your prompt interference in our behalf. I went to Canada as a peaceable American citizen, a non-combatant, to report the incidents, &c., &c., of the Fenian campaign, not expecting to be at all interfered with, having violated no law. Mr. McMahon was similarly situated; he was there as a minister, attending to the wounded and dying, and administering the rites of his church, without distinction. By your direction a new trial has been applied for, which the judges have denied, though we could prove beyond all doubt that we had no military connection with the Fenian organization. The matter now rests with the governor-general, who it is supposed will commute the sentence to a term in the provincial penitentiary. But *we implore you* to urge our *free pardon*, and not allow us to be sent as common felons to the penitentiary. We are innocent of having done any wrong, and could prove it if we were permitted. To men of our age and condition in life it would be worse than death.

You have always been the friend of our race and religion, and in the name of humanity save us from this humiliation. We are satisfied you would be willing to do anything in your power for the prisoners, and we make this appeal to you in the hope you will procure us a free pardon; and we take this occasion to state that the United States consul, Mr. Thurston, has been unremitting in his kindness and attention to the interest of the prisoners, and deserves our warmest gratitude.

Trusting you will forgive the liberty I have taken in addressing you, and once more beg-  
ging your kind offices in our behalf,

I have the honor to be, sir, your very obedient servant,

ROBERT B. LYNCH.

Hon. WILLIAM H. SEWARD, &c., &c.

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*Mr. Seward to Sir F. Bruce.*

DEPARTMENT OF STATE,  
Washington, December 29, 1866.

SIR: I have the honor to acknowledge the receipt of your note of the 3d ultimo, upon the subject of the establishment of light-houses and the placing of buoys at certain designated points on the Chinese coast, with a view of facilitating the navigation of such coasts and harbors. In reply I have the honor to state that the government of the United States heartily concurs with that of

her Majesty's in causing proper steps to be taken to induce the Chinese government to carry into effect the measures aforementioned. In accordance with the suggestions of her Majesty's government, instructions have been given to Mr. Burlingame, at Peking, to co-operate with her Majesty's minister there in pressing the matter upon the attention of the Chinese government.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

The Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

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*Sir F. Bruce to Mr. Seward.*

WASHINGTON, January 3, 1867.

SIR: With reference to my note of the 30th of December, 1865, and to your reply of the 16th of February of last year, on the expediency of arriving at a common understanding as to the expense of maintaining foreign lunatics in asylums, I am instructed by her Majesty's government to inform you that from the answers received it appears that a general agreement on the subject cannot be arrived at.

Under these circumstances they are of opinion that there is no other alternative than that of dealing with such cases as they arise.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

The Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Sir F. Bruce to Mr. Seward.*

WASHINGTON, January 7, 1867.

SIR: Her Majesty's government having had under their consideration your despatch to Mr. Adams, dated August 27th, 1866, on the claims of citizens of the United States against Great Britain on account of losses inflicted on American commerce by cruisers of the so-called Confederate States during the civil war, have addressed to me a despatch setting forth their views on the various subjects to which it alludes, and containing certain proposals on their part by which they consider that a settlement of these claims may be effected.

In bringing their proposal under your notice, I cannot do better than follow the method adopted by Mr. Adams, and I have therefore the honor to enclose copy of the despatch, with a request that you will inform me at your convenience whether the government of the United States are prepared to accept the principle of arbitration, as contained in that despatch.

I am instructed at the same time to state that, independently of these claims, there may be other demands on the part of American citizens arising out of the events of the late civil war, while there are certainly numerous British claims arising out of those events which it is very desirable should be inquired into and adjusted.

The two governments were in communication with each other on this subject in the latter part of the year 1862, and the draft of a convention for a settlement of these claims was actually under consideration. Circumstances, however, prevented the matter being proceeded with at that time; and, indeed, it was premature to enter upon it while fresh claims were liable to start up.

The time seems now favorable for reviving the subject, and her Majesty's

government think that they may fairly invite the government of the United States to undertake, in the event of an understanding being come to between the two governments as to the manner in which the special American claims alluded to in the enclosed despatch shall be dealt with, that, under a convention to be separately but simultaneously concluded, the general claims of the subjects and citizens of the two countries arising out of the events of the late war may be submitted to a mixed commission, as in a former instance; the commission to be charged with the examination of such claims with a view to their eventual payment by the government adjudged to be responsible.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

*Lord Stanley to Sir F. Bruce.*

FOREIGN OFFICE, *November 30, 1866.*

SIR: I transmit to you, herewith, copy of a note which I have received from the United States minister at this court, enclosing copy of a despatch from Mr. Seward, in which he again brings before her Majesty's government the claims of United States citizens against Great Britain, on account of losses inflicted on American commerce by cruisers of the so-called Confederate States during the late civil war.

In regard to the date of this note, it is necessary that I should explain that on its receipt, I stated verbally to Mr. Adams the impossibility of replying to it without consulting my colleagues, and the consequent probability that my answer must be delayed for some weeks.

The claims in question are now, for the first time, brought under the notice of her Majesty's present advisers; and the length of time which has elapsed since the termination of the civil war justifies the hope that they may be dispassionately considered on both sides.

It is therefore with no desire to revive a controversy which has been carried on at great length, and in which every argument bearing on the subject has been advanced and discussed, but with a view to facilitate the impartial examination of the grounds on which these claims are based, that her Majesty's government feel bound to notice expressions and statements in Mr. Seward's despatch which they consider unsupported by evidence, and which, in justice to their predecessors in power and to the honor of the country, they cannot allow to pass unexamined.

And first, with regard to the assertion made at the commencement of the despatch, that "the *Sumter*, the *Alabama*, the *Florida*, the *Shenandoah*, and other ships of war were built, manned, armed, equipped, and fitted out in British ports, and despatched therefrom by or through the agency of British subjects;" and "were harbored, sheltered, provided, and furnished, as occasion required, during their devastating career, in ports of the realm, or in ports of British colonies in nearly all parts of the globe."

It can scarcely be necessary, after the protracted controversy that has taken place on this subject, to enter minutely into the history of the several vessels mentioned. It must have escaped Mr. Seward's recollection that the *Sumter* did not proceed from a British port, but was an American vessel, and commenced her career by escaping from the Mississippi. With regard to the *Alabama*, the *Florida*, the *Shenandoah*, and the *Georgia*, (the other vessel mentioned in the schedule of claims,) they were undoubtedly of British origin. But the United States government will hardly contend, that the mere fact of a vessel having been built in the port of a foreign power, or having been originally despatched therefrom, can of itself render the government of that country responsible for the use which may be made of such vessel after it has passed from their control.

The *Alabama* was, when she escaped from England, wholly unarmed and unequipped as a vessel of war. She received her armament and warlike equipment, her commander and crew, in Angra bay, Azores, a possession of the crown of Portugal, where the British government could not have exercised any jurisdiction or control over her proceedings, even if they had had the opportunity of so doing.

The *Florida*, under her original name of *Oreto*, left England unarmed and unequipped, but suspicion having attached to her, she was seized, and proceedings were instituted against her in the British admiralty court at Nassau, which failed for want of proof, and she was eventually equipped as a confederate cruiser in the port of Mobile, at that time in the occupation of the confederates.

The *Shenandoah* left England unobserved, and, therefore, unquestioned, and for anything that had transpired, on a legitimate voyage, and was only armed, equipped and manned as a vessel of war off Funchal, a possession of the Crown of Portugal. The first intimation

which was received of her proceedings was from her Majesty's consul at Teneriffe, reporting the transfer of crew and armament to her from the *Laurel*, at the *Desertas*, off *Funchal*. Mr. Adams's letter on the subject was dated the 18th of November, 1864, at which time she had already commenced her depredations. This fact appears from the despatch from the United States consul at Rio de Janeiro, of which a copy was forwarded to Earl Russell by Mr. Adams, on the 7th of April, 1865.

The *Georgia* escaped inquiry in a similar manner, and was equipped, manned and armed off the coast of France, and presumably in French waters, but unquestionably not within the jurisdiction of the British Crown. She sailed from the Clyde on the 2d of April, 1863, having cleared for Alderney. Mr. Adams's letter stating that she was intended for a cruiser was not received until the 8th of April, the very day on which, as was subsequently shown, she was receiving her armament off the French coast. Instructions were sent to the governor of Guernsey, but she proceeded to Cherbourg, without touching at the Channel islands.

As regards the reception of these vessels in British ports, it must be remembered that when they appeared in those ports they did so in the character of properly commissioned cruisers of the government of the so-styled Confederate States, and that they received no more shelter, provision, or facilities, than were due to them in that character. For a recognized belligerent has a right to expect, in the ports of a neutral power, the same degree of hospitality as is conceded to its antagonist, subject to such restrictions as may be indifferently imposed on both; and it has never been alleged that greater freedom of intercourse was allowed to, or that less restrictions were imposed on, the cruisers of the confederate than on those of the United States in British ports in any quarter of the globe. The instructions issued by the British government to its civil, naval and military authorities, with which the government of the United States are well acquainted, sufficiently establish this fact. Nor can it be said that those instructions were drawn up in an unfavorable spirit to the United States. The prohibition to bring prizes into British ports, and the limit placed on the supply of coal, told principally against the confederate ships, and prevented them from using British ports as their basis of operation.

The treatment of these vessels was, therefore, no more than the legitimate consequence of the state of civil war which existed in America, and which was recognized by her Majesty in her proclamation of neutrality.

On the subject of this proclamation, Mr. Seward proceeds to make remarks which her Majesty's government cannot admit to be justified by the facts. They have never as yet met with any refutation of the statement contained in the judgment of the Supreme Court of the United States, and already quoted by Lord Russell, in his note to Mr. Adams, of May 4th, 1865, that "this greatest of civil wars was not gradually developed by popular commotion, tumultuous assemblies, or local, unorganized insurrections. However long may have been its previous conception, it nevertheless sprang forth suddenly from the parent brain, a *Minerva* in the full panoply of war. The President was bound to meet it in the shape it presented itself, without waiting for Congress to baptize it with a name, and no name given to it by him or them could change the fact." Her Majesty's government cannot understand how, in the face of such a conclusion, declared by the highest judicial authority of his country, and in direct contradiction with the action of the government of which he is a member, Mr. Seward can characterize a contest, which he has at the commencement of his despatch termed "a civil war," as "a domestic disturbance, which, although it had severe peculiarities, yet was in fact only such a seditious insurrection as is incidental to national progress in every State."

Her Majesty's government find it also laid down in the judgment above quoted, that "the proclamation of blockade is itself official and conclusive evidence to the court that a state of war existed, which demanded and authorized a recourse to such a measure under the circumstances peculiar to the case." Again, in the judgment of the district court of Columbia, on the *Tropic Wind*, given June 17th, 1867, it was ruled that the facts of the secession of the southern States, "as set forth by the President, with the assertion of the right of blockade, amount to a declaration that civil war exists—that blockade itself is a belligerent right, and can only legally have place in a state of war." Her Majesty's government are, therefore, at a loss to conceive how the term "intervention" can be applied to a proclamation which did no more than acknowledge a state of war, first recognized by the President of the United States himself, and which was issued with the express purpose of warning her Majesty's subjects from any participation in the conflict.

Mr. Seward's argument that the declaration of British neutrality tended to encourage and create a civil war, which would not otherwise have extended beyond the character of a local insurrection, can scarcely better be met than by a reference to the legal decisions above mentioned. In opposition to the opinion he expresses that the proclamation was unnecessary and premature, it may be justly urged that her Majesty's government had to provide at a distance for the lives and interests of British subjects on or near the seat of war, that they had to consider the rapidity with which events were succeeding one another on the American continent, the delay which must elapse before intelligence of those events could reach them, and the pressing necessity for definite instructions to the authorities in their colonies, and on their naval stations near the scene of the conflict. They had, as Lord Russell has stated, but two courses open to them, on receiving intelligence of the proclamation of block-

ade, namely, either that of acknowledging the blockade, and proclaiming the neutrality of her Majesty, or that of refusing to acknowledge the blockade, and insisting upon the right of her Majesty's subjects to trade with the ports of the south where the government of the United States could exercise no fiscal control at that time.

Of these alternatives, it is hardly open to question, that that which they pursued was at once the most just and the most friendly to the United States.

It is only necessary to add that, before the proclamation was issued, seven of the States of the Union had declared their secession, and that they possessed a formally constituted government, which carried on the administration in a regular manner; which had possessed itself, in some cases by force, of the fortified ports within its territories, and which had proclaimed its intention of issuing letters of marque.

Before the intelligence of the course adopted by her Majesty's government could reach America, the legislatures of three more States had provisionally declared their adhesion to the confederation thus established; upwards of one hundred thousand militia and volunteers had been called out by the President of the United States; active measures had to be taken for the defence of the capital; military and naval preparations were hurrying on; a repetition on a much larger scale of the collisions which had already taken place between the opposing forces was imminent; the blockade of the southern ports had actually commenced; and the right of search and capture had already been exercised over British vessels.

Taking these circumstances into consideration, it cannot be admitted that the recognition of the insurgent States as belligerents was premature, or that their insurrection was thereby encouraged; nor can it be supposed that the British government could refuse to the Confederate States that belligerent character which the United States themselves implicitly granted and subsequently allowed to them.

But if Mr. Seward means to base the present claims on the ground that the British government should, while acknowledging the blockade, have awaited the arrival of a confederate ship of war in British ports before admitting the possession by the Confederate States of a ship of war, and therefore their right to be treated on the high seas as a belligerent power, a reference to dates will show that the question would have been raised on the arrival of the *Sumter* at Trinidad, and of the *Nashville* at Southampton, some months before Mr. Adams laid his first complaint against the vessels mentioned in the summary of claims. It is difficult to see what injury the United States government can allege, or what redress they can claim on this score.

Still more difficult is it to understand the process of reasoning by which the acts of British subjects in furnishing assistance and supplies to the Southern States can be traced to the issue of the proclamation. Undertakings of this nature, in favor of either of the belligerents, were equally in contravention of its terms, and those who engaged in such enterprises did so at their own risk. The United States, whose communication with Great Britain was uninterrupted, received assistance of this illicit nature to a very much larger extent than their antagonists.

Mr. Seward goes on to say, that "when the municipal laws of Great Britain proved in practical application to be inadequate to the emergency, the British nation omitted for various reasons, which seemed to the United States insufficient, to revise those laws."

To this statement a simple answer may be given. That the foreign enlistment act, like every other enactment, is liable to evasion, and that it was on more than one occasion successfully evaded, no one has ever attempted to deny. But, looking at the nature of the evasions which actually occurred, it must be asked, whether these could have been prevented by any practicable amendment of the law? It was not for want of legal power in the authorities, nor from disinclination to use that power, but solely from the deficiency of evidence, that the *Florida* was not detained in England, and that when subsequently seized at Nassau, she was released by the authorities there. In the case of the *Shenandoah* and *Georgia*, no steps could be taken, because no information was given of their designs until they had escaped from British jurisdiction. As regards the *Alabama*, the case viewed in this respect appears still stronger. The law would, in the opinion of her Majesty's government, have justified her detention. That detention was *actually decided upon*; and it was only in consequence of an unexpected stratagem that she succeeded in escaping before orders for that purpose arrived. To whatever cause her escape may be attributable, it did not take place in consequence of any want of stringency in the act.

Nor, after that unfortunate occurrence, were the British government unwilling to respond to Mr. Adams's appeal for more effective measures to prevent such proceedings. They answered it by a proposal for a simultaneous revision of the law of both countries. As the opinion of the United States government, expressed in reply, was to the effect that their own law was not in need of amendment, it is to be presumed that a complete assimilation of the British act to that law was all that they expected or desired. Yet the British law is substantially identical with that of the United States, with the exception of two provisions, the insertion of which, whatever may be their value in other respects, would have been wholly ineffective to prevent the particular infractions of neutrality complained of. The first of these provisions requires that the owners or consignees of armed vessels, sailing out of the ports of the United States, and belonging in whole or in part to citizens thereof, shall give security to double the value of the vessel and cargo, that such vessel shall not be employed by them

to cruise or commit hostilities against any power with which the United States are at peace. The second empowers the collectors of customs to detain any vessel manifestly built for warlike purposes and about to depart the United States, of which the cargo shall principally consist of arms and munitions of war, when there is just ground for suspecting that she will be employed against a friendly power, until a definitive decision can be come to on the case, or security given as above. It is sufficiently evident that these two articles would, at the utmost, only have served to enhance the price of any vessel against which they might have been enforced. But, in addition to this, it may be observed that the terms in which they are framed would have rendered them inapplicable to the vessels whose depredations are now complained of, none of which sailed out of British ports as armed vessels, or had on board cargoes principally consisting of arms or munitions of war. They would have been equally ineffective as against the ships which furnished the armament, equipment, and crews to those vessels, but which were not armed nor employed in hostilities against the United States. Supposing even that the scope of these provisions had been so enlarged as to include the cases in question, it would still have been impossible to demand security for, or to order the detention of, vessels to which no suspicion had attached, such as the *Shenandoah* and *Georgia*; or to take retrospective action as regards the *Florida* and *Alabama*, which had already escaped before Mr. Adams's appeal and the subsequent negotiation took place. It is fruitless to argue whether a nugatory and fictitious amendment of our law would have been accepted by the United States as a satisfactory proof of the willingness of Great Britain to meet their wishes. In all respects which concern the present controversy, the law of the two countries is identical; and as the government of the United States declare their own law sufficient to meet the obligations imposed upon them by international duty, it is not easy to understand why they should consider that of England inadequate for the same purpose. It is sufficient to say that the actual circumstances do not warrant Mr. Seward in founding the claims now brought forward on any defect of the foreign enlistment act.

There is another statement made by Mr. Seward which cannot be here passed over. He draws a contrast between the conduct of the British government during the recent American civil war and that of the United States government in dealing with the Fenian projects of aggression against Canada. It cannot be admitted that this contrast is justified by the facts of either case. The British government were ready, anxious, and determined throughout the whole course of the civil war to exert all the power conferred upon the Queen by the law of the land to prevent British subjects from taking part in that contest. But the law could not be put in force against offenders unless on the production of evidence, first, that the law was violated, and secondly, that its violation was the act of the persons charged with that offence. The secrecy observed by these persons in their unlawful proceedings baffled all the efforts of her Majesty's government, no less than those of the diplomatic and consular agents of the United States in this country, to detect them.

The action of the Fenians, on the contrary, was open and avowed. It showed itself in public meetings and in the public press, in the enrolment of troops, the collection of arms, the solicitation of money, and finally in the establishment in the territory of the United States of a so-called provisional government, with its legislative assembly and administrative officers. Throughout these transactions there has been no attempt at disguise, but rather an arrogant display of publicity. The government of the United States needed, therefore, no research on the part of its own officials, nor even a denunciation by British authorities, to establish against these Fenian agitators a palpable case of infringement of the laws of the United States, coupled with a deliberate design to undertake from the territory of the United States, whose government was in amity with that of her Majesty, a military operation directed against either Canada or Ireland. Her Majesty's government are far from desiring, in any way, to depreciate the friendship of the course which the United States government adopted when the proceedings of the Fenians assumed the shape of an actual aggression on British territory; they readily admit that "the unlawful attempts against Great Britain were disallowed" by that government, whose direct and unprompted action greatly contributed to the defeat of the enterprise. But they utterly deny the alleged similarity of the two cases. They cannot admit that because four vessels escaped the action of British law, two of them unperceived, one by an accident, and one for want of evidence, Mr. Seward is justified in stating that "ruinous British warlike expeditions against the United States were practically allowed and tolerated by her Majesty's government, notwithstanding remonstrance;" and looking to the fact that at least an equal number of vessels were arrested before commencing their career, and that on all occasions when the law could be enforced, legal proceedings were taken against the offenders, they consider that they have a right to assert that under circumstances similar to those in which the United States government has been lately placed, they would not have pursued a less fair or friendly course.

It is not the intention of her Majesty's government to pursue this discussion further; yet I must observe that, were it their wish to apply to the conduct of the United States the same kind of criticism in which Mr. Seward has indulged with regard to them, they might fairly be entitled to ask whether the restoration, by order of the President, of arms captured from Fenian insurgents without any appearance of an intention on the part of those insurgents to abandon their culpable projects, and the discontinuance of government prosecutions instituted against their leaders without any proof that the evidence against those leaders was



inadequate for their conviction, are not circumstances quite as open to an unfavorable construction as any of those on which Mr. Seward has laid so much stress as against the conduct of this government. But her Majesty's government have made no complaint of those proceedings, nor do they intend to make any. They think it fairer and more reasonable, when judging of the policy of other States, to deal with that policy as a whole, and not to magnify into undue importance isolated acts which may appear contrary to its general tendency. This rule they will always be ready to apply to others, and they claim its application to themselves.

Having dealt so far with Mr. Seward's argument, and pointed out the wide discrepancies that exist between his views of the question and those entertained by her Majesty's government, I now proceed to consider the practical proposition with which he concludes.

It is impossible for her Majesty's present advisers to abandon the ground which has been taken by former governments so far as to admit the liability of this country for the claims then and now put forward. They do not think that such liability has been established according to international law or usage; and though sincerely and earnestly desiring a good understanding with the United States, they cannot consent to purchase even the advantage of that good understanding by concessions which would at once involve a censure on their predecessors in power, and be an acknowledgment, in their view, uncalled for and unfounded, of wrong-doing on the part of the British executive and legislature. But, on the other hand, they are fully alive to the inconvenience which arises from the existence of unsettled claims of this character between two powerful and friendly governments. They would be glad to settle this question if they can do so consistently with justice and national respect; and with this view they will not be disinclined to adopt the principle of arbitration, provided that a fitting arbitrator can be found, and that an agreement can be come to as to the points to which arbitration shall apply.

Of these two conditions, the former need not be at present discussed; the latter is at once the more important and the more pressing.

With regard to the ground of complaint on which most stress is laid in Mr. Seward's despatch, viz: the alleged premature recognition of the Confederate States as a belligerent power, it is clear that no reference to arbitration is possible. The act complained of, while it bears very remotely on the claims now in question, is one as to which every State must be held to be the sole judge of its duty; and there is, so far as I am aware, no precedent for any government consenting to submit to the judgment of a foreign power or of an international commission the question whether its policy has or has not been suitable to the circumstances in which it was placed.

The same objection, however, does not necessarily apply to other questions which may be at issue between the two governments in reference to the late war; and with regard to these, subject to such reservations as it may hereafter be found necessary to make, I have to instruct you to ascertain from Mr. Seward whether the United States government will be prepared to accept the principle of arbitration as proposed above. Should this offer be agreed to, it will be for Mr. Seward to state what are the precise points which, in his opinion, may be and ought to be so dealt with. Any such proposal must necessarily be the subject of deliberate consideration on the part of her Majesty's government; but they will be prepared to entertain it in a friendly spirit, and with the sincere desire that its adoption may lead to a renewal of the good understanding formerly existing, and, as they hope, hereafter to exist, between Great Britain and the United States.

I am, &c.,

STANLEY.

Hon. Sir FREDERICK W. A. BRUCE, G. C. B., &c., &c., &c.

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*Lord Stanley to Sir F. Bruce.*

FOREIGN OFFICE, November 30, 1866.

SIR: In another despatch of this date I have confined myself exclusively to the consideration of the American claims put forward in Mr. Seward's despatch to Mr. Adams of the 27th of August, and arising out of the depredations committed on American commerce by certain cruisers of the Confederate States.

But, independently of these claims, there may, for aught her Majesty's government know, be other claims on the part of American citizens, originating in the events of the late civil war, while there certainly are very numerous British claims arising out of those events, which it is very desirable should be inquired into and adjusted between the two countries. The two governments were in communication with each other on this subject in the latter part of the year 1862, and the draft of a convention for the settlement of such claims was actu-

ally under their consideration. Circumstances, however, prevented the matter being proceeded with at that time, and indeed it was premature to enter into such a convention while the civil war was still raging, and new claims were continually starting up. The time seems now favorable for reviving the subject.

The government of the United States have brought before that of her Majesty one class of claims of a peculiar character, put forward by American citizens, in regard to which you are authorized by my other despatch of this date to make a proposal to Mr. Seward; but her Majesty's government have no corresponding class of claims to urge upon the attention of the American government. Her Majesty's government think, however, that they may fairly invite the government of the United States to undertake that, in the event of an understanding being come to between the two governments with reference to the manner in which the special American claims to which my other despatch alludes shall be dealt with, they will agree that, under a convention to be separately but simultaneously concluded, the general claims of the subjects and citizens of the two countries, arising out of the events of the late war, shall be submitted to examination by a mixed commission, as in a former instance, for examination, with a view to their eventual payment by the government adjudged to be responsible.

You will make a communication to Mr. Seward to the effect of this despatch.

I am, &c.,

STANLEY.

Hon. Sir FREDERICK W. A. BRUCE, G. C. B., &c., &c., &c.

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*Mr. Seward to Sir F. Bruce.*

DEPARTMENT OF STATE,  
Washington, January 7, 1867.

SIR: I have the honor to enclose a copy of a despatch of the 3d instant from our vice-consul general at Montreal relative to the result of the recent Fenian trials at Sweetsburg. I should be glad to know whether we may assume that the capital convictions referred to will be suspended as other similar cases have been.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. Sir FREDERICK W. A. BRUCE, &c., &c., &c.

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*Mr. Drummond to Mr. Seward.*

No. 12.]

U. S. CONSULATE GENERAL, B. N. A. P.,  
Montreal, January 3, 1867.

SIR: I have the honor to inform you that the trials at Sweetsburg of the prisoners recently held in the jail of this city, on a charge of complicity in the Fenian invasion of this province, in June last, terminated on the 28th ultimo with the following results:

Madden, Smith, and Crowley have been sentenced to be hung on the 15th proximo; Holmes to be imprisoned for two months for larceny, and Crawford for three months for receiving stolen goods. The remaining eleven have been discharged.

Mr. Devlin, the counsel for the prisoners, with whom I have had an interview since the close of the trial, appears to entertain no doubt of his success in appeal in the cases of those capitally condemned.

I have the honor to be, very respectfully, your obedient servant,

C. G. B. DRUMMOND,

United States Vice-consul General, B. N. A. P.

Hon. WILLIAM H. SEWARD,  
Secretary of State.

*Sir F. Bruce to Mr. Seward.*

WASHINGTON, *January 10, 1867.*

SIR : With reference to the capital convictions referred to in Mr. Drummond's despatch of January 3d, from Montreal, copy of which you did me the honor to enclose in your note of the 7th instant, I am able to state that the sentences will be suspended, as in the previous cases.

I have the honor to be, with the highest consideration, sir, your most obedient servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

*Mr. Seward to Sir F. Bruce.*

DEPARTMENT OF STATE,

*Washington, January 12, 1867.*

SIR : I have the honor to acknowledge the receipt of your communication of the 7th instant, which is accompanied by a copy of a despatch which was addressed to you by Lord Stanley on the 30th of November. In that communication Lord Stanley sets forth the views taken by her Majesty's government of the so-called Alabama claims, presented in my despatch to Mr. Adams, No. 1835, and concludes with proposing the principle of arbitration, attended with some modification, in regard to those claims. You inquire whether the government of the United States is prepared to accept that principle as contained in that despatch. I have the honor to say in reply that, following the course of proceeding which has hitherto prevailed, I have to-day communicated in a despatch to Mr. Adams the views of this government concerning the question which you propound, and have instructed him to submit a copy\* of the same to Lord Stanley. I cheerfully give you, however, a copy of that paper for your information. Her Majesty's government will learn from it that this government will expect a further communication from them before deciding the question of accepting the principle of arbitration. You also inquire whether, in the event of an understanding being come to between the two governments as to the manner in which the special American claims alluded to in my despatch No. 1835, and in Lord Stanley's answer thereto, this government would be willing to enter into a convention for a mixed commission upon the general claims of the subjects and citizens of the two countries not involved in that correspondence, such convention to be independent and separate from but simultaneous with the completion of an understanding in regard to the disposition of the special claims. On this point I have the honor to reply that, although this latter question must, under present circumstances, be held in reserve, yet it will be cheerfully taken into consideration when we shall have been favored with the further views of her Majesty's government upon the special matters under discussion, and shall thus be enabled to determine the probabilities of effecting a final arrangement for a settlement of those special claims.

I have, &c.,

WILLIAM H. SEWARD.

Sir FREDERICK W. A. BRUCE, &c., &c., &c.

\* For this enclosure see instruction to Mr. Adams, No. 1906, January 12, 1867, page 45.

*Lord Stanley to Sir F. Bruce.*

FOREIGN OFFICE, *March 9, 1867.*

SIR: I transmit to you herewith a copy of Mr. Seward's reply, which was communicated to me by Mr. Adams, on the 28th of January, to my despatch of the 30th of November, on the subject of the Alabama claims.

In this reply, as you will perceive, Mr. Seward restates and enforces the allegations made on the part of the United States in the previous correspondence on the subject of these claims, and again discusses the character of the vessels in whose depredations on the commerce of the United States the claims originate, the responsibility of the British government for the equipment and proceedings of those vessels, and above all, the liabilities incurred by the British government by reason of its recognition of the belligerent character of the so-called Confederate States.

It appears to her Majesty's government that no useful result can be obtained by following Mr. Seward over these grounds. They have been fully discussed in the course of a long-protracted correspondence. No new light can be thrown on the subject-matter of dispute by reviving an exhausted controversy, or by reiterating statements and arguments elaborately maintained or disputed on either side. Such a course would be calculated rather to defeat than to promote the object which the British government, and, doubtless, that of the United States, has most at heart, namely, the amicable adjustment of the existing points of difference.

I will abstain, therefore, from any detailed examination of the statements in Mr. Seward's despatch of the 12th of January, and will only, for the sake of historical accuracy, specifically allude to two points; in regard to the first of which it is to be observed, that whatever may be found in the confidential archives of the United States, the unpublished records of the British (foreign) office, as Mr. Seward designates them, do not, so far as I am able to discover, bear out the allegation that any influence was exerted by the British government to induce the authorities of the United States, in any quarter of the world, to relax their vigilance in detecting and bringing home to suspected parties attempts or intentions to infringe the municipal laws of England, or to evade her international obligations; and on the second point I must repeat, in accordance with my former argument on the subject, that the President of the United States, and not the Queen of England, is primarily responsible for the acknowledgment of the belligerent character in the so-called Confederate States, and that, in recognizing the status of the so-called Confederate States as belligerent, the British government found itself associated with the greater part, if not the whole, of the maritime powers of Europe.

But I will not be led any further into a renewal of controversy on these or other points raised by Mr. Seward, and that not because I feel any doubt as to the possibility of maintaining the ground on which the British government have hitherto taken their stand, but because I feel that by doing so I should be more likely to retard than to advance a settlement of the real question at issue, namely, that of the liability of the British government to make good the losses occasioned to American commerce by the operations of confederate ships of war, in which British subjects are alleged at some time or other to have had more or less interest, and which in their character of confederate ships of war were at different times admitted into the ports of her Majesty's dominions.

In my despatch of the 30th of November, I explained to you the grounds on which her Majesty's government could not consent to refer to a foreign power to determine whether the policy of recognizing the Confederate States as a belligerent power was or was not suitable to the circumstances of the time when that recognition was made, but I at the same time expressed the willingness of

her Majesty's government to entertain in a friendly spirit any proposal which might be made to them by the government of the United States, to refer to arbitration other questions which might be at issue between the two governments in reference to the late war, and I desired you to invite Mr. Seward to state what were the precise points which, in his opinion, might be and ought to be so dealt with.

Mr. Seward, in his despatch of the 12th of January, while suggesting that it would be "not only easier but more desirable that Great Britain should acknowledge and satisfy the claims for indemnity which we have submitted, than it would be to find an equal and wise arbitrator who would consent to adjudicate them," goes on to say that if her Majesty's government should prefer the remedy of arbitration the United States would not object, but in that case "would expect to refer the whole controversy, just as it is found in the correspondence which has taken place between the two governments, with such further evidence and arguments as either party may desire, without imposing restrictions, conditions, or limitations upon the empire, and without waiving any principle or argument on either side."

To such an extensive and unlimited reference her Majesty's government cannot consent, for this reason among others, that it would admit of, and indeed compel, the submission to the arbiter of the very question which I have already said they cannot agree to submit.

The real matter at issue between the two governments, when kept apart from collateral considerations, is whether, in the matters connected with the vessels out of whose depredations the claims of American citizens have arisen, the course pursued by the British government, and by those who acted under its authority, was such as would involve a moral responsibility on the part of the British government to make good, either in whole or in part, the losses of American citizens.

This is a plain and simple question, easily to be considered by an arbiter, and admitting of solution without raising other and wider issues; and on this question her Majesty's government are fully prepared to go to arbitration; with the further provision, that if the decision of the arbiter is unfavorable to the British view, the examination of the several claims of citizens of the United States shall be referred to a mixed commission, with a view to the settlement of the sums to be paid on them.

But as they consider it of great importance, for the maintenance of good understanding between the two countries, that the adjudication of this question in favor of one or other of the parties should not leave other questions of claims, in which their respective subjects or citizens may be interested, to be matter of further disagreement between the two countries, her Majesty's government, with a view to the common interest of both, think it necessary, as you have already apprised Mr. Seward in your letter of the 7th of January, "in the event of an understanding being come to between the two governments, as to the manner in which the special American claims" which have formed the subject of the correspondence of which my present despatch is the sequel "should be dealt with, that under a convention, to be separately but simultaneously concluded, the general claims of the subjects and citizens of the two countries, arising out of the events of the late war, should be submitted to a mixed commission, with a view to their eventual payment by the government that may be judged responsible for them."

Such, then, is the proposal which her Majesty's government desire to submit to the government of the United States; limited reference to arbitration, in regard to the so-called Alabama claims, and adjudication by means of a mixed commission of general claims.

You will read this despatch to Mr. Seward and furnish him with a copy of it, as the deliberate reply of her Majesty's government to his despatch of the

12th of January, and, in doing so, you will express to him the earnest hope of her Majesty's government that their present proposal will be accepted by the cabinet of Washington in the spirit in which it is made.

I am, &c.,

STANLEY.

Hon. Sir F. W. A. BRUCE, G. C. B., &c., &c., &c.

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*Mr. Seward to Sir F. Bruce.*

DEPARTMENT OF STATE,

*Washington, May 13, 1867.*

MY DEAR SIR FREDERICK: You are aware that in the apprehension of many considerate persons there has lingered a doubt whether Robert Lynch and the Rev. John McMahon, two of the persons who were convicted last year of participation in the aggression upon the Canadian border, are indeed morally culpable, although the judgment of the court is deemed unimpeachable.

On representation made by many intelligent and judicious persons, I have taken some pains to inquire concerning the cases specially named, and have submitted the same for review to the legal examining officer of this department, Mr. E. Peshine Smith.

Will you allow me to place a copy of Mr. Smith's report in your hands unofficially, with the hope that if it shall, in any degree, impress you with the sentiment of favor towards those unfortunate persons you will communicate that sentiment to her Britannic Majesty's government.

Believe me to be, very faithfully, yours,

WILLIAM H. SEWARD.

Hon. Sir FREDERICK WRIGHT BRUCE, &c., &c., &c.

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*Mr. Smith to Mr. Seward.*

DEPARTMENT OF STATE,

*Bureau of Claims, May 9, 1867.*

In the matter of Robert Lynch and Rev. John McMahon, confined in Canada under conviction of being participants in the Fenian invasion, the joint resolution of the legislature of the State of Wisconsin recites that there is good reason to believe that, had the prisoners been permitted, on their trials, to have produced to the court such evidence of their innocence of the charges preferred against them as is contained in some affidavits now on file in the office of the Secretary of State of the United States, that said prisoners would have been able to have established beyond any doubt their non-complicity in the Fenian invasion of Canada.

This is a misapprehension. I know of no affidavits containing evidence which, if presented at the trial, and believed by the jury, would have necessarily led to their acquittal. The most they would establish is this, viz., that neither of the parties had been connected with, or sympathized with, the Fenian organization in Canada, this country, or elsewhere, nor did either of them visit Canada with the intent of aiding the purposes of the invaders otherwise than as hereinafter stated. The charge of the judge who presided at their trials was substantially to the effect that, if they accompanied the invaders, the one, John McMahon, being a Roman Catholic priest, for the purpose of administering the consolations of his religion to such of the parties as might require them, the other, Robert Lynch, as a correspondent of a newspaper in the United States, for the purpose of recording their achievements and the incidents of the march, then they were as guilty of aiding and assisting in the levying war on her Majesty as other persons of the party who bore arms and participated in military operations. As a legal proposition, this charge is unobjectionable. I do not know that there is any evidence in the possession of this department which would have taken them out of its operation, unless it be some slight evidence that the Rev. John McMahon did not voluntarily connect himself with the expedition; but, coming into Canada for an innocent purpose, accompanied it under duress.

The affidavits on file in this department show that Robert B. Lynch served creditably as a private soldier in a Wisconsin regiment during the late rebellion; but, so far as appears, he

was detailed upon clerical duty, in relation to musters, discharges, and similar operations of the staff department, and is not shown to have been under fire. Jeremiah Quinn, of Milwaukee, testifies that he has been State centre of the Fenian Brotherhood of Wisconsin since 1858; that he was well acquainted with Lynch, who, during most of the time, resided in Milwaukee, and was never a member of that organization.

Edmund D. Burke testifies that he has been the head centre of the Sweeny-Roberts branch of the Fenian organization for the State of Wisconsin since November, 1865, and was a member of it for a year and a half prior to his becoming head centre, and knows that Lynch never was a member of that organization.

Peter Lynch, a brother of the prisoner, testifies that the Fenian organization and projects have frequently been the subject of conversation between himself and the prisoner, and that the latter has always opposed and denounced it as a wild and impracticable scheme for the redemption of Ireland, and uniformly advised and counselled against it.

Edward M. Hunter, commissioner of the United States courts, fully corroborates the statement of Peter Lynch in respect to the opinion and declaration of Robert B. Lynch in regard to the Fenian organization and plans.

John Hay, of Buffalo, and Rodolphe Fitzpatrick, of New York, testify that they were, respectively, a colonel in the Fenian invasion of June, 1866, and the second in command to General O'Neill; that he was adjutant to General O'Neill. They both state that Robert B. Lynch was not connected with the expedition as an officer or soldier, and that he took no part in any engagement with her Majesty's troops, but preserved a peaceable deportment throughout, and remained carefully aloof during the interchange of blows. Both also testify that his presence with the expedition was, to the best of their knowledge and belief, in no other capacity than as the correspondent of a newspaper for the purpose of reporting events.

In addition to this evidence there are the unsworn statements of many respectable citizens, testifying to the peaceable and orderly character of Lynch.

In regard to the Rev. Mr. McMahon we have less evidence. I think we may treat the notorious fact that the hierarchy and parochial clergy of the Roman Catholic church have uniformly denounced Fenianism, as affording a presumption in his favor that he did not sympathize with the organization. On the 21st of July, 1866, after his conviction, he wrote to Mr. W. D. Frazee, of Winchester, Randolph county, Indiana, a letter, the original of which is on file in this department, in which he says: "Thanks be to God that I am innocent of being a Fenian; for no priest can be a Fenian." He states, in that letter, that his object in visiting Canada was to see a widowed sister-in-law in Montreal, with a view to assisting in case she should get into any trouble from a Fenian attack upon Montreal; and also to look after some real estate devised to him by the husband of such widow; that he left his home (Winchester, Indiana) on the 30th of May, arrived in Buffalo on the 31st, and crossed over to Fort Erie on the 1st of June, to take his passage to Montreal. "I was just going," he says, "to the office to get a ticket, when there came a large number of Fenians, and took me by force. As there was not any train going out that day to any place, and the steamboat that brought me over had stopped, I had to stay there. The next day the fighting began, and no chance to get away; so I had to stay until I was taken." The person to whom this letter was addressed is a magistrate, and he has annexed to it the depositions of four persons, certified to be of good character for truth and veracity, testifying that they had known Mr. McMahon intimately for several years; that they had never heard him speak favorably of the Fenians, nor heard him say anything on politics. They also state that Mr. McMahon told them before he left Winchester, (in May,) that he was going to see his sister-in-law, and look after his real estate in Montreal. They affirm their belief in the truth of the statements in his letter.

Two citizens of Anderson, Madison county, Indiana, where Mr. McMahon had formerly been settled as a priest, make affidavits of their having been repeatedly informed by him, at different times during the year previous, of his intention to visit Montreal.

I think the proof hereinbefore stated makes it clear, with regard to Lynch, that his only connection with the party invading Canada was, that he attended as a reporter, and was guiltless of further participation in its objects.

In respect to Mr. McMahon, it is equally clear that his attendance was only in the character of a priest. There is not direct evidence, as in the case of Lynch, that he had denounced the Fenian organization; but the negative evidence in support of the presumption from his clerical office, and the declared views of his church, I think may be regarded as sufficiently proving that he did not belong to it. His presence was, in the first instance, accidental; its continuance, if we believe him, was constrained. Of course, if this could be fully proven, it would have required his acquittal upon the trial, and should secure him a pardon. But if we suppose that the physical constraint was so slight that he might have evaded it, it would be very natural for a Roman Catholic priest to suppose that it was his imperative duty not to withhold from those exposed to sudden death the only means of obtaining the last sacrament, upon which, in his belief, the salvation of their souls might depend. For this error, it seems to me, the British government, having vindicated the law by his conviction, can well afford to make a charitable allowance. That a body of soldiers, nearly all Roman Catholics, finding a priest—the only one—in their power, should constrain him to stay with them, seems to me extremely probable.

We cannot suppose that Lynch acted under any such notion of duty as is above attributed to Mr. McMahon. But we may well suppose him to have been ignorant that his accompanying the expedition as a reporter was a criminal act. In fact, as from the evidence we are authorized to conclude that he did not expect the invasion to result in success, it is extremely probable that he relied upon his erroneous idea of the law for his protection. If he supposed that his presence, and the reports he expected to make, would give aid to the invaders, his moral guilt would be the same, even if he had been correct in believing that he could escape criminal punishment. It is hardly possible to suppose him ignorant that, in the judgment of military men, the presence of reporters is prejudicial to success in the field, and he certainly could not suppose that a chronicle of disasters—which we have a right to believe he anticipated—could encourage recruiting in the United States. If so, his guilt is reduced to a technical one, which the British government may conceive to have been sufficiently punished. I have made no reference to the evidence given upon the trials of either of the prisoners, because that is in the possession of, and has been considered by, the British government; and I suppose it to be only such fresh evidence as has been transmitted to this department that it is desired to bring to their notice.

E. PESHINE SMITH,  
*Examiner of Claims.*

HON. WILLIAM H. SEWARD,  
*Secretary of State.*

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*Sir F. Bruce to Mr. Seward.*

WASHINGTON, May 21, 1867.

SIR: In obedience to instructions which I have received from her Majesty's secretary of state for foreign affairs, I have the honor to submit herewith for your information copies of papers, as marked in the margin, respecting the new regulations for the French settlement at Shanghai, and the modifications which her Majesty's government are desirous should be made in them.

I have further the honor to state, in regard to this matter, that the British minister in China will be apprised that the new regulations for the management of the British and American settlements which have been in discussion at Shanghai, between the consular authorities of the United States, England, and Prussia, are considered by her Majesty's Secretary of State to be well adapted for the purpose in view, and that when they are brought before his lordship, in the manner prescribed by the order in council, they will receive the formal sanction of her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK WRIGHT BRUCE.

HON. WILLIAM H. SEWARD, &c., &c., &c.

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*Lord Stanley to Earl Cowley.*

No. 156.]

FOREIGN OFFICE, April 22, 1867.

MY LORD: Since the receipt of M. Drouyn de Lhuys's letter to your excellency of the 6th of June, 1866, of which a copy was enclosed in Mr. Fane's despatch No. 8, of the 7th of that month, her Majesty's government have consulted the British authorities in China and the law officers of the Crown in this country on the subject of the regulations proposed to be established for the government of the French settlement at Shanghai, and I have now to state to your excellency that with the exception of the 16th article of those regulations her Majesty's government are not disposed to offer any objection to their enforcement.

Her Majesty's government agree with Sir Edmund Hornby, the judge of the British supreme court in China and Japan, a copy of whose remarks I enclose, that a fusion of the French settlement with the English one is now impracticable; and that, with one exception, if the French regulations are acted upon in accordance with the views expressed in M. Drouyn de Lhuys's letter, neither those foreigners who may have established themselves within the French limits, nor their authorities residing without those limits will have any cause to complain of them.



It may be convenient, however, before I proceed further, to make some general observations on the facts as they present themselves.

By the treaties of Nanking, Hoo Nan Chol and Tientsin, the Emperor of China has ceded to her Majesty absolute jurisdiction over her subjects commorant or being wheresoever in the imperial dominions.

Whatever be the character of the grants made by the Emperor of China to France with respect to their occupation of territory south of the Yong Tzee (Kiong,) it is subsequent in date to the concession made in England by one at least of the treaties above referred to. It was not, therefore, competent to the Emperor of China to make any concession to France which would trench upon this previously granted privilege, whatever authority over his own subjects the Emperor might think fit to concede to France.

Certain territory on the north and south sides of creeks called Yong Kin Tong and Lorchow formed by affluents of the great arteries of China the Yong Tzee (Kiong,) were permitted by the Emperor of China to be rented by Europeans for the purposes of a commercial establishment, the Emperor retaining as lord of the soil the *dominium eminens* and receiving rent from the European occupiers.

It soon became necessary that some authority should control the European renters. The English led the way in forming a committee to be elected by the majority of renters, but intended to be composed of all Europeans who were to institute and pay a police force for keeping order within these districts. The subjects of the United States of North America, of Prussia, and of Holland, appear to have heartily co-operated in this scheme, though the American consul always maintained that at present no binding legal validity could be given to the resolutions of this committee.

It appears, however, that a general sense of the usefulness of their resolutions has at present supplied the place of positive law.

The French, however, insisted on placing the executive authority in the hands of their consul general, who claimed a right to nominate on behalf of the French occupation or site, the members of the committee.

Two-thirds of the French occupation or site were inhabited by English and other foreigners, and the object of the French consul was to confine to French hands the exercise of authority over French subjects, an object which a free election would obviously have defeated. Eventually the French consul referred the matter to his government, which issued a certain "Règlement d'organisation municipale de la concession Française en Shanghai," which put an end to all notion of a fusion between the English, American, and French settlements and a common municipal government elected by land renters. It was quite competent to the French to adopt this system of separate municipal government under the control of their consul so far as the French subjects were concerned, but it was not competent to the French government to assume or exercise thereby any personal jurisdiction over the subjects of other states resident or commorant on the French occupation or site or on any other part of the Chinese territory, inasmuch as those subjects had obtained by treaty with the lord of the soil the right of exemption from all jurisdiction but that of their own state.

The 16th article of the règlement was so expressed as to lead to the conclusion that the French government claimed such jurisdiction within the limits of their "concession." M. Drouyn de Lhuys has however distinctly disclaimed any such intention on the part of the French government, which, however, claims the right of keeping order within their limits and maintaining that the Chinese government has assigned exclusively to them as sole lessees the land inclosed in those limits and all authority over it.

The import of this 16th article and the manner in which it should be modified were treated of by M. Drouyn de Lhuys in his letter to which I have alluded, and have formed the subject of much discussion in China, where strong objections have been pressed against it by the British, American, and Prussian authorities.

Mr. Drouyn de Lhuys, speaking of the modification, introduced at Paris into the draught of regulations as originally sent from China, says: "Les étrangers habitant la concession Française ne cessent pas d'être justiciables de leurs juges nationaux même pour les simples conventions de police et de —, et continuent ainsi de jouir de la plénitude des droits qui leur sont assurés par les traités;" and the French consul general at Shanghai, in a letter to his English and American colleagues of the 17th of September last, of which I enclose a copy, says that he was prepared, subject to the approval of his government to agree "que le constable, porteur du *warrant*, au lieu d'être obligé d'aller le faire viser au consulat de France, se rendit simplement auprès du chef de la police municipale Française pour le finir, de lui donner un agent chargé de l'accompagner, et au besoin de lui prêter assistance pour assurer l'exécution du *warrant* dont il serait porteur;" and further "que les consuls eussent l'option ou d'envoyer contresigner leurs *warrants* au consulat général de France, ou de l'adresser simplement au chef de la police Française pour qu'un agent accompagnât leur constable;" and lastly "que les agents Anglais ou Américains ne fussent pas estreints à ces obligations du moment ou un détenu s'échappant de leurs mains tout près des limites de la concession Française se réfugierait sur cette dernière, et que l'agent put prendre sans coup son prisonnier sans recourir auparavant à des formalités qui pourraient non seulement à l'arrestation, mais peut-être l'empêcher totalement."

The French consul general, as the result of these admissions, proposed another form of

words for the 16th article, which, however, does not seem to have been agreeable to his colleagues, who proposed an amendment which the French consul general appears to have objected to. This counter proposition is presumed to be contained in the paper of which a copy is enclosed; and it appears to her Majesty's government that if the article were altered in accordance with the spirit of this paper no further objection need be made to it; and they would be equally satisfied if the French government should admit that the article is to be interpreted in harmony with it.

The most satisfactory course would indeed be that as set forth in the paper which is enclosed. The French government should admit that they make no claim of right to interfere with the regular warrants issued by the competent authority of the other treaty powers, the latter agreeing, as a matter of courtesy, to have their warrants sanctioned by the French authorities; but her Majesty's government will be prepared to accept the arrangement proposed by the French government on the distinct understanding that its acceptance does not involve an admission by her Majesty's government of any right on the part of the French authorities to interfere with regular warrants issued by competent authorities of the British government or any admission of territorial right in France to the French settlement at Shanghai.

Your excellency will communicate a copy of this despatch to the Marquis de Moustier, and her Majesty's H. M. R. R. at Washington and at Berlin will be instructed to make a similar communication to the government to which they are accredited.

I am, &c.,

STANLEY.

His Excellency the EARL COWLEY, G. C. B., &c., &c., &c.

Papers accompanying copy of Lord Stanley's despatch No. 156, of April 22, 1867, to Earl Cowley, copies of which must be in the American State Department:

1. French consul general Viscount Brénier de Montmorand to Messrs. Seward and Winchester, Shanghai, September 17, 1866, (see the following No. 2.)
2. Hon. W. H. Seward to Mr. Burlingame, State Department, Washington, March 25, 1867.
3. Baron V. Gerolt to Mr. Seward, Prussian legation, Washington, March 11, 1867.
4. Mr. Seward to Baron V. Gerolt, State Department, Washington, March 25, 1867.

[Memorandum.]

*Projet Seward and Winchester.*

The consul general of France agrees to withdraw Article XVI of the *réglement* pending the approval of his government, and it being admitted that there is no claim of right to interfere with the execution of regular warrants issued by the competent authorities of the other treaty powers, the consuls of the United States. Prussia and England are willing, in view of the foregoing, as matters of courtesy and convenience, either to send their warrants to the French consulate general to be countersealed, or to direct the officer charged with their execution to exhibit the same to the superintendent of police in all cases where the doing so shall be possible without defeating the execution of the warrant.

I have read, according to your wish, the despatch of M. Drouyn de Lhuys with reference to the organization of a municipal system in the French concession, and also the rules which have been published under which that system is to be inaugurated. I agree with the French minister in thinking that a fusion of the two settlements is impracticable, and I am not surprised that the French government should decline to sanction the suggestion.

Whatever may have been expedient and practicable years ago in the infancy of the settlement, when the Chinese first set apart the three sites for the residence of French English, and American, it is out of the question now to expect the French, after years of separate organization, to merge themselves and nationality; for that would be the result in any such cosmopolitan scheme. Practically and on a small scale it is asking them to commit *quoad* Shanghai an act of political suicide. But apart from the reasons so clearly and frankly given by M. Drouyn de Lhuys, in which I entirely concur, I think that the ideas of the people of the two countries upon questions of judicial and executive administration are so essentially different that any attempt to include them under one system would end in failure, and in failure the more to be regretted because it would be the result of jealousy and wounded susceptibilities.

I have also read the "*réglemens*." They seem to me, without exception, unobjectionable, and although they will require elaboration, yet, if they are acted upon, and the details of administration which will be necessary are devised in the spirit of and in accordance with the views expressed by M. Drouyn de Lhuys in the despatch to which I have referred, I do not think that exception ought to be taken to them either by those foreigners who have for their own purposes thought fit to buy property or to reside within the limits of the French concession, or by their national authorities.

The 16th article, however, is objectionable. It assumes to limit the action of foreign authorities over their own subjects on what is, by the clear statement of the French minister himself, Chinese soil. If, as cannot be doubted, the proper authorities of all the treaty powers have full power according to their own laws to summon, arrest, or otherwise put in force their consular or judicial sentences against their own subjects anywhere in China without asking for or requiring the permission of the Chinese authorities, it certainly does not lie within the province of any foreign authority to limit the exercise of this power. The assumption of such a right by a foreign power involves an idea which M. Drouyn de Lhuys distinctly repudiates of territorial sovereignty. It says in fact, "no other power shall exercise authority over any one on this particular bit of soil, and if it seeks to do so it must first get the permission of the French authority."

The French Emperor could say no more with reference to France, but as the French concession is no more France than the English concession is England, such a power ought not to be assumed. It trenches on the rights secured to other nations by treaty. It limits the privileges conferred by treaties and excepts a certain portion of Chinese soil *quoad* French subjects resident upon or resorting to it, from the exclusive jurisdiction which in China the authorities of every treaty power have over their own subjects. This I submit it is not competent for a foreign power to do. But while I object to the insertion of such an article in any edict, code or regulation by which one power seeks to provide for the government of its own subjects in China, as for the maintenance of good order within the limits set apart by the Chinese government for the residence of such subjects, I recognize fully the value of a mutual understanding between the executive officers of the different treaty powers that they should agree to act in accordance with the spirit of this article. But there is a great difference between a mutual agreement, come to in the practical interests of good order and to prevent collision between subordinate authorities, and the enunciation of a law by one power affecting the rights and privileges of other powers; and I would therefore suggest that the French government should be asked to alter this article to something like a direction to the French consul general "to arrange with the authorities of the treaty powers for the execution of all warrants of arrest for the seizure of goods or the enforcement of judgments and sentences against their respective subjects resident within the limits of the French concession, such arrangements to be reciprocal and in the sole interests of good order, and for the purpose of avoiding all possibility of collision between the subordinate officers of the different authorities." Each warrant might be simply countersealed with the seal of the French or English consulate, as the case might be; but the actual execution of the warrant should be left to the officers of the authority issuing it. With this exception I see no objection to the *régemens*. They seem to me to be formed in a spirit of fairness to foreign subjects, who it must be borne in mind have voluntarily located themselves within the French concession, or, to use another form of expression, on that portion of the soil of China upon which the French government have implicitly undertaken (in consideration of the privileges conferred by treaties) to preserve order and good government. This order and good government is to be maintained according to French ideas of what they both consist in, and no foreigner has any right, in my humble judgment, to question their propriety. If the French infringe on the rights of the sovereign of China, it is for him to remonstrate, and, except as such infringement may affect ourselves or our rights, not for us. Moreover neither the French nor the English nor the American governments, (?) looking at the practical interpretation which necessity, expediency and events have obliged each of them to give to the treaties with China, are in a position to take up the quarrel, if indeed any exists or is likely to exist on the part of the Emperor of China; for each one of them has more or less and from pure necessity infringed his strict rights and assumed powers never directly conferred or naturally arising out of treaty stipulations. In this respect the mote in the eye of our French friends is not so very much larger than the beam in our own eye.

E. HORNBY.

NAGASAKI, August 14, 1866.

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*Lord Stanley to Sir F. Bruce.*

FOREIGN OFFICE, May 24, 1867.

SIR: I abstained in my despatch, No. 99, of the 2d instant, from making any observations on the communication from Mr. Adams, to which that despatch referred, in the expectation that I might receive from you some further explanation as given to you by Mr. Seward of the views of the American government on the subject.

Not having heard from you, I must conclude that Mr. Seward has not made you acquainted with the nature of his reply, sent through Mr. Adams, to your

communication to him of my despatch, No. 54, of the 9th of March. I have nothing, therefore, beyond the brief statement made to me by Mr. Adams to guide me in dealing with Mr. Seward's reply. In that reply Mr. Seward says clearly enough that the government of the United States cannot consent to a special and peculiar limitation of arbitration in regard to the Alabama claims, such as her Majesty's government suggests; but from his next observation it might be inferred that the offer, as regards arbitration, made by her Majesty's government in my despatch of the 9th of March, was understood to have applied only to claims arising out of the proceedings of the Alabama, to the exclusion of those arising out of the like proceedings of the Florida, Shenandoah, and Georgia.

It is important to clear up this point, and you will therefore state to Mr. Seward that the offer to go to arbitration was not restricted to the claims arising out of the proceedings of the Alabama, but applied equally to those arising out of the like proceedings of the other vessels that I have named. In the words of my despatch of the 9th of March, the matter at issue between the two governments on which Great Britain was ready to go to arbitration was "whether, in the matters connected with the vessels out of whose depredations the claims of American citizens have arisen, the course pursued by the British government, and by those who acted upon its authority, was such as would involve a moral responsibility on the part of the British government to make good, either in whole or in part, the losses of American citizens."

It is most desirable that there should be no misunderstanding on this point, but inasmuch as Mr. Seward says that the government of the United States cannot give any preference to the Alabama claims over others in regard to the form of arbitrament suggested, you may inform Mr. Seward that there was no intention on the part of her Majesty's government to give any such preference to the Alabama claims over claims in the like category.

That some such misapprehension exists on the part of Mr. Seward may, indeed, be further deduced from his statement, that while the government of the United States agree that all mutual claims which arose during the civil war between citizens and subjects of the two countries ought to be amicably and speedily adjusted, they must insist that they be adjusted by one and the same tribunal, with like and the same forms, and on principles common to all.

Now, the question of disposing of general claims in contradistinction to the specific claims arising out of the proceedings of the Alabama, and vessels of that class, has not hitherto been matter of controversy between the two governments, but has been mooted in its present shape by her Majesty's government alone; and there is no such similarity between the two classes of claims as would admit of their being dealt with by the same process.

It may be, however, and her Majesty's government would gladly learn that it was the case, that the government of the United States agree to waive the question of the alleged premature recognition of belligerent rights, and are satisfied to go to arbitration on the first or Alabama class of claims, provided that all claims whatever, on either side, arising out of the events of the war, are equally submitted to arbitration, so "that they may be adjusted by one and the same form of tribunal, with like and the same forms, and on principles common to all."

This, however, from the nature of things, is impracticable. The one class on the specific claims, such as those arising out of the proceedings of the Alabama and such vessels, depends for their settlement on the solution of what may be called an abstract question, namely, "whether, in the matters connected with the vessels out of whose depredations the claims of American citizens have arisen, the course pursued by the British government, and those who acted under its authority, was such as would involve a moral responsibility on the part of the British government to make good, either in whole or in part, the losses of

American citizens ;" the other, or general class of claims, admits of no such narrow restriction. The number of claims in this class on either side may be great, the circumstances of each more or less different, and the points involved in them complicated in their nature and bearing ; and on these grounds alone it is obvious that they cannot, like those of the Alabama class, be comprised within a single proposition applicable in principle to all, and bringing all within the compass of a single division of an arbiter.

The reply which Mr. Seward will return to your communication of this despatch will, it may be hoped, clear up the obscurity which rests upon the answer received through Mr. Adams to my despatch of the 9th of March.

Her Majesty's government, you will say, abide by their proposals as set forth in that despatch. Within the limits set forth in that despatch they are prepared to go to arbitration in regard to the Alabama and such like claims, on the condition that, simultaneously with the reference of those claims to arbitration, an agreement is entered into between the two governments for the adjudication of general claims by a mixed commission.

I am, &c.,

STANLEY.

Hon. Sir FREDERICK W. A. BRUCE, G. C. B., &c., &c., &c.

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*Sir F. Bruce to Mr. Seward.*

WASHINGTON, *May 27, 1867.*

MY DEAR MR. SEWARD : I have just heard by telegraph from Lord Stanley that the capital sentences on Burke and McCafferty have been commuted to imprisonment for life.

Yours faithfully,

FREDERICK WRIGHT BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Sir F. Bruce to Lord Stanley.*

[Telegram per cable.]

Seward, in name of President, earnestly recommends no execution in Fenian cases.

BRUCE.

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*Mr. F. W. Seward to Sir F. Bruce.*

DEPARTMENT OF STATE,

*Washington, June 8, 1867.*

SIR : I have the honor to acknowledge the receipt of your communication of the 21st ultimo, submitting for the information of this department copies of the papers therein referred to relating to the new regulations for the French settlement at Shanghai, and to the modifications which her Majesty's government are desirous should be made in them.

Your excellency's communication also conveys the information that the new regulations for the British and American settlements at Shanghai are satisfactory to her Majesty's government.

I have the honor to state in reply that the general regulations are receiving

the favorable attention of this government, which is now awaiting the views of Mr. Burlingame touching the French code.

I have the honor to be with the highest consideration, sir, your obedient servant,

F. W. SEWARD,  
*Acting Secretary.*

Hon. Sir FREDERICK WRIGHT BRUCE, &c., &c., &c.

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*Sir F. Bruce to Mr. Seward.*

WASHINGTON, July 3, 1867.

SIR: On the 16th of July of last year you were good enough to inform me that a proposal which I had made on the part of her Majesty's government with regard to the adoption of a code of maritime signals would receive the attention of the government of the United States. Being, however, still uninformed of the decision made in the matter by the proper authorities, I beg to recall your attention to the question, and in accordance with instructions received from her Majesty's secretary of state for foreign affairs, I have the honor to forward three plates representing various signal flags.

With regard to plate No. 1, her Majesty's government are desirous of ascertaining whether the flags therein represented are those officially authorized by the United States government as the signal flags to be used on board American ships of war; for if not, the plate will be expunged from the English signal-book, as no longer necessary.

Plates Nos. 2 and 3 represent the signal flags authorized by the British and French governments respectively to be used by their ships of war for signalling by the commercial code.

This code, a copy of which I had the honor to forward to you in my note of the 13th of July last, has now been adopted by the principal maritime states of Europe, and several of these states have transmitted to her Majesty's government plates of the signal flags ordered to be used on board their ships of war for communicating by it, and her Majesty's government deem it important with the view of affording to all nations the means of communicating at sea by the code, both between their ships of war and merchant vessels, that the recognized flags which each nation has adopted for the purpose should be inserted in all signal-books.

In requesting you to have the kindness to supply me with the information desired by her Majesty's government, as soon as you conveniently can do so, I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK WRIGHT BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Mr. Seward to Sir F. Bruce.*

DEPARTMENT OF STATE,  
Washington, July 8, 1867.

SIR: I have the honor to acknowledge the receipt of your communication of the 3d instant, recalling the attention of this department to the questions contained in your note of the 13th of July, 1866, relative to the adoption by this government of a code of maritime signals now in use by her Majesty's government, and to inform you, in reply, that I have placed your communication and

its accompanying plates of various signal flags before the Secretary of the Navy, with the request that he will furnish this department with such information regarding the subject as is desired by her Majesty's government.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. Sir FREDERICK WRIGHT BRUCE, &c., &c., &c.

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*Mr. Hunter to Sir F. Bruce.*

DEPARTMENT OF STATE,  
Washington, July 24, 1867.

SIR: Having submitted to the Secretary of the Navy the communication of the 3d instant addressed to this department by yourself on the subject of the signal code of the navy of the United States, I have the honor to enclose, in reply, a copy of a letter of the 15th instant from the Secretary of the Navy, and of the paper which accompanied it.

I have the honor to be, with the highest consideration, sir, your obedient servant,

W. HUNTER,  
*Acting Secretary.*

Hon. Sir FREDERICK WRIGHT BRUCE, &c., &c., &c.

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*Mr. Welles to Mr. Seward.*

NAVY DEPARTMENT,  
Washington, July 15, 1867.

SIR: I have the honor to acknowledge the receipt of your communication of the 8th instant, transmitting one from Sir Frederick Bruce asking to be informed whether the flags represented on plate No. 1 (transmitted) are those officially authorized by the United States government as the signal flags to be used on board American ships of war.

The plate referred to is headed "American marine signal flags," designed and patented by H. J. Rogers of Baltimore, United States of America, and arranged for communicating by the "commercial code."

In reply, I have the honor to say that the book from which this plate is taken is authorized by the Navy Department to be placed on board of United States vessels of war, to enable the commanders to communicate by signal with such merchant vessels as may have it on board.

The Navy Department has not authorized the adoption of the commercial or any other code of signals adapted to the use of the mercantile marine, as all matters relating to commerce are under the control of the Secretary of the Treasury.

Transmitted herewith is a copy of a communication from this department on the same subject, dated 21st September, 1866.

The letter of Sir Frederick Bruce is herewith returned.  
I am, sir, very respectfully, your obedient servant,

GIDEON WELLES,  
*Secretary of the Navy*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

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*Mr. Welles to Mr. Seward.*

NAVY DEPARTMENT,  
Washington, September 21, 1866.

SIR: In reply to your communication of the 31st of July last, transmitting a copy of a communication from the British minister in regard to the establishment of a system of marine signals, and asking to be informed whether in my opinion any benefit would arise from its adoption in the navy, I have the honor to state that its adoption would not be of any material benefit to the navy, and further, that as the code of signals designed to be international by

the English and French governments was prepared especially for the benefit of the mercantile marine, the subject belongs properly to the Treasury Department.

I return herewith the copy of the work which accompanied your communication.

I have the honor to be, sir, your obedient servant,

GIDEON WELLES,  
*Secretary of the Navy.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

*Mr. Seward to Sir F. Bruce.*

AUBURN, *July 27, 1867.*

MY DEAR SIR: In view of my recent preoccupations, you were kind enough to defer until now the presenting to me of Lord Stanley's letter of the 24th of May, on the subject of the Alabama claims. You are authorized to inform him that immediately after my return to Washington, I will take the President's directions, and I feel sure that I shall be able to reply to his lordship's suggestions in the friendly spirit in which they are conceived.

I am, my dear sir, with high consideration, your obedient servant,

WILLIAM H. SEWARD.

Hon. FREDERICK WRIGHT BRUCE, &c., &c., &c.

*Sir F. Bruce to Mr. Seward.*

WASHINGTON, *August 2, 1867.*

SIR: I have the honor to acknowledge the receipt of your despatch of the 24th of July, enclosing the observations of the Secretary of the United States Navy on the subject of a code of international marine signals.

As it appears that the subject belongs to the Treasury Department, I should feel much obliged if you would refer my previous note, addressed to you on the 13th of July, 1866, together with its enclosures, for the consideration of the Secretary of the Treasury.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK WRIGHT BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

*Sir F. Bruce to Lord Stanley.*

[Telegram per cable.]

WASHINGTON, *August 22, 1867.*

Right Hon. Lord STANLEY, &c., &c., &c.:

I think it advisable to release Nagle and Warren.

BRUCE.

*Mr. Ford to Mr. Seward.*

BRITISH LEGATION,  
*Washington, September 21, 1867.*

SIR: The melancholy intelligence will have already reached you of the sudden death of Sir Frederick Wright Bruce, G. C. B., her Britannic Majesty's late accredited minister to the government of the United States.



In fulfilling the painful duty of announcing officially to you the decease of the head of her Majesty's mission at Washington, I have the honor to express the hope that, pending a formal introduction to you from my government constituting me her Majesty's chargé d'affaires *ad interim*, you will permit me to hold such communications with you as the transactions of business between the Department of State of the United States and her Britannic Majesty's legation may render necessary.

I avail myself of this opportunity to express to you the assurance of my highest consideration.

FRANCIS CLARE FORD,

*Secretary to her Britannic Majesty's Legation.*

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Lord Stanley to Mr. Seward.*

FOREIGN OFFICE, *September 21, 1867.*

SIR: The melancholy intelligence which reached this country yesterday morning, of the death of Sir Frederick Bruce, her Majesty's envoy extraordinary and minister plenipotentiary, renders it necessary that I should acquaint you that until the arrival of his successor Mr. Ford, her Majesty's secretary of legation at Washington, will be intrusted as chargé d'affaires with the direction of her Majesty's mission in the United States; and in recommending him to your good offices, I beg that you will give entire credence to such communications as he may make to you on behalf of her Majesty's government, and more especially when he shall assure you of their earnest desire to maintain the most friendly relations with the government and people of the United States.

I cannot omit, in writing to you on this subject, to acquaint you that the Queen and her Majesty's government highly appreciate the friendly tone of the communication in which, on behalf of his government, Mr. Adams made known to me the death of her Majesty's late minister, and the gratification which her Majesty's government feel at such proof that the manner in which Sir Frederick Bruce, with the entire approbation of the Queen, discharged his duties as her Majesty's minister at Washington, secured for him the respect and esteem of the President and government of the United States.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

STANLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Mr. Seward to Mr. Ford.*

DEPARTMENT OF STATE,

*Washington, September 21, 1867.*

SIR: I have to acknowledge the receipt of your note of this date, officially announcing the decease of Sir Frederick Wright Bruce, her Britannic Majesty's late accredited minister to this government. This department had previously been apprised of that very unexpected event, which there is so much reason for both our countries to deplore. Great, however, as may be the loss which her Majesty's government has thus sustained in a faithful, experienced, and accomplished diplomatic officer, it need not be anxious lest its affairs in this country should suffer through the temporary absence of a representative of the official rank of the late Sir Frederick.

It will afford me pleasure to hold with you any intercourse which may be necessary for the transaction of customary business, until you shall have been formally introduced to me as charged with the affairs of the legation.

I avail myself of this occasion, sir, to offer to you the assurances of my very high consideration,

WILLIAM H. SEWARD.

FRANCIS CLARE FORD, Esq., &c., &c., &c.

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*Mr. Ford to Mr. Seward.*

WASHINGTON, *September 25, 1867.*

SIR: I have the honor to inform you that the late Sir Frederick Bruce having reported to her Majesty's government the assurance you had expressed to him, that the President of the United States would cause directions to be given to the United States authorities in Mexico to use their good offices, *ad interim*, in favor of foreigners, including the subjects of her Britannic Majesty who were deprived of their natural representatives, I fulfil a pleasing duty in complying with the instructions received from my government, and conveying to you the thanks of her Majesty's government for this friendly act on the part of the United States government.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

FRANCIS CLARE FORD.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Mr. Ford to Mr. Seward.*

WASHINGTON, *September 25, 1867.*

SIR: I have the honor to inform you that the government of the Tycoon of Japan having solicited a delay of two years in the payment of the outstanding balance of the Simonosaki indemnity, her Majesty's government have acceded to their request, on the condition that the sum, amounting to \$1,500,000, is repaid by the month of May, 1869, and that in the interval interest is paid, the rate of which her Majesty's government have left to the decision of her Majesty's minister at Yeddo, in conjunction with the representatives of the other powers concerned.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

FRANCIS CLARE FORD.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Mr. Seward to Mr. Ford.*

DEPARTMENT OF STATE,

*Washington, September 26, 1867.*

SIR: I have the honor to acknowledge the receipt of your note of yesterday upon the subject of the delay solicited by the Japanese government for the payment of the outstanding balance of the Simonosaki indemnity. In reply, I have the honor to inform you that some time since this department received a

despatch from Mr. Van Valkenburg, the United States minister in Japan, accompanied by an application from that government upon the subject. Mr. Van Valkenburg was informed in answer that the President was not indisposed to accede to the request, but that as the term fixed for the payment was contained in an article of a treaty which has been approved by the Senate, the President alone had no authority to extend the time. Mr. Van Valkenburg was consequently furnished with a power to negotiate and conclude an additional article, providing for the extension referred to, and was instructed to embrace in it the same terms upon the subject which might be offered to the Japanese government by the other parties to the original treaty. Sufficient time has not since elapsed for further information in regard to the matter to have been received from the United States legation in Japan.

I avail myself of this occasion, sir, to offer to you the assurances of my very high consideration.

WILLIAM H. SEWARD.

FRANCIS CLARE FORD, Esq., &c., &c., &c.

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*Lord Stanley to Mr. Ford.*

FOREIGN OFFICE, LONDON, *October 12, 1867.*

SIR: I have received your despatch No. 1 of the 23d ultimo, confirming the melancholy news which you had previously conveyed to me by telegraph of the death of Sir Frederick Bruce.

I have already in reply to your telegram directed you to convey to the government of the United States the acknowledgments of her Majesty's government for the expressions of sympathy with which the United States legation in this country was instructed to communicate to her Majesty's government the intelligence of this sad event; but I am glad to avail myself of the opportunity afforded me, in acknowledging the receipt of your despatch, to repeat my instruction and to desire you to make known to Mr. Seward, and if you have an opportunity of doing so, directly to the President, the high value set by her Majesty's government on the kindly feelings which they have shown on this occasion and on the general concern manifested by the public in the United States for the severe loss which her Majesty has sustained by the death of her able and faithful servant.

Her Majesty's government are glad to recognize in the feelings which this event has called forth the regard felt by the government and people of the United States not only for the person and character of the deceased minister but also for the country which he so ably represented and whose policy and wishes he so effectually carried out in cultivating the friendship and good will of those among whom he was commissioned by her Majesty to dwell.

But not only to the government and people of the United States generally are the acknowledgments of her Majesty's government due. They have their special thanks to render, of which they desire you to be the organ, to Mr. Gilpin, the gentleman who so considerably accompanied Sir Frederick Bruce from Narragansett to Boston, and to the numerous gentlemen at Boston whose kindness towards the deceased during the short period which intervened between his arrival at Boston and his death, and whose attendance at the funeral ceremonies with which his remains were honored before their departure from the United States entitle them to their warmest acknowledgments. To Mr. Sumner, to the governor of Massachusetts, and to the mayor of Boston and other distinguished persons in that city, to the physicians, clergy, and others who did honor to the remains of the Queen's late minister, her Majesty's government are sincerely grateful,

and you will make known to them their gratitude in such a manner as you may deem most becoming, and best calculated to assure them how deeply it is felt.

I am, &c.,

STANLEY.

FRANCIS CLARE FORD, Esq., &c., &c., &c.

*Mr. Seward to Mr. Ford.*

DEPARTMENT OF STATE,

*Washington November 2, 1867.*

MY DEAR MR. FORD: I have read with profound sensibility a copy which you have placed in my hands of Lord Stanley's instructions to you on the occasion of the death of the lamented Sir Frederick Bruce, and I have lost no time in laying the paper before the President. The President will expect a visit from you in connection with the painful subject of the despatch on Tuesday next at half past eleven o'clock.

In compliance with your very proper request, I will transmit the other copies of the despatch which you have furnished me to Governor Gilpin, to the honorable Mr. Sumner, to his excellency the governor of Massachusetts, and to his honor the mayor of Boston, with your request that the sentiments expressed by her Majesty's government may be made known to the other distinguished persons in that city and to the physicians, clergy and others who did honor to the remains of our departed friend.

I remain, my dear sir, very faithfully yours,

WILLIAM H. SEWARD.

FRANCIS CLARE FORD, Esq., &c., &c., &c.

*Mr. Ford to Mr. Seward.*

WASHINGTON, November 9, 1867.

SIR: I have the honor to inform you that a representation has recently been made by the Egyptian government to that of her Majesty having for its object to obtain the consent of foreign powers holding commercial intercourse with Egypt to an alteration in the system of judicial procedure as affecting foreigners in Egypt in their relations toward the authorities and natives of the country.

In view of a representation of a similar nature being made to the government of the United States, and as it will doubtlessly be desirous of being made acquainted with the views of her Majesty's government on the subject, I am authorized by my government to communicate herewith to you a copy of a despatch which has been addressed by Lord Stanley, her Majesty's principal secretary of state for foreign affairs, to her Majesty's agent and consul-general in Egypt, as the reply of the British government to the representation which has been made to it on behalf of the viceroy of Egypt.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FRANCIS CLARE FORD.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

*Lord Stanley to Colonel Stanton.*

No. 40.]

FOREIGN OFFICE, October 18, 1867.

SIR: I have received your letter of the 9th instant, on the subject of the reforms which the Viceroy of Egypt desires to introduce into the judicial system in that country.

I had previously received from Mr. Fane a copy of the memorandum on the subject which Nubar Pasha had laid before the viceroy, and Nubar Pasha during his stay in this country had entered upon it with me.

Her Majesty's government cannot doubt that the system which now prevails in Egypt in regard to suits in which foreigners on the one hand, and the government and people of Egypt on the other, are concerned, is as injurious to the interests of all parties as it is certainly without warrant of any treaty engagement. Her Majesty's government are perfectly willing, therefore, to lend their aid to the Egyptian government in an attempt to establish a better system, and if the Egyptian government succeed in obtaining the concurrence of other powers for the same purpose, you may assure Nubar Pasha that the cordial co-operation of Great Britain will not be withheld from so salutary work.

You will, say, however, that her Majesty's government consider that practical results, even though they may fall short of theoretical perfection, are principally to be aimed at, and that accordingly it might be advantageous, at all events in the beginning, not to attempt to frame a new code of law or procedure, but to apply, as far as altered circumstances may admit, an improved system of procedure to the law as it at present stands, amended in any necessary particulars by the legislation of foreign governments in similar matters; and I do not hesitate to say that in the application of this principle her Majesty's government would not be disposed to insist on the embodiment in the new arrangement of the maxims of British law in contradistinction to those of the law of any foreign country; they would look rather to the requirements of natural justice, and to the means, from whatever source derived, by which those requirements could best be provided for.

It appears to her Majesty's government that the basis on which proceedings should be initiated might with the greater safety, and with the view to more early results, be the adaptation to altered circumstances of the principles laid down in the ancient capitulations, the departure from which has led in a great measure to the evils so justly felt.

Those capitulations, indeed, were established under a very different state of things from that which now exists, and their object was to secure foreigners from arbitrary violence and exactions on the part of the local authorities. But still, although reserving for extra territorial tribunals exclusively the settlement of questions, whether of a civil or criminal nature, in which foreigners were alone concerned, the capitulations did not pretend to deprive the local government of jurisdiction over foreigners in matters, whether criminal or civil, in which they were brought into collision with the laws of the territorial sovereign. They reserved, however, as a protection to foreigners against the arbitrary local will of tribunals, a certain right of concurrence or supervision, which might act as a check against abuse.

In process of time this check, especially in Egypt, has become the great abuse, and by degrees the authority of the local tribunals has been usurped or set aside by the encroachments of an extra territorial jurisdiction.

This is the state of things which the Egyptian government desire to remedy, and they cannot be more disposed to make the attempt than are her Majesty's government to second them in it.

Her Majesty's government have no fondness for an extra-territorial jurisdiction, even if limited by the strict letter of the capitulations. They would hail with the utmost satisfaction such an improvement in the judicial system of the Ottoman empire, and specifically of Egypt, which is so important a part of it, as would justify them in altogether renouncing any judicial action in that country, and leaving the disputes of their subjects, and the crimes which they may commit, to the exclusive jurisdiction of the local government, as is the case in other countries.

With such feelings, her Majesty's government are certainly not inclined to hold out for a jurisdiction to which they have no treaty right, which they admit to be an usurpation though brought about by force of circumstances, and which is as injurious to British interests as it is derogatory to the character and well-being of the Egyptian administration.

But her Majesty's government consider, and they are glad to perceive that such is the ground on which the application of the Egyptian government is founded, that foreign powers have a right to expect that any new system which may be inaugurated in Egypt should afford ample security to the foreigner that in pleading before an Egyptian tribunal he will have nothing to apprehend from the venality, the ignorance, or the fanaticism of his judges; that the law to be applied to his case, whether as plaintiff or defendant, shall be clear and patent to all; and that the forms of procedure, and more especially in matters of testimony, shall be well defined, and not admit of being in any point arbitrarily departed from on any ground whatever.

Her Majesty's government consider that the course which the Egyptian government propose to adopt for arriving at the end in view is that most likely to lead to a good result, if, as I said before, the inquiry is to be directed to what is really practicable, rather than what may be desirable in the abstract.

Her Majesty's government will readily take part in any inquiry which may be set on foot for this purpose; and when the Egyptian government shall have made known to them that they have secured the consent of the other principal powers to be represented by commissioners in a preliminary inquiry designed to result in an improved judicial system in Egypt, her Majesty's government will at once name one or more commissioners to assist on their part in the business. If, as will naturally be the case, the commission is to sit in Egypt, her Majesty's government are disposed to think that instead of limiting the character of the commissioners to that of persons possessing legal knowledge, it would be desirable that the chief political representative of each nation should also take part in the commission, inasmuch as political considerations are to a certain extent involved in the inquiry, and so, by such an intermixture of character among the commissioners, predilections in favor of technicalities which might be expected to prevail in an assembly of purely legal commissioners would in a great measure be neutralized.

You may furnish Nubar Pasha with a copy of this despatch, as containing the answer of her Majesty's government to the proposal which he has laid before them on behalf of the viceroy; and you will inform his excellency, at the same time, that her Majesty's ambassador at Constantinople will, as a mark of respect due to the Sultan, be instructed to communicate it to the Porte; while her Majesty's representatives at other courts will in like manner be authorized to communicate it to the governments to which they are accredited, as an exposition of the manner in which the proposal of the Egyptian government has been received by that of her Majesty.

I am, &c.,

STANLEY.

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*Mr. Seward to Mr. Ford.*

DEPARTMENT OF STATE,

*Washington, November 9, 1867.*

SIR: I have received your note of this date, together with a copy thereunto annexed of a confidential despatch of Lord Stanley to her Majesty's agent and consul-general in Egypt, on the subject of a proposed modification of the form of judicial proceedings affecting foreigners in that country.

I beg you to return to Lord Stanley my thanks for that interesting paper. I shall with pleasure recur to it, if the questions it discusses shall hereafter come under consideration in the United States.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

FRANCIS CLARE FORD, Esq., &c., &c., &c.

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*Lord Stanley to Mr. Ford.*

FOREIGN OFFICE, *November 16, 1867.*

SIR: In my despatch to Sir Frederick Bruce, No. 191, of the 10th of September, I confined myself to a mere statement of the substance of a despatch from Mr. Seward, which Mr. Adams had communicated to me, in reply to my despatch, No. 117, of the 24th of May, respecting the claims arising on either side out of the events of the late civil war in the United States.

Her Majesty's government having, since the date of my despatch, fully considered the terms of Mr. Seward's despatch, I will no longer delay in acquainting you, for communication to that minister, with the impression which it has made upon them.

Her Majesty's government observe that the President of the United States considers the terms used in my despatch, with reference to the so-called "Alabama" claims, to be at once comprehensive and sufficiently precise to include all the claims of American citizens for depredations upon their commerce during the late rebellion, which have been the subject of complaint upon the part of

the government of the United States, those terms being, to quote the precise words of my despatch of the 24th of May, applicable to this class of claims, and which, in substance, repeats those used by me in my despatch of the 9th of March, that the question on which Great Britain was ready to go to arbitration was "whether, in the matters connected with the vessels out of whose depredations the claims of American citizens have arisen, the course pursued by the British government, and by those who acted upon its authority, was such as would involve a moral responsibility on the part of the British government to make good, either in whole or in part, the losses of American citizens."

In the same, and in previous despatches, it will be found that, whilst agreeing to this limited reference as regards the so-called "Alabama" claims, I have repeatedly stated that her Majesty's government could not consent to refer to a foreign power to determine whether the policy of her Majesty's government, in recognizing the Confederate States as belligerents, was or was not suitable to the circumstances of the time when the recognition took place. After referring, however, to the terms of my despatch of the 24th of May, Mr. Seward goes on to say that, in the view taken by the United States government, that government would deem itself at liberty to insist before the arbiter that the actual proceedings and relations of the British government, its officers, agents, and subjects, towards the United States, in regard to the rebellion and the rebels, as they occurred during that rebellion, are among the matters which are connected with the vessels whose depredations are complained of, just as in the case of the general claims alluded to by me the actual proceedings and relations of her Majesty's government, its officers, agents, and subjects, in regard to the United States, in regard to the rebellion and the rebels, are necessarily connected with the transactions out of which those general claims arise.

The language thus used by Mr. Seward appears to her Majesty's government to be open to the construction that it is the desire of the United States government that any tribunal to be agreed upon in dealing either with the so-called "Alabama" claims, or with the "general claims," might enter into the question whether the act or policy of her Majesty's government in recognizing the Confederate States as a belligerent power, was or was not suitable to the circumstances of the time when the recognition was made, a construction which, after the distinct and repeated avowal of her Majesty's government that they could not consent to a reference of such a question, her Majesty's government can hardly suppose that it was intended by Mr. Seward that the passage in his despatch should bear.

But to prevent any misapprehension on this subject, her Majesty's government think it necessary distinctly to say, both as regards the so-called "Alabama" claims brought forward by citizens of the United States, and as regards the general claims, that they cannot depart, either directly or indirectly, from their refusal to "refer to a foreign power to determine whether the policy of recognizing the Confederate States as a belligerent power was or was not suitable to the circumstances of the time when the recognition was made."

As regards the so-called "Alabama" claims, the only point which her Majesty's government can consent to refer to the decision of an arbiter, is the question of the moral responsibility of her Majesty's government, on the assumption that an actual state of war existed between the government of the United States and the Confederate States; and on that assumption it would be for the arbiter to determine whether there had been any such failure on the part of the British government, as a neutral, in the observance, legally or morally, of any duties or relations towards the government of the United States, as could be deemed to involve a moral responsibility on the part of the British government to make good the losses of American citizens caused by the "Alabama" and other vessels of the same class.

As regards the general claims, the question of moral responsibility on the part of her Majesty's government does not and cannot come into dispute at all.

Mr. Seward rightly supposes that her Majesty's government contemplate two tribunals for the adjudication—one of the "Alabama" claims, the other of the general claims; the one being in the first instance, at all events, the tribunal of an arbiter who would be called upon to pronounce on the principle of the moral responsibility of the British government, and on the nature of whose decision would depend the question of the appointment of a mixed commission for the examination, in detail, of the several claims of citizens of the United States to which that decision applied, namely: those arising out of the depredations of the "Alabama" and other similar vessels, and the adjudications of the sums payable in each case; the other, in its commencement and to its close, a purely mixed commission for the examination of the general claims of the subjects and citizens of both countries, arising out of the war, and the adjudication of the sums payable by either country in each case.

The distinction between the two classes of claims is clear; the one may never come before a mixed commission, and, therefore, may not require the assistance of an arbiter to decide differences of detail arising between the commissioners; the other, though originally brought before a mixed commission, may possibly require the intervention of an arbiter, in case of a difference of opinion among the members of the commission which could not be otherwise reconciled, and for which case provision would be made in the ordinary way in the convention for the settlement of the mixed claims, by the insertion of articles in regard to the selection of an arbiter.

The functions of such an arbiter, as well as of an arbiter for a like purpose in the other mixed commission, for which provision would have to be made to meet the contingency of the so-called "Alabama" claims coming eventually under the cognizance of a mixed commission, would have nothing in common with the functions of the arbiter to whom the question of principle involved in the last-mentioned class of claims would be referred.

Her Majesty's government cannot but apprehend that if Mr. Seward really requires unrestricted arbitration as applicable to both classes of claims, and that the tribunal in both classes of cases should proceed upon the same principles, and be clothed with the same powers, he has not fully considered the wide and inevitable distinction which exists between the classes; and in directing you to submit to the consideration of Mr. Seward the explanations and observations contained in this despatch, I have to instruct you to express the earnest hope of her Majesty's government that the government of the United States will, on further reflection, accept, without hesitation, the proposal made in my despatch to Sir Frederick Bruce, No. 54, of the 9th of March, and No. 117, of the 24th of May, both of this year, namely: "limited reference to arbitration in regard to the so-called 'Alabama' claims, and adjudication, by means of a mixed commission, of general claims."

You will furnish Mr. Seward with a copy of this despatch.

I am, &c.,

STANLEY.

FRANCIS CLARE FORD, Esq., &c., &c., &c.



# FRANCE.

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*Mr. Seward to Mr. Dix.*

DEPARTMENT OF STATE,  
*Washington, November 23, 1866.*

SIR: I give you a copy of a despatch\* which has just been received from Mr. Bigelow, and of the reply\* thereto, which goes out by telegraph to-day in cipher. Should you find the question remaining open on your arrival in Paris, you will exercise all diligence, with sound discretion, to obtain some satisfactory resolution of the French government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN A. DIX, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Dix.*

No. 3.]

DEPARTMENT OF STATE,  
*Washington, December 14, 1866.*

SIR: I herewith transmit to you for your information a copy of a communication of the 11th instant, from the Secretary of War, accompanied by two telegraphic reports from General Sheridan relative to the present condition of affairs on the Rio Grande.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN A. DIX, Esq., &c., &c., &c.

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*Mr. Stanton to Mr. Seward.*

WAR DEPARTMENT,  
*Washington City, December 11, 1866.*

SIR: I have the honor to submit the accompanying telegraphic report from General Sheridan to General [Grant,] relating to the present condition of affairs on the Rio Grande.

Yours, truly,

EDWIN M. STANTON.

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

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*General Sheridan to General Grant.*

OFFICE UNITED STATES MILITARY TELEGRAPH, WAR DEPARTMENT,  
*Washington, D. C., December 11, 1866.*

GENERAL: I have the honor to notify you of my return from the Rio Grande frontier. I have the honor to report affairs there in very good condition. On the 28th of November General Sedgwick demanded and obtained the surrender of the city of Matamoras from General Canales, occupying it with about 100 men. On the 30th he received my orders disapproving his action, and withdrew his men to our side of the river.

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\*For enclosures see Diplomatic Correspondence for 1866, volume 1, pages 364 and 366.

General Sedgwick's action was without authority, and in violation of written instructions as to manner in which the grievances of American citizens in Matamoras should be redressed. I have relieved him from his command, in obedience to orders from the Secretary of War, and placed him in arrest, subject to further orders from the President. Matamoras passed into the hands of Escobedo on the 30th of November, and a better condition of affairs now exists on the Rio Grande frontier than has for the last 18 months. A detailed report will be forwarded by to-morrow's mail.

General U. S. GRANT, *Washington.*

P. H. SHERIDAN, *Major General.*

Official :

NEW ORLEANS, *December 10, 1866.*

GEORGE K. LEET,  
*Assistant Adjutant General.*

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*Mr. Dix to Mr. Seward.*

No. 1.]

LEGATION OF THE UNITED STATES,  
*Paris, December 24, 1866.*

SIR: I have the honor to inform you that I arrived at this city on the 8th instant, and, as it was late on Saturday afternoon, I went on to Versailles, where my family were awaiting me. I notified Mr. Bigelow, my predecessor, of my arrival on the same day, and on Monday, the 10th, I called on him at the legation. He immediately asked an interview for me of the minister of foreign affairs, the Marquis de Moustier, and on the 12th we called on him, agreeably to an appointment which he made with us. I handed him the office copy of my letter of credence and requested him to ask for me an audience of the Emperor that I might deliver the original. The Emperor was at Compiègne, and did not return till Monday, the 17th. On the 19th I received a note, dated the preceding day, from the Duc de Cambaceres, the grand master of ceremonies, informing me that the Emperor would receive me on Sunday, the 23d.

On the 19th I received a note from the first chamberlain of the Empress, advising me that she would receive me immediately after my presentation to the Emperor.

Yesterday one of the chamberlains of the Emperor called on me in a state carriage, according to the established ceremonial, and conducted me to the palace of the Tuileries.

On my presentation to the Emperor I delivered the address of which the annexed paper, marked A, is a copy. I had sent a copy to the minister of foreign affairs three days before.

A translation of the Emperor's reply, which was delivered in French, is annexed and marked B. A copy of the *Moniteur* of to-day, giving an account of the presentations yesterday, is also annexed, and marked C. The Emperor's manner was very kind, and indicated, like his reply to my address, an earnest desire to be on friendly terms with us.

Immediately after my presentation to the Emperor I was conducted to the apartments of the Empress, who also received me with great kindness. She made many inquiries about the United States, and expressed a strong interest in the preservation of friendly relations between us and France.

I am, very respectfully, your obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

## A.

*Address of Mr. Dix.*

SIRE: In presenting my letter of credence from the President of the United States, I am instructed by him to express his best wishes for your Majesty, and for the prosperity of the French empire, and his earnest desire that the good understanding now existing between the two countries may be perpetual. It has been the aim of the United States from the foundation of their government to cultivate friendly intercourse with all nations. There are special reasons why they desire to cherish the most amicable relations with France. They can never forget that she rendered them the most timely and effective aid in assuming their independent and equal rank among the other nations of the earth. Both countries—France during your Majesty's reign, and the United States during the corresponding period of time—have made extraordinary advances in the industrial arts, and in the applications of science to practical uses. Occupying respectively conspicuous positions in front of the great areas of civilization on two continents, the influence of a sympathetic movement on their part in giving expansion to the ideas and progress to the national interests which concern the welfare of communities cannot fail to be powerfully and beneficially felt far beyond their immediate spheres of action.

I am sure I do not represent too strongly the feelings of the government or the people of the United States when I say that it is their earnest wish to see the association which has united them to France in the past, ripening in the future into a still more close and cordial friendship. I shall consider myself most fortunate if, in the discharge of my official duties near your Majesty's government, I shall be able to contribute in any degree to an object so intimately interwoven with the prosperity and happiness of both countries, and with the interests of humanity throughout the civilized world.

## B.

*Reply of the Emperor.*

I thank you, general, for the sentiments you have expressed to me in the name of the government of the United States. The historical recollections to which you have referred are a sure guarantee that no misunderstanding will disturb the friendly relations which have so long existed between France and the American Union. A loyal and sincere understanding will, I do not doubt, contribute to the interest of industry and commerce, which are every day astonishing the world by their prodigies, and will insure the progress of civilization. Your presence among us cannot fail to contribute to this happy result by maintaining relations to which I attach the greatest value.

*Mr. Dix to Mr. Seward.*

No. 3.]

LEGATION OF THE UNITED STATES,

*Paris, December 31, 1866.*

SIR: I have the honor to transmit a translation of an announcement which appeared in the *Moniteur* of yesterday in regard to the sailing of vessels of war and transports from France, for the purpose of bringing back the troops of the French expeditionary corps now in Mexico.

I am, sir, with great respect, your obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*[From the *Moniteur*, December 30, 1866.—Translation.]

## BULLETIN.

PARIS, December 29.

The maritime movements which have taken place in the different parts of France for the purpose of bringing back the expeditionary corps of Mexico being now partly effected, we are able to give a general list of those vessels which have already put to sea for this purpose.

Cherbourg, Brest, Lorient, Rochefort and Toulon, have furnished the following vessels of war and transports: The Fontenay, Bayard, Ville de Lyon, Ville de Bordeaux, Souverain, Mapana, Navarin, Costiglione, and Intrepide, vessels of war. The Avegron, Nievre, Gironde, Durance, Cher, Aube, Eure, Drôme, Zoune, Saône, Alher, Calradas, Pomone, Garonne, Ceres, Tarne, Var, Ardiche, Seine, Charente, and Rhone, steam transports.

Since the beginning of the present month vessels have left port every day, and some vessels have already arrived at Vera Cruz. By the eighth of January next, they will all have left the French ports.

Besides this the concentration of our troops is being rapidly effected. Advices from Mazatlan inform us that on the 12th November the French garrison evacuated that city, and was transported to San Blas by the Victoria, with a view to its being forwarded from that place to the port of embarkation.

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*Mr. Dix to Mr. Seward.*

No. 4.]

LEGATION OF THE UNITED STATES,  
*Paris, January 1, 1867.*

SIR: I received, on Sunday evening, your despatch of the 28th ultimo, by the Atlantic telegraph, directing me to "announce proclamation exempting French vessels." On Monday (yesterday) morning I called on the Marquis de Moustier, the minister of foreign affairs, and communicated the despatch to him. He understood that it related to a matter which had been brought before the government by the minister of France at Washington, and asked permission to take a copy of the despatch. He seemed gratified that the question had been arranged, and you will see that it is noticed in the *Moniteur* of this morning, a copy of which I enclose.

I am, very respectfully, your obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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[From the *Moniteur*, January 1, 1867.—Translation.]

A telegram from New York informs us that a recent proclamation of President Johnson accords a national character to French ships in the United States. Consequently, in conformity with the terms of the decree published in the *Moniteur* last Friday, the American flag will hereafter be clothed with every right of navigation in our ports.

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*Mr. Dix to Mr. Seward.*

No. 5.]

LEGATION OF THE UNITED STATES,  
*Paris, January 4, 1867.*

SIR: I have the honor to transmit a copy of the *Moniteur* of yesterday, giving an account of the reception of the diplomatic body at the Tuileries, together with a translation of the Emperor's speech on that occasion.

I am, sir, with great respect, your very obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

[From the *Moniteur*, July 3, 1867.—Translation.]

The New Year affords me an opportunity to utter my vows, for the stability of all thrones and for the prosperity of all peoples.

I hope that we are entering upon a new era of peace and civilization, and that the Universal Exposition will contribute to calm all passions and to unite all interests. I thank the diplomatic corps for its congratulations, and I beg that it will make known my sentiments of friendship to the respective governments which it represents.

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*Mr. Dix to Mr. Seward.*

No. 6.]

LEGATION OF THE UNITED STATES,  
*Paris, January 8, 1867.*

SIR: I enclose a translation of an extract copied from a Havre letter into the *Moniteur* of this morning, showing the friendly construction put upon the recent arrangement, which was the subject of your despatch by the Atlantic telegraph, in the commercial districts of France.

I am, very respectfully, your obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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[From the *Moniteur*, January 8, 1867.—Translation.]

They write to us from Havre, January 1, to this effect:

The merchants of our port have received with great satisfaction the news given by the *Moniteur* this morning, of the abolition of tonnage duties on French ships arriving in the United States. Reciprocal exemption had already been granted to American ships entering French ports.

Our relations with the United States must receive a new impulse from the abrogation of this duty, which amounted to five francs a ton, carpenter's measure, and was a very heavy charge, especially for vessels of large tonnage. We cannot better give an idea of this, than by citing a fact connected with the trade between this port and the United States.

The steamers of our postal service which make twenty-six (26) voyages a year have heretofore been obliged to pay, on arriving in New York, a sum exceeding ten thousand francs (\$2,000) each. The liberal measure which the American and French governments have just taken effects an annual saving of nearly 300,000 francs (\$60,000) to the General Transatlantic Company alone.

We can judge from this single instance of the importance to all French commerce of the abolition of this tonnage duty.

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*Mr. Seward to Mr. Dix.*

No. 8.]

DEPARTMENT OF STATE,  
*Washington, January 11, 1867.*

SIR: I transmit herewith, for your information and use, a copy of the proceedings consequent upon the delivery to Mrs. Mary Lincoln of the gold medal presented by citizens of France.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN A. DIX, Esq., &c., &c., &c.

*Mr. Dimon to Mr. Secard.*

WASHINGTON, D. C., January 7, 1867.

SIR: In compliance with your instructions in regard to the delivery to Mrs. Abraham Lincoln of the French medal, immediately upon my arrival in Chicago I addressed a note to that lady informing her of the object of my visit, and requesting the privilege of an interview. A copy of my note, marked A, is herewith enclosed.

In reply I received a communication marked B. At the time appointed I called and presented to Mrs. Lincoln your letter, Mr. Bigelow's despatch, the communication of the French committee and the medal.

In discharging this duty I thought it proper and not inappropriate to say to Mrs. Lincoln what you will find in the enclosure marked C.

Mrs. Lincoln expressed to me the melancholy pleasure which she found in receiving the touching memorial of the sympathy of the gentlemen of France, and that she could assure them that it would be treasured by herself and family as a precious memento of the admiration of the republicans of France for her beloved husband.

I have the honor to be, sir, with great respect, your obedient servant,  
THEODORE W. DIMON.

HON. WILLIAM H. SEWARD,  
*Secretary of State.*

A.

*Mr. Dimon to Mrs. Lincoln.*

SHERMAN HOUSE, CHICAGO,  
December 26, 1866.

MADAME: The honorable William H. Seward, Secretary of State, has confided to my care a gold medal prepared in France, at the instance of a large number of French citizens who are desirous of expressing to you their profound sympathy in your affliction and of commemorating their high appreciation of the unblemished character and the eminent public services of your lamented husband, the late President of the United States. A copy of the Secretary of State's communication upon this subject is enclosed for your information.

I shall be happy to receive from you an intimation of your wishes in regard to your reception of the elegant symbol of the sentiment of the French people.

With assurances of great respect, I have the honor to be, madame, your very obedient servant,

THEODORE W. DIMON.

MRS. ABRAHAM LINCOLN,  
*Chicago, Illinois.*

B.

*Mrs. Lincoln to Mr. Dimon.*

375 WEST WASHINGTON STREET, CHICAGO,  
December 27, 1866.

In reply to the polite note of Mr. Dimon, Mrs. A. Lincoln would suggest the hour of 2 this p. m. as most convenient to receive a call from him.

C.

MADAME: From this communication you will learn that, through the kindness of the Secretary of State, I have the honor to be the bearer of a letter and a gold medal prepared in France at the instance of a large number of illustrious citizens of that country who desire that you will accept the offering as a tribute of their veneration for the memory of your lamented husband, the late President of the United States. Mr. Bigelow's letter will inform you of the deep sympathy which finds expression in this elegant memorial.

The wisdom and purity of character for which our beloved President was pre-eminent among us has touched the hearts of the people throughout the whole civilized world.

In this beautiful record we may see an affecting and enduring emblem of the profound emotion of regard which inspired the republicans of France to communicate to you the heartfelt sentiments of their condolence.

As an humble and youthful citizen of the United States, permit me to add the assurance of my reverence for the teachings of the bright example left as a legacy by that great and good man to the youth of this country. In the overwhelming sorrow which you have to bear, I cannot say to you how much you have our unaffected sympathy and respect.

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*Mr. Seward to Mr. Dix.*

No. 11.]

DEPARTMENT OF STATE,  
Washington, January 18, 1867.

SIR: I give you herewith for your information a copy of a memorandum\* of a conversation which was held between the French minister and myself on the 17th instant. The substance of the affair is that the French government desires to engage the United States in an understanding with reference to proceedings for the political reorganization of Mexico, in view of the discontinuance of the French armed intervention. The French government seems to insist upon only one condition, namely, the exclusion of President Juarez from among the authorities, actual or possible, who, according to their view, should be supported by the United States and France in establishing some kind of provisional government. These views of the French government have been in every proper way urged upon our attention by Mr. Berthemy during his residence with us. Our well-considered reply in substance is, that we must continue to recognize and respect the authority of President Juarez and the republican government, and that we can in no way intervene or interfere with the people of Mexico in the regulation of their own political affairs. I feel sure that Mr. Berthemy's residence here, although it has been so short, has still been long enough to satisfy him that even if the executive department of the government had any doubts concerning the wisdom of the decision thus announced, it could nevertheless adopt no different policy at the present moment without being discredited from in the Senate and calling forth the emphatic protest of the American people. At the same time it is not difficult for us to see that the French government attaches great importance to the suggestions which we have thought it our duty to decline.

I give you also for your information a copy of a despatch which was written to us by our consul in Mexico on the 29th day of December. These papers give us reason to apprehend that there is a conflict of policy and a division of authority among the French agents in Mexico; that some of those agents incline to withhold both troops and war material from Maximilian upon the grounds, first, that it would be incompatible with the understanding which exists between France and the United States in regard to Mexico, and, second, that it would amount to an indirect prolongation of the intervention after the departure of the French troops. Others of those agents, on the other hand, think proceedings of that sort proper and allowable.

In connection with these subjects, I have thought proper to give you a copy of a debate which occurred in the Senate on the 15th day of the present month; also a copy of an article which appeared in the New York Evening Post on the 8th instant.

I furnish you these papers in order that you may have the means of impressing upon Mr. Moustier the conviction that it is much to be desired that the proceedings of the French agents in conducting the evacuation should be prosecuted in a manner least calculated to excite distrust and jealousy in the United States. I have no doubt that this is the fixed policy of the Emperor. For this reason, as well as others, I sincerely desire to be able to bring to an end the practice of complaint and remonstrance which it has been found necessary to

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\* For enclosure see correspondence with the French legation.

pursue since the beginning of the French intervention in Mexico, and which cannot be found more annoying to the French government than it has been unpleasant to the United States. We are earnest, as we believe France is, in the desire to begin a more cheerful and cordial chapter in the relations to the United States towards France and Mexico.

You are not expected to submit either this paper or the expositions and debates here referred to to the French government, nor to make them the occasion of a formal representation, but you will make such use of them as you find convenient, with a view to preventing, if possible, new complications in the present conjuncture.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN A. DIX, Esq., &c. &c. &c.

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*Mr. Otterbourg to Mr. Seward.*

No. 25.]

CONSULATE OF THE UNITED STATES OF AMERICA,  
*City of Mexico, December 29, 1866.*

SIR: Since December 17th, date of my last despatch No. 24, the situation has grown more intricate from additional and delicate complications.

Mr. Dano, the French minister, and General Castelnau visited Puebla on the 20th instant, with the view of inducing Maximilian to abdicate and leave the country. It is hardly necessary to say that these gentlemen failed altogether in the object of their visit. In a private interview Maximilian remarked to General Castelnau, that at this crisis his abdication would be improper and inexpedient; he had appealed in his manifest to the will of the nation, and found himself compromised to abide their decision as to his continuance in power with the monarchical form of government. He admitted to General Castelnau that the Congress he had convoked, should it ever assemble, might resolve to change the form of government, might possibly elect Juarez; in that event he would have no objection to resign the powers confided to him by the Mexican people, and to retire from the country; still further, he would accept a peaceful solution, could the Juarez government, through the mediation of the United, be brought to unite with him for its attainment.

The department might give an unmerited appreciation to these remarks, which in substance I derived from General Castelnau, did I omit the proper comments—a neglect to give an outline of the relations actually existing between Maximilian with the influences of his cabinet on the one part, and the French on the other. Maximilian arrays his grievances; complains that the French have not applied due support and interference in his behalf; that the marshal, especially, has not employed the means available for his cause. Had such been the fact, he would have been able to sustain himself. His advisers recognize and adroitly appeal to these resentments; they know the evacuation of the Mexican territory, as imposed upon the expeditionary army, by circumstances to be disastrous to the French—equally that any violent attempt by the French to remove Maximilian from the country would be still more disastrous. In the security of these convictions the scheme of a national congress has been devised, and Maximilian been drawn into a postponement of his abdication. Thus, with Maximilian as the representative of an established government, ample time will have been gained before the departure of the French to organize the resources of the church conservative party, and to settle them firmly in power. Should these views be successfully carried into effect, a new era of revolution will be entered upon, which, with the spirit of vengeance displayed by the contending factions, must inflict upon the country horrors new in the history of Mexico.

Father Fischer has been appointed private secretary to his Majesty, and, in consequence of the almost entire reorganization of the cabinet, is charged with the responsibilities of the several ministers.

Upon my private representations that the announcement (enclosure No. 1) in the Patria, organ of the high conservative church party, was in fact a departure from the neutrality proclaimed to have been assumed by the French, and that consequences the most serious must ensue both to the lives and property of all foreigners, and dangerous to an escape from actual difficulties, Messrs. Dano and Castelnau declined all responsibility without denying the fact of the order as reported to have issued from Marshal Bazaine. The inference that the marshal was exerting an influence injurious to the interests of France and to the known wishes of the United States in the actual state of the Mexican difficulties remained unanswered. At the same time it was unreservedly brought to the observation of Mr. Dano and General Castelnau that the material of war turned over to the imperial government, had been taken by the French from the Juarez government, which the United States not only recognized, but whose return to the capital they are anxiously awaiting as



preliminary to the pacification of the country, the period of which was greatly endangered and prolonged by furnishing resources to the avowed enemies of the objects proposed to themselves by the respective governments of France and the United States. This material of war should, in furtherance of the wishes of both governments to arrive at an early solution, be returned to Juarez, if the French were willing to recede from their position as a party to the war against the liberals.

D. Manuel Icaza, political prefect of the valley of Mexico, informed a person, a Frenchman of my confidence, "that Marshal Bazaine had given without price to Riva Palacio, a general of the liberal forces, operating on the outskirts of this valley, 300 stand of arms of the same kind which he had sold to the imperial government at \$5 13 apiece. The marshal had also instigated and protected the pronunciamiento by Rosas at Monte Alto against the government;" the prefect was also pleased to observe, "that on the withdrawal of the French from the city there would be exhibited a terrible movement of the populace against all foreigners, in which all parties would participate." To the inquiry as to what action the government would take in such event, the very characteristic reply was given "that the government would endeavor to extend the proper protection; but as they well knew these efforts would be to no purpose, they would be obliged to make the best terms for themselves that circumstances permitted."

Miramón left yesterday morning for Guadalajara, (reported here to have been taken by the liberals on the 17th of this month,) accompanied by about 800 men, many of them caught under the order of impressment, (enclosure No. 2, herewith enclosed.) About 30 of his officers failed to appear at the point of rendezvous, after having received their outfit and advance of pay; they are doubtless unwilling to be caught by the liberals, who have made every arrangement to intercept Miramón and his party on his route from the capital.

Through good sources Tulamingo, the key to the district towards Tampico and the Ruastica, is to be given up to the liberals; the Belgians in garrison asking, in the uncertainty of their position with the government, to retire from the town. The Austro-Belgian corps, dissolved by imperial decree, with an invitation to enlist in the Mexican army, or a promise to be replaced in their homes, at their option, have been put under the orders of General Marquez, as appears by enclosure No. 1.

Mr. Edward Pierron has resigned his post as private secretary to his Majesty the Emperor, as no longer compatible with his duties as a French subject and officer.

The result of the collection by the French of customs revenue in the terms of the convention, as related in a former despatch, has been a refusal by the custom-house officials in this city to deliver goods to consignees who do not pay duties previously collected in Vera Cruz by the French authorities. General Castelnau and the French minister have notified the minister of finance that, should this refusal be persisted in, force would be employed by the French for the delivery of the goods.

An order has been given by the liberal governor of the second district of Mexico to destroy as much of the railroad as possible between this capital and Puebla, as suitable to the better public service and the military operations.

As belonging to my duties to furnish any information at all important in the present state of our relations with Mexico, I would respectfully bring to the knowledge of the department the existence of a class almost ignored as an element in the composition of Mexican society, constituting chiefly the wealth, education, and order of Mexico; they keep aloof from active interference in politics. Indifferent alike to the principles of conservatives and liberals, they desire only peace and security; never supply but a tardy and limited assistance in money to the conservatives, when out of power, with the hope that with their return to the government they themselves might be secured against the abuse and lawlessness of the demagogues.

A timely guarantee in favor of this class would conciliate an influential portion of the Mexican population and gain over to the liberals a party which is driven into opposition by its fears of vengeance threatened to their lives and property.

I have the honor to be, very respectfully, your obedient servant,

MARCUS OTTERBOURG,

*United States Consul in charge of the U. S. Legation.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

[From *Diario del Imperio*, Wednesday, December 26, 1866.—Translation.]

(Unofficial Column.)

#### MEXICAN TROOPS AND MATERIAL OF WAR.

The *Patria* says in its issue of yesterday, by express order of his excellency General Bazaine, communicated to the chiefs of the expeditionary army, all the Mexican troops, and the Austrian and Belgian legions, are placed under the orders of his excellency General Marquez, in order that he may dispose of them as shall be convenient for the military operations intrusted

to General Marquez as chief of the corps d'armee of the east. This is a settled fact, and the Mexican general is actively engaged in organizing and duly augmenting the number of troops to commence his operations. The entire Mexican material of war, both that existing in the city as well as that in the interior, which was in the power of the expeditionary army, has been delivered, by express order of his excellency Marshal Bazaine, to the imperial government. This is also a settled fact. This proves as well as the former announcement the good understanding that exists between the intervention and the empire, which we have on various occasions asserted, differing therein from the asseverations publicly expressed.

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MINISTRY OF THE INTERIOR, SECTION 5.

[Circular No. 92.]

MEXICO, December 22, 1866.

Their excellencies Generals Miramon, Marquez, and Mejia, being appointed to form the corps d'armee charged with the pacification of the country, and it being necessary to aid in the most efficacious manner their operations, it is recommended to you to use every effort to supply the contingent of men they ask and need for the formation of the corps of their respective divisions, and to act thereto as promptly and efficiently as the circumstances exact. For the proper compliance with this measure, your excellency will assign to the aforesaid divisions all who are capable of performing military duty, with the sole exceptions of such as are legally exempted, endeavoring to attain the desired object without prejudicing the good name of the government by any proceedings on the part of the authorities which might be characterized as arbitrary.

Wherefore I recommend to your excellency the greatest prudence in the matter, and at the same time the most punctual compliance with the orders, the result of which you will report to the prefect of your district, with a statement of the assignment of the contingent required.

By the minister of the interior:

ANTONIO M. VIZCAINA,  
*Under-Secretary.*

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[From the Congressional Globe.]

FRENCH INTERVENTION IN MEXICO.

Mr. HOWARD. I ask the Senate to take up the resolution which I offered a few days since in regard to Mexico, instructing the Committee on Foreign Relations to make some inquiries and report upon the subject embraced in the resolution to the Senate.

Mr. SUMNER. Let the resolution be read.

The Secretary read the resolution submitted by Mr. Howard on the 4th instant, as follows:

*Resolved*, That the Committee on Foreign Relations be instructed to inquire and report to the Senate the present relations between France and the republic of Mexico; the extent, both with respect to population and territory, of the successes of Maximilian in his endeavors to overthrow that republic; the amount and character of his military force, including his French auxiliaries; the action of the executive branch of the government of the United States in reference to the intervention of France in the affairs of Mexico, including any treaty or project of treaty proposed, assented to, or recommended by our minister to France, with a view to a settlement of the difficulties between France and Mexico; the present prospect of the withdrawal of the French troops from Mexican soil, and the probability in the case of such withdrawal of Maximilian being able to maintain his standing there; and that for the purpose of such inquiries said committee be authorized to send for persons and papers.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the motion?

Mr. DOOLITTLE. Is the motion to refer?

The PRESIDENT *pro tempore*. The motion is that the Senate proceed to the consideration of the resolution which has just been read.

Mr. DOOLITTLE. I move that the resolution be referred to the Committee on Foreign Relations.

Mr. HOWARD. It is a resolution instructing the Committee on Foreign Relations to make these inquiries.

Mr. SUMNER. The motion now is to take it up.

Mr. DOOLITTLE. I withdraw the motion to refer if it is not taken up.

The PRESIDENT *pro tempore*. It is not necessary to withdraw it. The motion now pending is that the Senate proceed to the consideration of the resolution. It is not yet before the Senate. The question is, will the Senate proceed to the consideration of the resolution?

Mr. SUMNER. I have no objection to its consideration, though if it should be taken up I shall move an amendment to it.

Mr. HOWARD. Very well; let us take it up.

The motion was agreed to; and the Senate proceeded to consider the resolution.

Mr. HOWARD. Mr. President, I do not propose to occupy the time of the Senate at any length on the subject of this resolution, and yet I think it due to the country and to Congress that the resolution should pass. There has been a state of war existing in Mexico since 1862. It sprang into existence in consequence of disagreeing parties in that republic, and an attempt on the part of one of these parties to overthrow the republican government of Mexico as established by her constitution, and to establish another government in its place. In this condition of things the Emperor of the French saw fit to intervene and to espouse the cause of one of the parties, whose object was the overthrow of the republican government long established there.

The pretext for this wanton, totally unauthorized and unjustifiable intervention on the part of the Emperor was the undoubted fact that the government of Mexico was indebted in a considerable amount to certain French subjects, and that the republic had not been able to pay the amount of their claims. Ostensibly the cause of the war on the part of France was the enforcement of this claim; but nobody can for a moment doubt that that indebtedness was but a hollow pretext for this bloody and wanton war. Its object must be looked for far beyond that claim. The intervention looked to the complete subversion of the republican government in Mexico and the establishment there of the imperial power of France under a protectorate which the Emperor had seen fit to extend to Maximilian, who, by his advice and connivance, was called at the head of affairs in Mexico by what is commonly known as the priest party.

The government of the United States have not thus far, as I understand it, made any very strenuous efforts, either by diplomacy or otherwise, to procure the withdrawal of the French forces from Mexico. The war has been raging for years, and has been prosecuted by the French army with great bitterness, and in some cases with great barbarity, if we are to credit the rumors brought to us by the journals of the country. I do not, however, propose to enter into the character of the war. What I want to know, and what I think the country desires to know, is the present exact political and legal posture of the republic in regard to the government of the United States and in regard to the government of France. The state of war has interrupted our trade with Mexico; it has greatly involved our relations with the legitimate government of that republic; and our own interests, the interest of our commerce, the interest of our own citizens, the interest of mankind generally, require that it should be brought to a speedy close. We are not informed to what extent the imperial forces have succeeded in subjugating the people of Mexico; we do not know to-day how many towns or cities they hold in their possession, or how important may be the conquests they have made; and I have been waiting with great patience and a feeling of great personal indulgence to the honorable chairman of the Committee on Foreign Relations of this body for some report, some statement by which I could learn the exact posture of affairs there. I think the same anxiety has filled the breast of more than one senator.

The country and the world have been amused for the last fifteen or eighteen months with occasional rumors that the French army were about to be withdrawn from Mexico, and that consequently the usurper Maximilian would retire again to his home, the people of Mexico be left to enjoy their own sovereign right of self-government in their own way, and peace be thus restored. I am without faith in these rumors. I wish to call the attention of senators, and especially of the chairman of the Committee on Foreign Relations, to a few facts in this connection.

As long ago as the 10th of April, 1864, the Emperor of the French entered into a solemn convention with Maximilian in regard to the amount of force the Emperor was to furnish to him in his expedition to Mexico. I hold in my hand a document, containing several of the articles of that convention. They read as follows. I desire the attention of senators to the convention, so that there shall be no misapprehension in regard to the conventional relations existing between the Emperor and Maximilian, and no mistake as to how far the Emperor is bound to continue his military forces in Mexico. Articles one, two, and three of this convention read as follows:

"ARTICLE 1. The French troops which are now in Mexico will be reduced as soon as possible to a corps of 25,000 men, including the foreign legion.

"This corps, to protect the interests which have caused the intervention, will remain temporarily in Mexico, under the conditions arranged by the following articles:

"ARTICLE 2. The French troops will evacuate Mexico according as his Majesty the Emperor of Mexico shall be able to organize the troops necessary to replace them.

"ARTICLE 3. The foreign legion in the service of France, composed of 8,000 men, will, nevertheless, still remain for six years in Mexico after all the forces shall have been recalled, conformably to article two. Dating from this moment, the said legion shall pass into the service and pay of the Mexican government. The Mexican government reserves to itself the faculty of shortening the duration of the employment of the foreign legion in Mexico."

It is plain from this that the continuance of the French forces in Mexico depends entirely upon the will and the interests of Maximilian himself. The Emperor of the French stipu-

lates to furnish him with at least 25,000 French troops, and this force is to remain in Mexico so long as he desires. At all events, whatever disposition may be made of a portion of this large force by Maximilian, the Emperor is bound by his contract to permit his foreign legion to remain in Mexico for at least six years from the date of the convention. That would be until the 10th of April, 1870. Now, sir, I have yet to learn that this convention has in any respect been altered or modified by the consent of the two contracting parties. I know that we have had many rumors that the French troops were about to depart. We had a story during the last summer, and we are told, if I remember rightly, that the whole of the French forces would be withdrawn by the 1st of November; but instead of this rumor being verified by the facts, it turned out that France was increasing her force in Mexico and sending additional regiments to uphold the tottering throne of the adventurer.

I will not pursue the subject but a step further at this time; I do not deem it necessary; but I wish the learned chairman of the Committee on Foreign Relations to give this subject his most earnest attention, and to inform us whether there be not some means by which the friendly intervention of the government of the United States may be speedily used for the restoration of peace to Mexico and independence to the republic.

Sir, we have been, according to my apprehension, on the very point of recognizing the authority of Maximilian as Emperor of Mexico. I call the attention of senators to a very small portion of the diplomatic correspondence which has passed upon this subject. The French version of our relations with France is best stated in a paper in the *Memorial Diplomatique*, published in Paris, under date of March 12, 1865. The document bears upon its face very strong evidence of being official, or at least semi-official. Allow me to read a passage or two from it. The writer says:

"As soon as the note of the notables of Mexico, conferring the crown upon the Archduke Ferdinand Maximilian of Austria, had by the subsequent adhesion of the *ayuntamientos* obtained the legal sanction of the country, the French diplomacy made it its duty to assure itself of the true dispositions of the American cabinet in regard to the new empire of Mexico. President Lincoln and Mr. Seward at Washington, as well as Mr. Dayton at Paris, did not cease to assert the well-defined purpose of the government of the United States to respect the results of the free vote of the Mexican people."

Here comes the passage to which I desire attention:

"They added"—

Who? The President of the United States, the Secretary of State of the United States, and Mr. Dayton, our minister at Paris—

"that out of regard to France, whose friendly sympathies for the Union were confirmed by her scrupulous neutrality in the war between the North and the South, President Lincoln, in case of re-election, formally promised to enter into diplomatic relations with the government of Maximilian I, if he was generally recognized by the other powers of Europe and America."

I believe he has been so recognized.

"The best informed American journals agree in stating that President Lincoln only awaited the date of the renewal of his functions on the 4th of March to recognize officially the new Mexican empire; and this recognition positively decided upon and making a part of the political programme of the government at Washington, will no doubt establish without delay between the two countries relations of perfect understanding and neighborliness.

"Never in its discussions has the cabinet of Washington allowed to transpire the slightest allusion to the Monroe doctrine"—

And in this respect I believe the writer is entirely correct.

"still less has it from this leading point made reserves implying any right whatever in the internal affairs of Mexico. In effect the last attempt at conciliation between the confederates and the federals has revealed to us that the initiative tending to prop up the Monroe doctrine does not belong to the government of the North, but to that of the confederates, who, in a common undertaking based upon this doctrine, saw a means of bringing back the opinion of the population of the South to ideas of conciliation and federal unity."

Now, sir, I wish to know by a formal, solemn report from one of the standing committees of this body, whether it be true in point of fact that Mr. Lincoln or Mr. Seward or Mr. Dayton, or any other accredited organ of the United States has ever proposed, directly or indirectly, to recognize the authority of Maximilian, Archduke of Austria, as the legitimate or even *de facto* ruler or governor of the republic of Mexico or any portion thereof. I wish to know how far this intrigue has proceeded and who are parties to it. While I say this, however, I am bound to say in truth that our minister, Mr. Bigelow, in Paris, has upon more than one occasion intimated, in terms which could not be mistaken, his willingness, nay, his anxiety to recognize the authority of Maximilian as the Emperor of Mexico.

I beg to take one more step, sir. The paper from which I have read was one of the enclosures contained in the despatch of Mr. Bigelow, the American minister at Paris, dated March 4, 1865, numbered 55; and senators have seen what were the views then taken of this subject by the French government, if the paper itself from which I read can be regarded a proper exposition of those views. In the enclosure from which I have read you will see that there is a positive statement implicating the American Secretary of State in the plan to

recognize Maximilian. There it was written and printed in plain terms. On the 28th of March, 1865, only a few days after that despatch was sent by Mr. Bigelow to Mr. Seward, the latter writes him the following despatch, to which I call the attention of the Senate:

"SIR: Your despatch of the 14th of March, No. 55"—

Which contained the enclosure from which I have just read, charging the President and the Secretary of State of the United States and the American minister at Paris with favoring a recognition of the imperial government of Maximilian in Mexico—

"has been received, and I have read with much interest the papers which accompany it"—

That is, this paper which I have read—

"and which illustrate the disquietude now prevailing in Paris."

"Fortunately I have, in my despatch of the 15th instant, No. 71, explained to you the views and sentiments which our military and political situation suggests. We want our national rights. We are not looking for ulterior national advantages or aggrandizement, much less for occasions for retaliating in other forms of hostility against foreign states. We are not propagandists, although we are consistent in our political convictions.

"I am, sir, your obedient servant,

"WILLIAM H. SEWARD.

"JOHN BIGELOW, Esq., &c."

Making no allusion whatever to this distinct allegation contained in the *Memorial Diplomatique* of a purpose on the part of our government, including him by name, to recognize the authority of Maximilian, omitting all notice of it, passing it over in silence as if it were a matter utterly unworthy of his notice.

Mr. SUMNER. I should like to inquire of my friend whether it is customary always or expedient for the representatives of our government to undertake to reply, in so many words, to statements of anonymous writers, in journals however respectable? The *Memorial Diplomatique*, as the senator well knows, is simply a journal conducted by eminent writers, but I do not know that it can be entitled to a different kind of consideration from that which is bestowed upon other journals.

Mr. HOWARD. It is unnecessary for me to answer the question put by the honorable senator from Massachusetts specifically. It is sufficient for me to say that the Secretary of State, in other cases, has seen fit to take notice of similar articles from publications sent him as enclosures by our minister to Paris. Whether it be usual among diplomats is another question. This charge was a grave one, involving the honor of his government, and well worthy of his attention and solicitude. But, sir, the Secretary says:

"Fortunately I have, in my despatch of 15th instant, No. 71, explained to you the views and sentiments which our military and political situation suggests."

I know not where to find this despatch of the 15th of March, 1865, No. 71. The document has not been, so far as I am aware, laid before Congress, and has never yet seen the light. Congress are, I believe, in ignorance at present of the contents of that very important despatch of the 15th of March, in which the Secretary of State had "fortunately explained his views and sentiments in regard to our military and political situation." I may possibly be mistaken as to the fact that this despatch has never been published. I have searched for it diligently, however, and have thus far been unable to detect it, although there was an express call made upon the President as long ago as the 11th of December, 1863, requesting him "to communicate to the Senate, if not incompatible with the public interests, all correspondence, not yet officially published, between our government and that of France, touching the occupation by French troops of the republic of Mexico, and the establishment of a monarchy there." I ask the honorable chairman of the Committee on Foreign Relations whether he has ever seen that despatch of the 15th of March, 1865?

Mr. SUMNER. I do not recall it by its date.

Mr. HOWARD. Mr. President, it seems to me that there is an unnecessary mystery hanging over the whole subject of our relations with Mexico and her relations with France—a mystery which ought to be solved. Our interests as a nation, as a sister republic, older by birth and stronger in every way than Mexico, require, it seems to me, a full and complete narration of all the material facts involving her in the present imbroglio with France. I hope the learned chairman of the Committee on Foreign Relations will for a few days, or a few hours at least, premit that attention which he has been giving to other subjects, very necessary and very praiseworthy to be sure, and endeavor to enlighten the Senate and the country upon the historical, diplomatic, and political status of Mexico. I think the people of the United States, as well as the people of Mexico, will thank him for it.

One word further, sir, and I have done. We have had various rumors of a settlement with Mexico, and among these rumors was this: that the United States were endeavoring to bring about a peace by purchasing from Mexico, or rather from Juarez's government, a large portion of the republic, including Lower California and Sonora, and, as a consideration, to pay to the government of the Emperor of the French some twenty-five or thirty million dollars in satisfaction of its claims. Of course I do not know how much foundation there may have been for this newspaper rumor; but just here I beg to be indulged in saying France has prosecuted a war against that republic for four years and more. She has thus far utterly failed of success in her project of subjugating the people, and utterly failed

of obtaining the indemnity for French citizens, which was the pretext of the war. The subject of the war was the claim of France for indemnity for her citizens. Upon that subject and for that end she has waged this long, bloody, and wasteful war. She has seized—

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday.

Mr. HOWARD. I shall be through in a moment if the Senate will indulge me.

The PRESIDENT *pro tempore*. No objection being made, the senator from Michigan will be allowed to proceed with his remarks, and the order of the day will be laid aside informally.

Mr. HOWARD. I assure the Senate I shall occupy but a moment longer.

She has seized the ports of Mexico; she has confiscated her revenues; she has drenched her soil with blood; she has made it necessary for the republican government of Mexico to enter into obligations of indebtedness which must hereafter weigh heavily and oppressively to her people; and notwithstanding the gigantic efforts made by the Emperor of the French to convert Mexico into a French province, he has failed; and if to-day, or if at any time, France withdraws her troops from Mexico and abandons this war which she has thus cruelly and unjustly waged, I hold it to be one of the principles of the law of nations and the law of war that the subject of the war, to wit, the indebtedness on account of which it was waged, has become extinguished, and that France can never hereafter resume the war on account of the same subject-matter. She of her own motion took out an execution against poor Mexico to levy a debt. She resorted to the last remedy of kings in the prosecution of the debt. She has failed. Sir, the debt is dead and extinguished. The subject of the war passes into that oblivion and amnesty which is always implied by a peace, whether the peace be established by treaty or the mutual cessation of hostilities. And I say here in my place that such a treaty on the part of the United States as I have alluded to, a treaty by which we should seize upon a large portion of that republic, and out of the avails of which we should satisfy the French government in respect to the indemnities she has claimed, would be an outrage upon the feelings of the American people and a gross departure from the plain principles of the law of nations.

I invite my friend's attention to this branch of this subject. It is one of great importance. Can the United States, by paying France this debt which she has claimed, and thus recognizing the justice of the war she has made upon Mexico, stand up in the presence of the other nations of the world and claim not to have been dishonored?

Mr. SUMNER. Mr. President, the senator from Michigan has opened a great question—

The PRESIDENT *pro tempore*. The Chair will consider the order of the day as laid aside if no Senator calls for it.

Mr. EDMUNDS. Let it be laid aside informally.

The PRESIDENT *pro tempore*. If no objection be made, that will be considered the understanding of the Senate.

Mr. MCDUGALL. I shall not object if it is understood that the order of the day is to be laid aside until this discussion is concluded. I object if the purpose is simply that the chairman of the Committee on Foreign Relations shall make his discussion and that conclude the debate, as I choose to participate in it myself if I have the opportunity. If the debate is to be continued to its conclusion I shall consent.

Mr. JOHNSON. I object to that.

Mr. MCDUGALL. Then I object to laying aside the special order.

The PRESIDENT *pro tempore*. Objection being made, the Chair considers it his duty to bring before the Senate the unfinished business of yesterday.

Mr. SUMNER. With the permission of the Senate, I would state that I propose to move an amendment to the resolution of the senator from Michigan, and I had better give notice of it now. It is to insert after the word "Senate" the words "if in their opinion this inquiry and report shall be deemed expedient;" so that it shall read: "the Committee on Foreign Relations be instructed to inquire and report to the Senate, if in their opinion this inquiry and report shall be deemed expedient." By that amendment this resolution will be brought to a certain extent in harmony with the usage of the Senate. Without that it would certainly not be in such harmony. If the discussion be renewed I shall have something to say upon it, though I should have no objection to the resolution, with the amendment I proposed, going to the committee.

Mr. MCDUGALL. I propose to offer a substitute for both the resolution and amendment; and as the subject may come up for discussion hereafter, I desire to present it now, and for this reason: it was my good fortune some years since to be upon the Committee on Foreign Relations, and I introduced resolutions of inquiry before that committee on the subject of French intervention in Mexico. The chairman of that committee did not think it prudent to have the subject considered, and, claiming the right to direct the order of business, never allowed it to be considered as long as I was on the committee; and so long as it is sent to that committee subject to their discretion it will never be considered.

The PRESIDENT *pro tempore*. The unfinished business of yesterday is Senate bill No. 453.

[From the New York Evening Post, January 8, 1867.]

MEXICO—RUMORS ABOUT THE FRENCH TROOPS.

WASHINGTON, January 8.

Reports, said to be well founded, are current that some 12,000 of the French troops (one-half of the whole number there) will remain in Mexico during the ensuing summer as an aid to Maximilian in the more durable establishment of his empire. It is added that there is a secret understanding between Napoleon and Maximilian to this effect.

*Mr. Dix to Mr. Seward.*

No. 17.]

LEGATION OF THE UNITED STATES,  
Paris, January 22, 1867.

SIR: I have the honor to enclose herewith a copy of the *Moniteur* of Sunday, the 20th instant, announcing changes in the ministry, and still more important changes in the administration of the government of France.

The answer to the speech from the head of the government, still continued in England, but discontinued long ago in the United States, is abolished by the imperial decree of the 19th instant, a translation of which is annexed, and the right to interrogate the government substituted for it, the ministers being required under certain regulations to appear, as in England, on the floor of the legislative houses to answer inquiries.

A more important measure is the proposed liberation of the press from executive control, and the reference to the judicial tribunals of all questions of the abuse of its freedom.

I send, annexed hereto, a translation of the Emperor's letter to the minister of state announcing these changes; a copy of *Galignani* of yesterday (the 21st) containing extracts from several of the Paris journals commenting upon them; a translation of the leading editorial in the *Moniteur*, a list of the new ministry, a translation of the leading editorial in the *Constitutionnel*, and a translation of the leading article from the editorial columns of *La Liberté*, M. Emile de Girardin's paper.

Yesterday's number of *La Liberté*, while withdrawing nothing it said in commendation of the measures announced by the Emperor, has a discouraging article founded upon the retention of some of the ministers, who are opposed to them.

It is not easy to exaggerate the importance of these measures, and although the legitimists disapprove them as dangerous concessions, and the ultra republicans treat them as concessions only in name, they have gained for the Emperor great credit with the true friends of constitutional liberty, and are considered, as I have no doubt they will prove, an era in political progress in Continental Europe.

I am, with great respect, your obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

[Translation from *Le Moniteur*, January 20, 1867.]

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

Wishing to give to the discussions in the great bodies of the states on the home and foreign policy of the government greater utility and precision, we do hereby decree:

ARTICLE 1. The members of the senate and of the legislative body may address interpellation to the government.

**ART. 2.** Any demand to exercise that right must be made in writing and signed by five members at least, and must contain a summary of the object of the question to be put; it must be delivered to the president, who will communicate it to the minister of state, and refer it to the bureaux for examination.

**ART. 3.** If two bureaux of the senate, or four of the legislative body, express the opinion that the question may be brought forward, the Chamber will fix a day for the discussion.

**ART. 4.** After the close of the debate the Chamber pronounces the order of the day, pure and simple, or refers the matter to the government.

**ART. 5.** The order of the day, pure and simple, has always the priority.

**ART. 6.** The reference to the government can only be pronounced on the following terms: "The senate (or the legislative body) calls the attention of the government to the object of the interpellation." In that case an extract of the deliberations is transmitted to the minister of state.

**ART. 7.** Each of the ministers may by special authority of the Emperor be charged, in conjunction with the minister of state, the presidents and ministers of the council of state, to represent the government before the legislative body in the discussion of business, or of parliamentary bills.

**ART. 8.** Are abrogated articles 1 and 2 of our decree of the 24th of November, 1866, which declare that the senate and the legislative body shall vote every year at the opening of the session an address in reply to the speech from the throne.

**ART. 9.** Our minister of state is charged with the execution of the present decree.

Done at the palace of the Tuileries this 19th day of January, 1867.

NAPOLEON.

E. ROUHER, *Minister of State.*

[From the *Moniteur* of January 20, 1867.]

PARIS, *January 19.*

The Emperor has addressed the following letter to the minister of state:

PALACE OF THE TUILERIES, *January 19, 1867.*

SIR: For some years past the question has been asked if our institutions have attained their limit of development, or if further improvement can be made. Hence arises an uncertainty which is much to be regretted, and which it is important should end.

Hitherto you have striven with energy in my name to reject unreasonable demands, in order that the initiative of useful reforms might be left to me when the proper time should come. I believe that it is now possible to give to the institutions of the empire all the development of which they are susceptible, to public liberty a new extension, and this without compromising the power which the nation has confided to me.

The plan which I have proposed is this: to correct the imperfections which time has revealed, and to permit such progress as is compatible with our habits and customs, for good government consists in profiting by experience and foreseeing the requirements of the future.

The decree of November 24, 1860, was designed to associate the senate and the corps legislatif more closely with the policy of the government; but the discussion of the address has not led to the results which were anticipated. At times it has uselessly heated public opinion, given rise to fruitless debates, and led to the loss of time invaluable for the public business. I believe that, without lessening the prerogatives of the deliberative assemblies, we can substitute for the address the right of interrogation, wisely regulated.

Another modification has appeared necessary to me in the relations of the government to the great bodies of state. I have thought that, by deputing the ministers to attend the sessions of the senate and the corps legislatif, by virtue of a special authorization to participate in certain debates, I could better use the resources of my government without violating the terms of the constitution, which permits no responsibility of ministers, but makes them entirely dependent upon the head of the state.

But the reforms which I propose to adopt do not stop here. A law will be proposed to confide solely to the court the trial of infractions of law by the press, and thus do away with the discretionary power of the government in this respect. It is equally necessary to regulate by act of legislature the right of public meeting, restricting it in such a manner as the public safety shall require.

I said last year that my government desired to advance on firm ground—firm enough to support both power and liberty. By the measures I have indicated my words will be realized. I do not disturb the ground which fifteen years of quiet and prosperity have settled, but I make it firmer by drawing closer my relations with the great public powers by securing by law new guarantees to the people, and by crowning at last the edifice erected by the national will.

I pray God to have you in his holy keeping.

NAPOLEON.



[Translation from *Le Moniteur*, January 20, 1867.]

A few words will suffice to explain the spirit and scope of the decree given above. That of the 24th November, 1860, in introducing into the French institutions the annual vote of an address, has for its object to associate the great bodies of state more directly with the policy of the government. That measure, which anticipated public opinion, was received as a new and striking testimony of the sovereign's liberal initiative and of his wish to found representative government on solid bases. There could be no question of weakening the important position of the Chambers, but, on the contrary, to render it more practical and more efficacious in freeing it from the imperfections which six years' experience has manifested. The debates in the Chambers are incontestably of a nature to exercise a legitimate and salutary influence on the march of events, when they have for result to bring to light public feeling in a real and present interest. But every one was struck with the fact that the discussions in the address tend more and more to depart from the line traced by the speech from the throne to which it was to reply. Wanting, therefore, a precise basis and clearly-defined subject, they run the risk sometimes of wandering into the region of vague theories and abstract ideas; at other times of losing themselves in the minutest details of the administration. Under these conditions they are liable to be indefinitely prolonged, and tend rather to heat men's minds than to elucidate questions, and rather to favor verbiage than business, which they deprive of valuable time. Already their duration has assumed proportions which could not have been foreseen, and which, from the experience of the past in France and that of other countries, could not have been expected.

As the discussion of the bills never commences before the vote on the address, the following shows the time occupied in its preparation and debate since 1861:

Opening of the session, February 4, 1861; vote on the address, March 22, 1861—one month and eighteen days.

Opening of the session, January 27, 1862; vote on the address, March 20, 1862—one month and twenty-three days.

Opening of the session, January 12, 1863; vote on the address, February 12, 1863—one month.

Opening of the session, November 5, 1864; vote on the address, January 2, 1864—two months and twenty-four days.

Opening of the session, February 13, 1865; vote on the address, April 15, 1865—two months.

Opening of the session, January 22, 1866; vote on the address, March 1, 1866—two months and twenty-eight days.

This state of things has led to complaints which the government could not but take into consideration. The decree proposes to set aside these inconveniences, whilst maintaining intact the participation of the Chambers and strengthening by defining it. What the debate could gain in sincerity and in full utility, when they are based on a circumscribed question known beforehand, bearing on a serious and precise interest, is so evident that there is no necessity to enlarge on it; such is the advantage of interpellations. The decree, faithful to the spirit which inspires it, decides that the majority of the bureaux is not necessary to authorize such demands. The favorable opinion of two out of five in the senate, and four out of nine in the legislative body, suffices to authorize them. That is a guarantee that the tribune will be open to every cause really worthy of an exceptional debate. The Chamber can express its opinion in two ways: by the order of the day pure and simple if it finds the interpellation groundless, and by reference to the government if the question merits particular attention. The government is thus placed in a position to know the sentiments of the Chamber, and to pay the attention to them required by public interest and its own responsibility. To go further would be to run the risk of altering the harmony of the powers, such as they are regulated by the constitution, and to exceed the range of a simple decree. The cases in which the legislative body and the senate can express a direct and absolute judgment, terminating in a vote of adoption or refusal, are rigorously defined in the fundamental compact. Independently of special laws, those of the contingent of the army, supplementary credits, and the budget furnish every year numerous occasions for the deputies to regularly exercise their control over public affairs. The substitution of interpellations for the address has, as a necessary consequence, the provision which concerns the ministers, and which gives a greater latitude to the sovereign in the designation of the organs charged to speak in his name, and, in certain cases, more authority to the explanations furnished. But it was requisite that the terms of the constitution should not be exceeded which provide that the ministers shall only be dependent on the chief of the state; that they are only responsible each in what concerns himself for the acts of the government; that there is no solidarity among them, and that they cannot be members of the legislative body. The decree does not, nor could it make any change in the prescriptions, and therefore the ministers only present themselves before the Chambers as delegates from the chief of the state, on the occasions of which he will remain the only judge—the council of state, however, preserving its constitutional rôle. What the country requires above everything is that truth, justice, and the general interest may triumphantly issue from the public discussions. In that point of view this day's decree will be considered by all impartial minds as realizing a notable progress.

[From *Le Constitutionnel* of January 21, 1867.—Translation.]

The Emperor has acquired a new claim to the gratitude of the country. After having brought us security and order, those essential conditions of every society, Napoleon III continues to-day the liberal work commenced by the decree of the 24th November, 1860.

In his wise foresight, and imbued with the feeling of his high responsibility, the Emperor has judged that the time has come to enlarge the area of public liberty.

The empire has already given to France fifteen years of profound, quiet, prosperity and glory. The ground appears now to the Emperor so firm that these precious results cannot in any way be compromised by the new concessions contained in the decree of the 19th January, and announced by the letter to the minister of state. Napoleon III will thus have the twofold glory of being, as we have often said, the restorer of order and the founder of liberty in France.

The nation will receive with confidence and greet with joy the liberal act which marks a new era in the history of a great reign.

[From *La Liberté* of the 21st January, 1867.—Translation.]

#### REFORM.

Last year, on the occasion of the Emperor's speech, we expressed our views upon the necessity of finishing the work of the 24th of November, 1860. We did so with such firmness that we drew down upon ourselves the displeasure of the government. Not having hesitated to speak the truth, we do not now hesitate to give commendation, and we say sincerely that the letter of the Emperor to the minister of state appears to us instinct with the true spirit of liberalism.

We can the more readily render a loyal homage to the high initiative of the sovereign, since, if the measures announced are in accordance with the ideas which we advocate, they do not, nevertheless, come up to the realization of our programme, so that our politics resting apart, we are in the condition of independent spectators.

Even in regard to the details of the reform, discussion may show differences of opinion, but at the moment it becomes us only to regard in its entirety the great fact which is developed.

It is a great fact in our country, where blind resistance is the point of honor with governments, to see the head of the state choose spontaneously and resolutely the path of liberal concessions.

Even a partial restoration of our liberty is a great fact before Europe at the moment when France is said to be irritated, jealous and enfeebled. It is a great example to Europe, and France is not in the habit of giving examples which are not followed.

After having rendered this legitimate homage to the sovereign, it would be ungrateful if we did not call to mind the firm but moderate conduct of the forty-six deputies who voted last year an amendment favorable to the extension of public liberties. The deputies who, in spite of the exhortation of the Hon. Mr. Rouher, voted in accordance with the speeches of Messrs. the Marquis of Talhouët, Ollivier, and Buffet have an unquestionable share in the actual measures, and they can congratulate themselves in having done their duty with respectful firmness.

All the ministers have resigned, as they should have done, and their retirement was the only course which could comport with the dignity of Mr. Rouher and his colleagues.

How could the Hon. Mr. Rouher have presented himself before the legislative corps, after his reiterated declarations of last year, to defend a policy which he declared almost factious? It would have been reducing himself to the humble proportions of a political advocate at the very moment when, without any diminution of the responsibility of the chief of the state, the moral responsibility of the ministers would have been more conspicuous.

The talent and character of the statesman who signed the treaty of commerce destine him to a more important position hereafter. The minister of state has therefore wisely consigned himself to a momentary retirement, from which events will draw him without doubt.

The very natural retirement of Mr. Rouher carried with it that of the minister of the interior and the other ministers. It was becoming, at the moment when the Emperor entered resolutely upon the path which they had not advised, that they should leave to the head of the government his full liberty of action. If the ministers had remained after having first spoken of retiring, it would have been said that they expected to regain in detail in practice that which the Emperor had abandoned in principle. It was worthy of the character of the ministers to avoid such suspicion, unjust as it might have been. Like the talent of Mr. Rouher, their self-sacrifice will have its reward.

#### NEW MINISTERS.

M. Rouher, minister of state and minister of the finance; Marshal Niel, minister of war; Admiral Rigault de Genouilly, minister of marine; M. de Forcade de la Roquette, minister of agriculture, commerce, and public works.

The ministers remaining are: M. Baroche, keeper of the seals, minister of justice, &c.; Marshal Vaillant, minister of the house of the Emperor, &c.; M. Douny, minister of public instruction; M. Vovitry, minister president of the council, Marquis de la Valette, minister of the interior; Marquis de Moustier, minister of foreign affairs.

*Mr. Dix to Mr. Seward.*

No. 21.]

LEGATION OF THE UNITED STATES,

*Paris, January 28, 1867.*

SIR: I have the honor to enclose herewith a translation of a communication received from the minister of foreign affairs in reply to inquiries made by me under instructions from you of the 15th December last, (despatch No. 4.) in relation to the cattle disease or rinderpest existing in France.

I am, sir, with great respect, your very obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Moustier to Mr. Dix.*

[Translation.]

PARIS, *January 26, 1867.*

GENERAL: In making known to me, the 4th of this month, that the federal government has the intention of removing, as soon as practicable without danger, the restriction which exists in the United States relative to the importation of cattle and hides of European production, you expressed to me the desire of obtaining, in regard to the actual condition of the contagious fevers of horned cattle in France, intelligence of such a nature as to enlighten your government upon the timeliness of the measure which it proposes to adopt.

In accordance with the desire of the minister of agriculture, of commerce and of public works, to whom I hastened to transmit your request, it is proper for me to ask you in the first place, general, to remark that the contagious fevers of horned cattle have not, for a very long time, prevailed in France. Thanks to the energy of the measures which have been adopted, our country has been spared by the "epizootie," and, apart from a few cases, which having appeared in September and December, 1865, in the north, and at the garden of acclimation of the Boise de Boulogne, were rapidly subdued on their first appearance, no invasion of this formidable disease has occurred among us.

As to the measures now in force for its prevention, they are as follows:

1. Absolute prohibition of importation or transit of cattle of the class of ruminants coming from Belgium, the Netherlands, and Great Britain.

2. Introduction of animals of other countries by all the ports and custom-houses of the empire, with the exception, however, of the custom-houses on the inland frontier from the department of the Moselle, save the part which borders on the Grand Duchy of Luxembourg to the department of Savoy inclusively. At these last custom-houses animals cannot be introduced until after a preliminary examination by a veterinary surgeon or other competent agent, and proof of their sound sanitary condition.

3. Free entry of all remains and skins of all animals of whatever country, including butchered meats; only, leather and hides coming from Belgium, the Netherlands or Great Britain must be salted or disinfected to a sufficient degree.

In communicating this intelligence, which I hasten to bring to your notice, the minister of commerce observes, moreover, that the special measures adopted by the custom-houses situated between the department of the Moselle and that of Savoy were occasioned by the appearance of the typhus in Switzerland.

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

MOUSTIER,

General Dix,

*Minister of the United States at Paris.*

*Mr. Dix to Mr. Seward.*

No. 31.]

LEGATION OF THE UNITED STATES,

*Paris, February 15, 1867.*

SIR: I have the honor to transmit herewith a translation of an order issued by the minister of agriculture, of commerce and of public works, in view of the reappearance of the typhus or epizootic of horned cattle in Belgium.

I am, sir, with great respect, your obedient servant,

JOHN A. DIX.

HON. WILLIAM H SEWARD,

*Secretary of State, Washington, D. C.*

[From La France of February 14, 1867.—Translation.]

THE CONTAGIOUS TYPHUS.

The minister of agriculture, of commerce, and of public works, in view of the fact that the typhus of horned cattle continues its ravages in the Rhenish provinces, and that it has just appeared with new and intense violence in Belgium, chiefly in the province of Limbourg, (see the decree of September 5, 1805, also September 6, 1805, October 2, 1866, and January 26, 1867, upon the proposition of the directors of agriculture, orders as follows:

ARTICLE I. The restriction of entry and transit promulgated by the decrees of October 2, 1866, and January 26, 1867, are restricted to slaughtered animals and meats coming from the entire line of the French frontier, from Dunquerque to the Rhine, near Lauterbourg.

ARTICLE II. The prefects of departments therein comprised are charged with the execution of the present order.

Done at Paris this 8th day of February, 1867.

FORCADE.

We cannot but approve of the wise measures taken by the issue of this order, and hope that it may be executed with the utmost rigor. The typhus is at our doors, and it is necessary to arrest its progress. We enjoin all husbandmen to take the greatest precaution.

EDITOR.

*Mr. Dix to Mr. Seward.*

No. 32.]

LEGATION OF THE UNITED STATES,

*Paris, February 15, 1867.*

SIR: I have the honor to enclose, 1st, a copy of the speech of the Emperor at the opening of the legislative session yesterday from the imperial press; and 2d, a copy of Galignani of to-day, giving an account of the ceremonies and a translation of the speech.

The recall of the French troops from Mexico and the close of the rather curt allusion of the Emperor to the United States, were received with very marked approbation by the members of both the legislative bodies.

I am, with distinguished consideration, your obedient servant,

JOHN A. DIX.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

SPEECH OF THE EMPEROR.

MESSIEURS LES SÉNATEURS, MESSIEURS LES DÉPUTÉS: Since your last session grave events have occurred in Europe. Although they surprised the world by their rapidity as well as by the importance of their results, it seems that, according to the provisions of the Emperor, they were fatally destined to be accomplished. Napoleon said at St. Helena, "One of my greatest ideas was the agglomeration and concentration of the same geographi-

cal nations which revolutions and politics have broken up and divided. \* \* \* That union will take place sooner or later by the force of events; the impulsion is already given, and I do not think that after my fall and the disappearance of my system there is in Europe any other great equilibrium than the agglomeration and confederation of the great populations. The transformations which have been effected in Italy and Germany are preparing the realization of the vast programme of a union of the states of Europe into a single confederation."

The spectacle of the efforts attempted by neighboring nations to bring together their members, scattered for so many centuries past, cannot excite uneasiness in a country like our own, all parts of which, irrevocably linked together, form a homogeneous and indestructible body.

We witnessed with impartiality the struggle which was engaged in on the other side of the Rhine. In presence of that conflict the country had plainly testified its desire to remain a stranger to it. Not only did I defer to that wish, but I used all my efforts to hasten the conclusion of peace. I did not arm one additional soldier; I did not advance one regiment; and yet the voice of France had influence enough to arrest the conqueror at the gates of Vienna. Our mediation produced between the belligerents an accord which, leaving to Prussia the result of her success, preserved to Austria, except one province, the integrity of her territory; and, by the cession of Venetia, completed Italian independence. Our action was, therefore, exercised in the views of justice and conciliation; France did not draw the sword, because her honor was not engaged, and because she had promised to observe a strict neutrality. [Approval.]

In another quarter of the globe we were obliged to have recourse to force to redress legitimate wrongs, and we endeavored to again raise up an ancient empire. The fortunate results at first obtained were compromised by a deplorable concurrence of circumstances. The idea which had presided over the expedition to Mexico was a grand one: to regenerate a people; to implant amongst them ideas of order and of progress; to open to our commerce vast outlets, and to leave, as the trace of our passage, the memory of services rendered to civilization. Such was my desire as well as yours. But, in the day when the extent of our sacrifices appeared to me to go beyond the interest which had called to us from the other side of the Atlantic, I spontaneously decided on the recall of our army. [Loud applause.]

The government of the United States comprehended that an attitude of a non-conciliatory character could only have the effect of prolonging the occupation and envenoming relations which, for the advantage of the two countries, ought to remain of a friendly character. [Approval.]

In the east troubles have burst out, but the great powers are concerting together to bring about a situation which should satisfy the legitimate demands of the Christian populations, reserve the rights of the Sultan, and prevent dangerous complication.

At Rome we have faithfully executed the convention of September 15. The government of the Holy Father has entered on a new phase. Delivered to itself, it remains firm by its own forces, by the veneration which all feel for the head of the Catholic church, and by the superintendence which is loyally exercised on the frontiers by the Italian government. But if demagogical conspirators should endeavor, in their audacity, to menace the temporal power of the holy see, Europe, I have not the slightest doubt, would not permit an event of such a character to take place, calculated as it would be to cause so great a disturbance in the Catholic world. [Marks of assent.]

I have only to congratulate myself on my relations with foreign powers. Our connection with England becomes every day more intimate through the conformity of our policy and the multiplicity of our commercial relations. Prussia seeks to avoid everything that might awaken our national susceptibilities, and agrees with us on the principal European questions. Russia, animated by conciliatory intentions, is disposed not to separate in the east her policy from that of France. It is the same with the empire of Austria, the greatness of which is indispensable to the general equilibrium. A recent treaty of commerce has created new ties between the two countries. Lastly, Spain and Italy maintain with us a sincere understanding. [Approval.]

Thus, therefore, nothing, in present circumstances, can awaken our uneasiness, and I have the firm conviction that peace will not be disturbed. [Loud applause.]

Assured as to the present, and confident in the future, I thought that the moment was come to develop our institutions. Every year you expressed to me a desire for such a course; but, convinced with reason that progress is only accomplished by harmony between the various powers, you placed in me, and I thank you for it, your confidence to decide on the moment when I should believe in the possibility of realizing your views. At present, after fifteen years of calm and prosperity, due to our common efforts and to your profound devotedness to the institutions of the empire, it has appeared to me that the hour was come to adopt the liberal measures which were alike in the thought of the Senate and the aspirations of the legislative body. I respond, then, to your expectation, and, without departing from the constitution, I propose certain laws to you which offer new guarantees for political liberties. [Loud applause.]

The nation which renders justice to my efforts, and which again recently, in Lorraine, gave such touching proofs of its attachment to my dynasty, will exercise those new rights judiciously. Justly anxious for its own tranquillity and prosperity, it will continue to disdain

dangerous utopian ideas and party provocations. As for you, gentlemen, of whom the immense majority have constantly sustained my courage in that ever difficult task of governing a nation, you will continue to be, with me, the faithful guardians of the real interests and grandeur of the country. [Renewed acclamations.]

Those interests impose on us obligations which we shall know how to fulfil. France is respected abroad—the army has shown its valor, but the conditions of warfare being changed, the increase of our national forces is required, and we must organize ourselves in such a manner as to be invulnerable. The bill, which has been prepared with the greatest care, lightens the burden of the conscription in time of peace, offers considerable resources in time of war, and, by distributing in a just measure the charges among all, satisfies the principle of equality. It has all the importance of an institution, and will be, I am convinced, accepted with patriotism. The influence of a nation depends on the number of men it can place under arms. Do not forget that the neighboring states impose on themselves much heavier sacrifices for the effectual constitution of their armies, and have their eyes fixed on you, to judge, by your resolutions, whether the influence of France is to increase or diminish in the world. [Applause.]

Let us always hold our national flag at the same height as at present; that is the most certain means of preserving peace, and such peace must be rendered fruitful by alleviating distresses and augmenting the general well-being.

We have been tried by cruel visitations in the course of the past year, for inundations and epidemics have desolated some of our departments. Beneficence has relieved individual sufferings, and credits will be asked of you to repair the disasters occasioned to public properties. In spite of these partial calamities the progress of the general prosperity has not slackened. During the last financial year the indirect revenues have increased by 50 millions, and our foreign commerce by more than 1,000 millions. The gradual amelioration of our finances will soon allow a large satisfaction to be given to the agricultural and economic interests on which light has been thrown by the inquiry opened in all parts of the territory. Our solicitude will then have for object the reduction of certain taxes which weigh too heavily on landed property, and the speedy completion of our channels of internal navigation, of our ports, of our railways, and, above all, of our vicinal roads, the indispensable agents of a just distribution of the produce of the soil.

Last year bills were brought before you on primary instruction and on co-operative society. You will approve, I do not doubt, of the provisions which they contain. They will ameliorate the moral and material condition of the rural population and of the working classes of our large cities.

Thus every year opens a new horizon to our meditations and our efforts. Our task at this moment is to form the public manners to the practice of more liberal institutions. Until now, in France liberty has only been ephemeral; it has not been able to take root in the soil, because abuse has immediately followed its usage, and the nation has preferred limiting the exercise of its rights to submitting to disorder in ideas as in things. It is worthy of you and of me to make a larger application of those great principles which are the glory of France, and their development will not compromise, as formerly, the necessary prestige of authority. The government is at present founded; and ardent passions, the only obstacle to the expansion of our liberties, will be extinguished in the immensity of universal suffrage. I have full confidence in the good sense and patriotism of the people, and strong in my right, which I hold from them, strong in my conscience, which only desires good, I invite you to advance with me, with an assured step, in the path of civilization. [Loud and long-continued acclamations.]

*Mr. Dix to Mr. Seward.*

No. 35.]

LEGATION OF THE UNITED STATES,

*Paris, February 19; 1867.*

SIR: I enclose a translation of the parts of the annual exposition of the condition of the French empire, presented by the government to the Senate and Corps Legislatif, relating to the United States and Mexico. The expression of good feeling in respect to the former and the unconditional abandonment of the latter are a true index of the more general feeling which exists here on both subjects. The paragraphs referred to will be found on pages 302 and 303 of the "Exposé" which I will send you in the despatch bag on Friday. It is too bulky for the mail.

I am, very respectfully, your obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

[Extract from the annual exposition of the condition of the French empire.—Translation.]

In the United States the work of constitutional reconstruction continues. France sincerely applauds the wonderful activity with which that great nation is repairing the calamities of civil war. In the condition of the relations which exist between the different countries of the globe, the sufferings which are produced at one point are necessarily felt at all others. We have experienced the shock of the events which distracted the Union, and we are profiting by the revival of its industrial and commercial energies. No subject of disagreement exists at this moment between the two countries; on the contrary, everything is contributing more and more to bring them nearer to each other in their policy. His Majesty has received on a recent occasion the assurance of sentiments of friendship, which were expressed to him in the name of the United States, and which correspond perfectly with our own feelings. We take pleasure in arguing favorably into the future relations of the two governments in respect to the different questions on which their interests may be found to coincide.

We need not recur at this time to the necessity which caused us to undertake the expedition to Mexico. We sought the redress of grievances of every description and denials of justice from which our people had suffered for many years; and, animated by that generous sentiment, which will always induce France to render her intervention useful wherever she shall be led to carry her arms, we did not refuse to unite in an attempt at regeneration, by which all interests would have profited. But in lending its co-operation to this work, the government of the Emperor had assigned beforehand a limit to its sacrifices, and the Emperor had fixed the end of the present year as the extreme term of our military occupation. The evacuation was to have been made in three detachments, the first leaving in the month of November, 1866, the second in March, and the third in November, 1867. These arrangements, conformable to our previous intentions, had been made in the fullness of our liberty of action, and anything which had partaken of the nature of external pressure could only have placed us in the position, in spite of ourselves, of prolonging a state of things which we wished to abridge. Reasons arising out of our military situation determined the Emperor to modify the first arrangement by substituting for a partial evacuation at succeeding periods of time the simultaneous transportation home of our whole corps d'armée in the spring of the present year. These measures are now in a course of execution, and in the month of March next our troops will have left Mexico. Far from desiring to free itself from engagements which it has contracted on its own account, and which it has publicly announced, the government of the Emperor will thus hasten their fulfilment.

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*Mr. Dix to Mr. Seward.*

No. 51.]

LEGATION OF THE UNITED STATES,  
*Paris, March 11, 1867.*

SIR: I have the honor to enclose an article translated from the *Moniteur*, explaining the objects and the effect of the proposed law for strengthening the military preparation of France, and for converting the national guard from a stationary into a movable force. It has been a subject of long and earnest consideration on the part of the Emperor and the French people, and will no doubt undergo a severe scrutiny in the corps législatif. In connection with the recent extension of the power of Prussia and with the eastern question, which is causing a good deal of uneasiness, it is one of the most important matters to be disposed of at the present session of the French legislature, and will no doubt be interesting at home.

I have the honor to be, with great respect, your very obedient servant,

JOHN A. DIX.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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[From the *Moniteur*, March 9, 1867.—Translation.]

ABSTRACT OF THE PROPOSED LAW FOR THE ORGANIZATION OF THE ARMY.

The new proposed law for the organization of the army may be summed up in these words: *Alleviation of burdens in time of peace; increase of resources in time of war.*

It consists in calling out from the 325,000 young men who every year attain the age of 20

160,000 men instead of 100,000, who have heretofore been designated by lot. These 160,000 are divided into two classes: one forms the active army, the other the reserve. All these young men are bound to the service for nine years, but in different degrees. The soldiers of the first class of the contingent remain five years in active service, and afterwards four years in the reserve. The soldiers of the second class of the contingent serve four years in the reserve, and afterwards five years in the national guard mobile.

Discharged soldiers are exempted from all service in the active army as well as in the reserve, but for five years they form a part of the national guard mobile.

On comparing this system with that now in force, it will be seen that the burdens are much lightened and more equally distributed.

At present the call of 100,000, who are really reduced to 84,000. (89,000!) gives at the end of seven years 400,000 men for the active army and 220,000 men for the reserve.

The call for 160,000, reduced to 117,000 after making deductions for the navy and for those who are dispensed, exempted, and discharged, will give at the end of five years for the active army the same number of 400,000, and at the end of four years 275,000 men for the reserve of young men, thus increased by 55,000 men only. But as, according to the proposed law, the soldiers of the active army will serve only five years, and the young men of the reserve only four years, there results a sensible relief, which can be easily ascertained by calculation.

Let us confine ourselves to a comparison of the present reserve with that proposed. By multiplying the 220,000 young men of the present reserve by seven, which is the number of years for which they are now bound to service, we shall have the sum of 1,540,000, representing the number of years of service now furnished the state. Now, if, upon the other side, we make the same calculation for the reserve which it is proposed to form, and which will be composed of 275,000 men serving four years, we attain 1,100,000 years of military service. Subtracting this sum from the first, the difference shows 440,000 years less service.

As for the facility of marrying, the plan, more restrictive for some, is much less so for the greater number, because the young men of the reserve, who now cannot marry until 25, can then marry at 25.

It may then be affirmed that in time of peace the new plan diminishes sensibly the burden of the conscription. It is easy to show that in time of war it furnishes considerable resources, and places the army on a solid footing.

In fact, France could then place under arms—

Soldiers in active service.....	400,000
Old soldiers, who have served five years.....	154,000
Young soldiers of the reserve.....	275,000
	<hr/>
	829,000
	<hr/>

As regards the national guard mobile, whose organization in previous plans presented some difficulties, there are none in this. It is composed, in fact, of young men already instructed and equipped in the reserve. It will be unnecessary to subject them to annoying drill, or to be put to great expense for their clothing. A few well chosen skeleton formations will be sufficient to make them a disciplined troop, and fitted when necessary to be a useful auxiliary for the defence of the country.

Finally, the land forces of France will be thus distributed:

Active army.....	400,000
Reserve (154,920 old soldiers, 275,595 young soldiers).....	430,000
National guard mobile, five contingents of the reserve, and 94,000 discharged men.....	408,000
	<hr/>
	1,238,000
	<hr/>

Thus, with an annual contingent actually reduced to 117,000 men, subjecting the active army to an active service of only five years, compelling the young men of the reserve to a drill of some months only during four years, and afterwards including them for five years in the national guard mobile, where they will be subjected to no annoying drill, France will be able to place under arms more than 1,200,000 soldiers.



*Mr. Dix to Mr. Seward.*

No. 55.]

LEGATION OF THE UNITED STATES,  
*Paris, March 15, 1867.*

SIR: I have the honor to transmit to the department a copy of Galignani's messenger of the 14th instant, containing a translation of the proposed laws on the press.

I am, with great respect, your obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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LAWS ON THE PRESS.

The legislative body held a sitting yesterday, Count Walewski in the chair. The honorable gentleman stated that he had received from the minister of state the bill on the press, which is thus worded:

ARTICLE 1. Every Frenchman who has attained his majority, and enjoying the civil and political rights, may, without preliminary authorization, publish a journal or periodical, appearing either regularly and on fixed days, or in numbers and irregularly.

ART. 2. No journal or periodical can be published without there having been made in Paris, at the prefecture of police, and in the departments, at the several prefectures, a fortnight at least before publication, a declaration containing: 1. The title of the journal or periodical, and the dates of its appearance. 2. The name, address, and qualifications of the proprietors, other than those who furnish the capital. 3. The name and address of the gérant. 4. The printing office where it is to be produced. Any change in the conditions above enumerated is to be declared within a fortnight after. Any contravention of the provisions of the present article is punished by the penalties named in Art. 5 of the decree of February 17, 1852.

ART. 3. Journals and periodicals solely devoted to literature, science, the fine arts, and agriculture are exempt from a stamp, unless they contain notices or advertisements of some kind. In the latter case, they are subject to stamp duties, the amount of which is fixed at one-third of those established by Art. 6 of the decree of February 17, 1852. The simple publication of market rates, or of the securities quoted at the French Bourses, is not considered as an advertisement.

ART. 4. Are considered as supplements and subject to the stamp, as well as the journal itself, if not already stamped, sheets containing notices or advertisements, whenever they serve as a covering for the journal, or when they are annexed to it; or when, published separately, they are nevertheless distributed or sold at the same time.

ART. 5. Are exempt from stamp and postal duties, the supplements of journals or periodicals subject to caution-money, when those supplements contain neither notices nor advertisements of any kind, and when at least half of their surface is devoted to the reproduction of the documents enumerated in Art. 1 of the law of May 2, 1861.

ART. 6. Are applicable, in case of a contravention of the proceeding, the provisions of Arts. 10 and 11, par. 1, of the decree of February 17, 1852, if the journal is not subject to caution-money to which it would have been subjected if it had treated of political matters or social economy.

ART. 7. At the moment of the publication of each sheet or number of the journal or periodical there shall be sent to the prefecture in the chief towns of the department, to the sub-prefecture for those of the arrondissement, and to the mairies for other towns, two copies signed by the responsible gérant, or by one of them if there are several. A similar deposit shall be made at the office of the procurer imperial, or at the mairies in towns where there is no tribunal of first instance. These copies are exempted from the stamp.

ART. 8. No journal or periodical can be signed by a member of the senate or legislative body as responsible gérant. In case of contravention the journal shall be considered as not signed, and a penalty of from 500 francs to 3,000 francs fine shall be pronounced against the printers and proprietors.

ART. 9. The publication by a journal or periodical of an article signed by a person deprived of his civil and political rights, or one to whom the territory of France is interdicted, shall be punished by a fine of from 1,000 francs to 5,000 francs, which shall be pronounced against the editors or gérant of the said journal or periodical.

ART. 10. In cases of prosecution for press offences, the direct summons before the correctional police or imperial court can be given for 24 hours after. The person incriminated who has once appeared before the tribunal or the court cannot afterwards make default.

ART. 11. In all cases where the laws now pronounce fine and imprisonment from press offences, the former shall only be inflicted. The amount shall be, for journals subject to caution-money, the fifteenth part of that sum as a minimum and one-half as a maximum. For journals not subject to caution-money the minimum shall be 500 francs, and the maximum 10,000 francs. Art. 463 shall not be applicable.

ART. 12. Any person condemned for press offences can be suspended by the judgment of condemnation during a period not exceeding five years from the exercise of his electoral rights.

ART. 13. A condemnation for crime committed by the press involves *de jure* the suppression of the journal of which the *gérant* has been sentenced. In the case of a second offence, within two years from the first condemnation, the tribunals can pronounce the suspension of a journal for a period of not less than a fortnight nor more than two months. A suspension of from two to six months may be pronounced for a third condemnation within the delay just mentioned. The same may be produced by a first condemnation, if incurred for provocation to one of the crimes provided for by Arts. 86, 87, and 91 of the Penal Code. During the whole period of the suspension, the caution-money shall remain lodged in the treasury and cannot be otherwise employed.

ART. 14. The provisional execution of the sentence pronouncing the suspension or suppression of a journal can by a special provision be ordered, notwithstanding opposition or appeal to the court of cassation. It shall be the same for lodging the fine, without prejudice to the enactments of Arts. 29, 30, and 31 of the decree of February 17, 1852. In case of provisional execution pronounced by the tribunal of correctional police, the person condemned even by default can at once appeal; and the court must decide within a period of three days.

ART. 15. The occupations of printers and of booksellers are exempted from any obligation to have a special authorization. No printer or bookseller can establish or change the place of his business, any more than his warehouses, without having made a previous declaration at Paris, to the prefecture of police, and in the departments at the prefecture. The said declaration must state the locality in which is to be established either the printing-plant or the warehouses. The non-observance of the previous declaration will entail on the owner or *gérant* an imprisonment of from one month to two years and a fine of from 3,000 francs to 10,000 francs. In addition the establishment shall be closed.

ART. 16. Are abrogated Arts. 1, 24, and 32 of the decree of February 17, 1852; Art. 11 of the law of October 21, 1814; the decree of March 22, 1852; and generally all provisions of anterior laws contrary to the present bill. The rest of the day was taken up with the consideration of the customs bill, the discussion on which not being terminated, was adjourned until after the interpellations on the foreign policy of the government.

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*Mr. Dix to Mr. Seward.*

No. 57.]

LEGATION OF THE UNITED STATES,  
*Paris, March 18, 1867.*

SIR: In a conversation with the Marquis de Moustier a few days ago, he referred to the approaching evacuation of Mexico by the French corps d'armée there. He then spoke of the unfortunate condition of that country, and of the hope which had been entertained that some agreement would have been made between the United States and France, with a view to establish a stable government there before the French forces were withdrawn. As his allusion to the subject was in the nature of a regret for the failure of an expectation which had been entirely abandoned, I did not deem myself called on to make any answer except that our principle had always been to abstain from all interference with the internal affairs of independent states. He said the difficulty we had in uniting in such a measure was understood.

I considered his reference to the subject as an acquiescence in your reply to Mr. Berthemy on the 17th ultimo, of which he must have been advised, and I cannot doubt the earnest desire of the Emperor to cut entirely loose, at the earliest possible day, from all his Mexican complications.

I cannot close without congratulating you on the success of your policy in

regard to this delicate question, the wisdom of which is so triumphantly vindicated by the result.

I have the honor to be, your obedient servant,

JOHN A. DIX.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Dix to Mr. Seward.*

No. 62.]

LEGATION OF THE UNITED STATES,

*Paris, April 9, 1867.*

SIR: I enclose the translation of a paragraph from Mr. Rouher's speech in reply to Mr. Thiers, which is not without interest as an exposition of the views of the French government, at this juncture, on the question of the balance of power. It seems to me that it may be regarded as a renunciation of the right, claimed by Mr. Guizot in 1845, in behalf of France, "to protect by the authority of her name the independence of States and the equilibrium of the great political forces in America." In a speech in the Senate of the United States, in 1846, I combated this pretension, and discussed somewhat elaborately the whole doctrine of the balance of power as asserted and practiced in Europe. The position of Mr. Guizot was virtually reassumed in behalf of the Latin race in the Mexican expedition; and it was not inappropriate that a pretension which was a mere theory in its inception, and which was very unfortunate in its first application to practice, should, on the failure and final abandonment of that expedition, be ignored in an elaborate discussion, and the question of maintaining the balance among the great powers of the earth treated as a problem concerning the whole family of nations, and not those of a single quarter of the globe. Mr. Rouher's position in regard to the people of western Europe is entirely defensive, and it is this which constitutes its chief significance. It is worthy of consideration whether it differs very essentially from the Monroe doctrine, the spirit of which is that there ought to be no interference by European powers with the independent states of America; and whether we may not congratulate ourselves that our policy in regard to the western hemisphere has, theoretically at least, the countenance of an authority equally eminent for great talents and high official station. At all events, we may be quite confident that there will be no continuation of it in the future.

Under any view of the subject it is very gratifying that France, with whom our relations are of the most friendly character, should, through her distinguished minister of state, have made it a question for our successors, by referring it to a distant future.

I have the honor to be, very respectfully, your obedient servant,

JOHN A. DIX.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Extract from Mr. Rouher's speech.*

We have said, in glancing at a distant future, which no one of us is destined to see, a day will come when the vast domains of Russia will be more densely peopled; when America, the development of which is constantly increasing, will overcome that space of 3,000 miles of ocean which separates us from her to day, for you have said yourselves that the sea brings nations nearer to each other instead of keeping them further apart; a day will come when our concern will be not for the equilibrium of Europe, but for the equilibrium of the world—a day when the great powers may perhaps desire to play the part of dominators. Then a natural feeling will bring together the people of the west\* and unite them in opposition to the threatening invasion.

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\*Mr. Rouher means the west of Europe.—J. A. D.

*Mr. Dix to Mr. Seward.*

No. 74.]

LEGATION OF THE UNITED STATES,  
*Paris, April 26, 1867.*

SIR: I have abstained from writing to you officially in regard to the war rumors with which the political atmosphere of Europe has been rife for the last sixty days, except by an allusion to the subject in my despatch No. 65. My chief reason was, that I entertained, against the general current of opinion, the confident hope that peace would be preserved. I have not relinquished this hope now. At the same time, it is right to state that some of the most distinguished and experienced members of the diplomatic corps, whom I met yesterday at the department of foreign affairs, entertain the greatest apprehensions of war at an early day.

The exciting cause at this moment is the Luxembourg question, which is now under consideration by the great powers. A few days ago the chances were that it would be settled by the evacuation of the fortress by Prussia, on the express condition that it should not be ceded to France. As the States journal of Holland (*les Pays Bas*) disclaims it, this arrangement would virtually secure the self government of the Grand Duchy, or, as the diplomacy of Europe rather pedantically says, its autonomy. Another proposition is, that it shall be annexed to Belgium, which has already a part of the former Grand Duchy. There was a hope that the matter would be settled this week, in anticipation of the meeting of the Prussian Parliament on Monday next, the 29th; but a telegraphic despatch this morning announces that Bismarck will not act without consulting the Chambers. As the susceptibilities of the Germans are greatly excited, it is feared that the question will be made more difficult of solution by a legislative discussion.

Mr. Jules Favre moved yesterday in the Corps Legislatif a call on the government for information on the subject; and the feeling in France is quite as much excited as in Prussia.

I have, notwithstanding the bad aspect of things, not relinquished the hope already expressed that the general peace will be maintained. But the ocean telegraph renders speculation on questions which, from their nature, must ripen into an early maturity, nearly useless; and before this despatch reaches you, the prevailing doubt will, in all probability, be put at rest.

I have the honor to be, very respectfully, your obedient servant,  
JOHN A. DIX.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Dix to Mr. Seward.*

No. 75.]

LEGATION OF THE UNITED STATES,  
*Paris, April 30, 1867.*

SIR: I use the open mail to-day, without waiting for the despatch bag of the 3d proximo, to communicate a translation of an editorial article in the *Moniteur* of this morning, which strongly confirms the opinion I expressed in my despatch No. 74 of Friday last, in regard to the maintenance of peace in Europe. The first reassuring intelligence was received on Friday night, a few hours after my despatch was written; and although the speech of King William to the Prussian Parliament yesterday makes no allusion to the Luxembourg question, no unfavorable inference has been drawn from his silence. The speech was published here

last evening, and the article in the *Moniteur* would hardly have appeared if it had been the subject of unfriendly interpretation.

I have the honor to be, very respectfully, yours,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

[From the *Moniteur*, April 30, 1867.—Translation.]

At the time when late events relative to the Duchy of Luxembourg had given rise to apprehensions for the maintenance of peace, the French army in consequence of reductions effected in 1865 had fallen below its established effective strength. In addition the corps of occupation of Mexico in returning to France had left in America 7,000 horses, of which 3,000 were draught horses, which it was indispensable to replace.

It was therefore the duty of the government to take measures of precaution. These have consisted in raising the strength of the regiment, in buying a certain number of horses, and in putting the frontier forts in a state of defence.

The pacific news of the last few days have determined the Emperor to order that no new measures be taken, with a view to give public opinion no pretext for excitement nor to diminish the hopes of peace.

Thus the number of horses to be bought will be limited to what is absolutely necessary, and soldiers on leave, and who were to have been recalled, will be permitted to remain at home.

*Mr. Seward to Mr. Dix.*

No. 65.]

DEPARTMENT OF STATE,

*Washington, May 1, 1867.*

SIR: Your despatch No. 62 has been received. I am especially pleased with the attention you have shown in giving an extract from a recent speech of Mr. Rouher, in which he forecasts a political future of nations and continents, which no one of us is destined to see, and which, nevertheless, is apparently certain. It is pleasant to observe that statesmen in the two hemispheres are coming to an agreement upon the principle that the right to exercise influence by the direct intervention in the affairs of foreign States has its limitation in the exactions prescribed by a real necessity for self-defence.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN A. DIX, Esq., &c., &c., &c.

*Mr. Dix to Mr. Seward.*

No. 80.]

LEGATION OF THE UNITED STATES,

*Paris, May 14, 1867.*

SIR: I have the honor to enclose a translation published in Galignani to-day of the report made in person by the Marquis de Moustier to the Senate yesterday, of the proceedings and the result of the London conference on the Luxembourg question.

I am, with great respect, your obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

[From Galignani's Messenger, May 14, 1867.]

The Senate held a sitting yesterday by special convocation to receive a communication from the government. M. Troplong, who filled the chair, gave directions to have the minister of foreign affairs introduced.

The Marquis de Moustier then appeared, and ascending the tribune, said :

"GENTLEMEN : The conference of London has terminated its labors. The plenipotentiaries, assembled on the 7th of this month, signed on the 11th the treaty which determines in a definitive manner the international situation of the Grand Duchy of Luxembourg. The French government had been for a long time preoccupied with the state of indecision in which a question so important to the security of our frontiers remained. Whether that security should be assured by a union of the Grand Duchy to France or by any other combination, the capital point for us was that Prussia, in the new situation created for her by the late European changes, should not preserve, beyond her own limits and contrary to all international right, a military establishment which constituted an eminently offensive position in regard to ourselves.

"We were authorized to hope that our friendly relations with the cabinet of Berlin would prepare a favorable solution, for our intention has always been to respect the just susceptibilities of Prussia, and to admit in a question which had in our eyes a European character a frank examination of treaties and of the interest of the great powers.

"We hastened to express ourselves in that sense, and to remove by that declaration all ground of conflict.

"The powers opened amongst themselves the preparatory negotiations, in which we declined to intervene, with a just feeling of reserve and moderation. To all the questions that were addressed to us, we replied that we would accept any solution compatible with our security and dignity that the cabinets might recommend for our adoption as likely to consolidate the peace of Europe.

"We cannot proclaim too loudly how marked a spirit of impartiality and how great a desire to attain a practicable and honorable arrangement were manifested by the powers in the task which they had proposed to themselves.

"After the exchange of ratifications, the government will publish the text of the treaty which has been signed, but is enabled even now to indicate the principal provisions.

"The preamble of this diplomatic act sets forth that the King of Holland, Grand Duke of Luxembourg, taking into consideration the change brought about in the situation of the Grand Duchy, in consequence of the dissolution of the ties which attached it to the old Germanic confederation, had invited the Emperor of Austria, the King of the Belgians, the Emperor of the French, the Queen of Great Britain, the King of Prussia, and the Emperor of Russia to give directions to their representatives to hold a conference in London, so as to come to an understanding with the plenipotentiaries of the King Grand Duke on the new arrangements to be adopted in the general interests of peace.

"The sovereigns accepted the invitation and resolved by common accord to accede to the desire manifested by the King of Italy to take part in a deliberation destined to offer a new pledge of security for the maintenance of general tranquillity.

"The Grand Duke declared that he maintained the ties which connected the Grand Duchy with the house of Orange-Nassau, and that declaration was accepted, and due note taken of the same. The Grand Duchy has been declared a neutral state, and its neutrality has been placed under the sanction of the collective guarantee of the powers signing, with the exception of Belgium, which is itself a country in that position.

"It was agreed besides that the town of Luxembourg should cease to be a fortified place, and that the King Grand Duke should reserve to himself the duty of maintaining there the number of troops necessary to watch over the preservation of public order.

"The King of Prussia declared in consequence that his troops now in garrison in the fortress should receive orders to proceed to the evacuation of the place immediately after the exchange of the ratifications. The measure will be commenced by the simultaneous removal of the artillery and munitions, and during that operation, which will be completed as rapidly as possible, there will only remain in the fortress the number of troops indispensable for the safe transmission of the war material.

"The Grand Duke on his part undertook to adopt the measures necessary for converting the place into an open town, by means of a demolition such as he might judge sufficient to fulfil the intentions of the powers. Those operations will commence immediately after the retirement of the garrison, and will be carried out with all the precautions required by the interest of the inhabitants.

"The ratifications are to be exchanged in the space of four weeks as a maximum.

"This treaty responds fully to the views of the French government. It puts an end to a situation created against us in days of adversity and maintained for fifty years ; it gives to our northern frontier the guarantee of a new neutral state.

"It insures to the King of Holland, Grand Duke of Luxembourg, an entire independence.

"It not only suppresses the causes of an imminent conflict, but gives besides new gauges for the consolidation of good relations with our neighbors and for the peace of Europe.

“The Emperor’s government thinks it has reason to congratulate itself on having obtained those results, and on being able at the same time to announce how far the sentiments of the powers have been equitable and friendly towards us.

“The government lastly thinks it useful to put in a strong light this fact—that for the first time, perhaps, the meeting of a conference, instead of following a war and limiting itself to a sanction of the results of a campaign, has succeeded in preventing hostilities and preserving for Europe the blessings of peace. There is in that circumstance a precious indication of the new tendencies which prevail more and more in the world, and at which all the friends of pacific progress and civilization ought to rejoice.” [Great applause.]

The president stated that the senate acknowledged the communication made, and would have it duly inserted on the minutes of the sitting. After a few reports on petitions had been brought forward, the proceedings terminated.

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*Mr. Dix to Mr. Seward.*

[Telegram per cable.]

LEGATION OF THE UNITED STATES,  
*Paris, June 1, 1867.*

By special request of the Emperor I use the telegraph to express his earnest wish that the government of the United States will exert all its influence to have Maximilian spared by his captors.

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Dix to Mr. Seward.*

No. 85.]

LEGATION OF THE UNITED STATES,  
*Paris, June 1, 1867.*

SIR: At half-past eleven o’clock this morning I received a message from the Emperor requesting me to call on him at the Tuileries at half-past one.

He said he had sent for me to ask me to telegraph to the government of the United States and communicate his earnest wish that it should use all its influence to have Maximilian spared, the journals having announced that he had been captured by the Mexican forces.

He laid great stress on sending the despatch by telegraph instead of writing, and remarked that it might perhaps even now be too late. I told him the government had already, at the request of the Emperor of Austria, expressed to President Juarez the desire that Maximilian should be treated as a prisoner of war. He was aware of it, but was nevertheless desirous that his own wishes should be made known in the speediest manner to the government of the United States.

Regarding this as an exceptional case, and not in your contemplation when you instructed me not to use the cable in cypher or in writing, I did not hesitate to communicate the Emperor’s wish in the manner desired by him, and trust my course in this respect will be approved.

I am, with great respect, your obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Dix to Mr. Seward.*

No. 90.]

LEGATION OF THE UNITED STATES,  
*Paris, June 11, 1867.*

SIR: I have the honor to enclose a translation of a note from the chargé d'affaires of the republic of Paraguay in Paris, dated the 6th instant, addressed to me, and a note in French addressed by him on the 3d instant to the government of France and Great Britain, in regard to the recent fruitless attempt to bring to a termination the sanguinary war which is desolating the States of La Plata. At the request of Mr. Bareiro, the writer, I forward the letter to you in anticipation of his transfer to the city of Washington, as the diplomatic representative of his government. I have been associated with him for more than five months as a member of the diplomatic corps, and have a high appreciation of his intelligence and gentlemanly deportment.

I am, with distinguished consideration, your obedient servant,  
JOHN A. DIX.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Bareiro to Mr. Dix.*

[Translation.]

LEGATION OF PARAGUAY,  
*Paris, June 6, 1867.*

GENERAL: I have the honor to transmit to your excellency a copy of a note dated the 3d instant, which I have addressed to the governments of France and England, to whom I am accredited, and in which I communicate to them a despatch\* (copy enclosed) from my government to the honorable Mr. Washburn, minister resident of the United States in Paraguay, to thank him for the generous but vain effort to stop the bloody strife which my country sustains against the empire of Brazil and its allies.

This last despatch has been published in La Plata, and the Argentine government thought it incumbent upon them to answer by a memorandum, which undoubtedly is already known to your excellency. To me it seemed necessary not to leave this Argentine memorandum unanswered, and I have written my note of the 3d instant, mentioned below.

I pray your excellency, general, to make this note known to the honorable Mr. Seward, so that, aided by the considerations it contains, that enlightened minister may better appreciate the despatch of my government to the honorable Mr. Washburn, and the Argentine memorandum. Besides, this will be a sort of introduction to the flattering mission which I received to proceed to Washington, in order to express to the government of the United States the gratitude which my government owes to it for its good and generous offices, and also in order to enlighten him as to the nature, not less American than Paraguayan, of the great and powerful interests which have forced Paraguay into the unequal strife it sustains against those hostile to these interests.

Please accept, general, the assurance of the high consideration with which I have the honor to be your excellency's very humble and obedient servant, the chargé d'affaires of Paraguay,  
CANDIDO BAREIRO.

General JOHN A. DIX,  
*United States Minister.*

*Note addressed to the governments of France and England.*

[Translation.]

PARIS, June 3, 1867.

MR. MINISTER: Pursuant to instructions which I have received from my government, I have the honor to transmit herewith to your excellency a translation of the original of a note which the minister for foreign affairs of Paraguay wrote to the minister resident of the United States at Asuncion on the occasion of the recent and vain attempt of the latter to put an end to the sanguinary struggle which has been desolating the States of the La Plata since more than two years.

\* For this enclosure see despatch No. 85 of the 26th March, 1867, from the United States minister to Paraguay.



Your excellency will find in that document a short and truthful review of the causes which have brought about the war, and see expressed in it, in terms at once solemn, energetic and calm, the firm hope nourished by my government to triumph over its enemies.

The document having been made public on the La Plata, the minister for foreign affairs of the Argentine Republic thought it necessary to reply to it by a memorandum, of which your excellency will no doubt already have received a copy, and which, for my part, I deem it a duty not to leave unanswered.

The Argentine minister commences by accusing my government of an aggression without motive in the midst of peace; that at the time no misunderstanding had given occasion either to complaints or to claims or to the presentation of an ultimatum; indeed, that even a declaration of war had not been previously drawn up, since, according to what he says, the Argentine government did not receive notice of that formality until twenty days after the opening of hostilities. Moreover that, in acting in this manner, Paraguay had violated a treaty which constrained her not to make war on the Argentine Republic until six months after a declaration to that effect. "The Argentine government," says the memorandum, "rested in the security of treaties and the usages of civilized nations when it was surprised by the news of the aggression of the President of Paraguay on the 13th of April."

I will only oppose to this accusation two facts, and then pass completely in silence over the injurious expressions by which it is accompanied.

In the first place the treaty which, according to the Argentine minister, constrains Paraguay not to make war on the Argentine Republic until six months after declaring it, bears date 1856, and was only to endure for six years, so that it expired in the month of November, 1862—that is to say, two years and a half before the present war. The Argentine minister cannot ignore this circumstance, the less so because her Britannic Majesty's minister at Buenos Ayres, Mr. Thornton, has already reminded him of it.

In the second place, the treaty of offensive and defensive alliance by which the governments of Brazil, of the Argentine Republic and of Uruguay, have united to overthrow the present government of Paraguay, disarm the Paraguayan people, ruin Paraguay by war subsidies, dismember her territory and impose upon her a degrading tutelage, at the same time regulating the navigation of the rivers to their own advantage. That treaty bears date the 1st of May, 1865, from which it follows that it was signed seventeen days after the opening of hostilities by Paraguay against the Argentine Republic, and less than fifteen days after the Argentine government had notice of these hostilities; from which it consequently results that so far from resting in the security of treaties and the usage of civilized nations, as far as Paraguay is concerned, the Argentine government had been preparing for a long time to make war against her; and what a war, Mr. Minister; a war of extermination, as will appear evident from the contents of the treaty of the 1st of May, articles 6, 7, 14, 16, 17 and 18, and four of the provisions of the protocol. It is evident, in fact, that that treaty could not have been conceived, projected, submitted to the cabinet of Rio Janeiro, discussed, engrossed, and concluded in less than fifteen days.

You see, therefore, Mr. Minister, the author of the memorandum convicted of inaccuracy, and, I do not fear to say it, wilful inaccuracy, in two essential points of his task. What are we to think after this of his indignation against Paraguay, against that treacherous, perfidious, and barbarous adversary who attacks the Argentine Republic without motive in the midst of peace, &c. ? This conviction renders my task more easy, at the same time permitting me to curtail it. I shall not, therefore, examine point by point the memorandum in question; if my government should hereafter deem it proper to do so, it will do it with an authority superior to mine, and also with the aid of information which I have not yet received. However, I shall reply to some accusations which tend to throw on my government the responsibility of asserting facts which are vague or doubtful, and especially of having been faithless, at a time when such faithlessness was really practiced so openly towards it, to the usages of civilized nations.

You allege complaints without proving them, without citing facts to support them, says, and frequently repeats, the memorandum to the minister of Paraguay. Let us not forget, Mr. Minister, that the note of my government is addressed to the minister of the United States, who knows of the alleged complaints and to whom it is not necessary to prove them. It is true that this note seems destined for publicity, but it is also true that the alleged complaints are based upon facts so well known in America, and even in Europe, that the minister of Paraguay would have thought to abuse the patience of those who were to read it by insisting upon manifestations which had become hackneyed for some years. No, Mr. Minister, it is no longer necessary to-day to show that the Argentine government, before 1852 and since 1862, have always been hostile to the independence of Paraguay and Uruguay; that they have raised up for those two countries all sorts of difficulties since fifty years; that they have fettered their commerce by numberless restrictions; and that as regards Uruguay principally, whose independence is like the guarantee of the independence of Paraguay, they have rarely left her in several years of continuous peace. The Argentine minister himself admits that, since he burdens anterior administrations with the responsibility of certain facts which he does not dare to deny; but nothing is more specious than this manner of arguing. Your excellency better than I understands the puerility of this theory which would separate the different administrations of the same country from that necessary solidarity which binds

them together before foreign countries. Besides, could it even be recognized, this theory would not relieve the present administration of Buenos Ayres of the responsibility with which it is justly charged by my government, because the sympathy of that administration for the steady policy of the Dictator Rosas concerning Paraguay and Uruguay—a policy which had, perhaps, its excuse in the traditions of 1810, a little forgotten to-day at Buenos Ayres—because the sympathy of that administration, I say, springs very clearly out of its own policy and especially out of its secret treaty of the 1st of May. I would call to mind in this connection, Mr. Minister, that the restoration of what is called the territorial integrity of the former viceroyalty of Buenos Ayres is the dream of the men of the present government of the Argentine Republic as it was that of the Dictator Rosas. Of this your excellency will see the proof in the correspondence communicated to the English Parliament in 1865. In that correspondence, in fact, appears a letter of the minister of England at Buenos Ayres, Mr. Thornton, in which occurs the following passage of a conversation between the Argentine minister, author of the memorandum in question, and Mr. Thornton, himself: “Señor Elisalde, who is about forty years of age, said to me that he hoped to live long enough to see Bolivia, Paraguay, and the Argentine Republic united in one confederation and forming a powerful republic in South America.”

One word in passing, Mr. Minister, on the traditional and unchanged pretensions of Brazil relative to Uruguay. The Argentine minister says that these pretensions cannot be reconciled with those which my government ascribes to the Argentine Republic with reference to the same country; the one must exclude the other, or they must annul each other. I agree with the Argentine minister that the simultaneous and identical pretensions of Brazil and the Argentine Republic relative to the Oriental State of Uruguay conflict with each other; but it does not result therefrom, by any means, that they exclude or annul each other. What blessing to humanity, Mr. Minister, if the conflicting claims of people always excluded or annulled each other in fact! This would be universal peace instead of the war which their inconsistency engenders everywhere. The truth is, that the conflicting pretensions of Brazil and the Argentine Republic relative to Uruguay have narrowed down within the latter years, certain to oppose each other again, as it has happened already several times.

Another accusation of the Argentine minister bears on the fact that the Paraguayan government ought to have made known its grievances against the Argentine Republic in the usual manner—that is, asking amicable explanations in the first place; next, insisting upon receiving satisfaction; finally, drawing up an ultimatum. This accusation appears so serious and so peremptory to the Argentine minister that he reproduces it at every instant, and that he glories in advance over the silence to which he thinks surely to reduce my government.

It is well to ask ourselves here whether the Argentine minister knowingly laughs at public opinion, or whether he is really deceived as to the force of his accusation. My reason is unable to make a choice between the two hypotheses. Those upright and conciliating proceedings, that generous and benevolent forbearance for which he so loudly claims credit for his government, how were they applied by his government to the last legal government of Uruguay, whose ruin it has prepared and consummated under the cover of a fallacious neutrality; or to my government, for whom, without provocation, it prepared since a long time a still more cruel fate in meditating the treaty of the 1st of May? Does the Argentine minister suppose that international law serves only to ensnare the good faith of one party and favor the duplicity of the other?

All the States of the La Plata are solidary in a certain measure, the smaller especially, and the independence of one of them cannot be attacked without the others feeling themselves menaced. This is the reason why Paraguay was alarmed at the encroaching policy of Brazil and the Argentine Republic in Uruguay; and this is the reason why she saw herself forced into war, notwithstanding her traditional inclination to peace. She found herself once before, in 1845, in an analogous situation, and acted in a similar manner. There are not two ways of repelling force, especially when it comes disguised under false manifestations of sympathy and neutrality. Events have but too well verified the suspicions of my government. As to the pretension in the memorandum that it was it, my government, which provoked and kindled the war, it is really superfluous to gainsay it. Who would account it a crime in him whose life is menaced to anticipate his aggressors?

What will I say, in conclusion, of that last accusation of the Argentine minister, namely: that if the mediation of the United States has miscarried it is not the fault of the allies, who have declined it, but of the Paraguayan government which accepted it? It were difficult to carry to a greater extreme the love of paradox. Thus, therefore, it is my government which must still bear the responsibility of the continuation of the war and of all the evils resulting therefrom. It is true that by retiring and delivering over Paraguay to the signers of the treaty of May the government of Paraguay could cause the war to cease, but it would also cover itself with shame, and violate its duties and betray the great interests confided to its care; in short it would desert the charge of the most sacred trust which a people can confide to those who govern them—the integrity and independence of their country. To demand this of my government, or of the mediator who might generously interpose between it and its enemies, is evidently desiring the continuation of the war with the endless evils which result from it. Such is also the opinion of the minister of the United States to Paraguay, Mr. Washburn. Your excellency will see the energetic expression of it in the annexed transla-

tion of the protest which that minister addressed the 19th of last March to the Marquis of Caxias, the organ of the refusal by the allies of the offer of mediation which he transmitted to them on the part of his government.

Please accept, Mr. Minister, &c.

CANDIDO BAREIRO,  
*The Chargé d'Affaires of Paraguay.*

His excellency Mr. ———, &c.

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*Mr. Dix to Mr. Seward.*

No. 91.]

LEGATION OF THE UNITED STATES,  
*Paris, June 15, 1867.*

SIR: I have the honor to enclose a translation of a note which I have received from the envoy extraordinary and minister plenipotentiary of Brazil at Paris addressed to me, and a copy of a note addressed by him to the Marquis de Moustier on the 12th instant, in reply to the notes received from the chargé d'affaires of Paraguay and transmitted at his request to you by my despatch No. 90.

I am, very respectfully, your obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Macedo to Mr. Dix.*

[Translation.]

IMPERIAL LEGATION OF BRAZIL IN FRANCE,  
*Paris, June 14, 1867.*

MONSIEUR LE MINISTRE: The chargé d'affaires of Paraguay, Mr. Bareiro, having communicated to you printed copies of the note which he addressed, together with three documents, to the governments of France and Great Britain, I have the honor on my part to transmit you, herewith enclosed, two copies of the note which I have presented to the Marquis de Moustier in answer to the Paraguayan allegations, and I respectfully request that you may forward one to your government.

I profit with pleasure of this opportunity to renew the assurance of my high consideration.

S. DE MACEDO.

His Excellency General DIX,  
*Envoy Extraordinary and Minister Plenipotentiary of the United States.*

[Translation.]

[Note addressed by the envoy extraordinary and minister plenipotentiary of his Majesty the Emperor of Brazil to his excellency the Marquis de Moustier, secretary of state of his Majesty the Emperor of the French.]

IMPERIAL LEGATION OF BRAZIL,  
*Paris, June 12, 1867.*

MONSIEUR LE MINISTRE: I owe to the kindness of some of my colleagues the notice of a circular dated the 5th and received by them the 8th instant, with which the chargé d'affaires of the republic of Paraguay, Mr. Bareiro, transmits to them printed copies of a note addressed by him to the governments of France and England; of another note addressed by the minister for foreign affairs of Paraguay, Mr. Bergès, to the minister resident of the United States of America at Asuncion, Mr. Washburn; and still another note of the latter to the Marshal Marquis de Caxias.

The communication of these documents by the legation of Paraguay is caused by the non-acceptation on the part of Brazil and her allies of the friendly offer of good offices which the sentiments of humanity have inspired the government of the United States of America to propose for a peace negotiation with the President of Paraguay, the Marshal Lopez.

I should like to spare your excellency the trouble of reading a refutation, perhaps useless, of documents and allegations which bear in themselves evidence of their falsity and the injustice of the cause which they pretend to serve. I deem myself nevertheless obliged to

submit to you some observations, and prefer to expose myself to the charge of impertunity, rather than to neglect an opportunity to show the value which the government of the Emperor, my sovereign, attaches to the good opinion of enlightened and friendly governments, among which it places in the first rank that of his Majesty the Emperor of the French.

It is well proved and fully acknowledged in the documents of Paraguayans, that their troops and men-of-war have invaded two Brazilian and one Argentine provinces, all three found without any means prepared for defence, and have taken in the waters of Paraguay a Brazilian mail-*packet*, and in the port of Corrientes (which they bombarded) two Argentine war steamers which were there peacefully anchored.

Surely the invaded provinces would not have been found so entirely unprovided for defence, exposed to the *razzias* of Paraguay, nor the steamers in the waters where the Paraguayans surprised them, if the Brazilian and Argentine governments could have suspected the existence of any motive for a war against them by Paraguay.

Notwithstanding, the Paraguayan documents maintain that a declaration of war was made in time.

According to them, the declaration of war to Brazil is contained in a note, or protest, addressed to the minister of Brazil at Asuncion, dated the 31st of August, 1864. The subject of that note was the claims, differences, or hostilities between the governments of Brazil and the republic of Uruguay, in which the government of Paraguay had no interest, since, from the admission of Mr. Bergès, (page 5 of his note,) it did not and does not now have any bond of alliance with Uruguay. That note or protest was so far from being a declaration of war, that the minister of Brazil accredited at Asuncion continued to perform peaceably his functions.

As regards the Argentine Republic, there can be no further discussion after Mr. Bergès' declaration (page 12 of his note) that the hostilities against the port and city of Corrientes took place the 13th of April and after Mr. Bareiro (page 2 of his note) declares that on the 1st of May it was scarcely 15 days since the Argentine government had notice of the acts of war of Paraguay, that is to say, that until the 17th of April, it had not the slightest suspicion of the existence of either the decree declaring war against it, or of the hostilities which had already begun the 13th.

Besides, there is the impartial testimony of Mr. Thornton, her Britannic Majesty's minister near the Argentine republic, who, in a report to his government, communicated to Parliament and published, dated from Buenos Ayres the 6th May, 1865, states that "the Paraguayan note addressed by Mr. Bergès the 29th of March to the minister for foreign affairs at Buenos Ayres, Mr. Elisalde, did not come to the knowledge of the Argentine government until the 1st of May, by means of the Paraguayan paper *Semanario*, in which it was published. The original at length reached it the 3d, 19 days after the city of Corrientes had been occupied by the Paraguayan forces."

It is therefore well established, however much the agents of the President of Paraguay will deny it, that the resort to acts of war and that hostilities took place *before* the existence, not only of a declaration of war in form, but also of any documents or facts which could have conveyed the suspicion that the war was to be waged.

I pass to the motives alleged by the agents of the President of Paraguay for waging this war.

As regards the Argentine Republic, the English report already referred to sets forth the four reasons alleged in the Paraguayan declaration of war, and defines their value and truth in the opinion of this impartial diplomat, whose words I transcribe :

"The reasons," says Mr. Thornton, "alleged in this document as a justification of the extreme measure of war, are—

"1. The refusal on the part of the Argentine government to grant a passage to the Paraguayan forces across the province of Corrientes.

"2. The refusal to recognize the right of Paraguay to the territory of the *Missionès* between the Parana and the Uruguay.

"3. The suffering, on the part of the Argentine government, of the enlistment of soldiers at Buenos Ayres, to be employed against Paraguay.

"4. The support given by the official press of Buenos Ayres to the cause of Brazil against Paraguay.

"Concerning the first argument, I think that few persons will deny that that republic had a plain right to refuse the passage across its territory, as well to the Brazilians as to the Paraguayans.

"The Argentine government has always refused to recognize the right of Paraguay to the territory of the *Missionès*, but has, notwithstanding, never taken any active measures to prevent the occupation of that territory by the Paraguayans.

"As to the enlistment of soldiers at Buenos Ayres for the service of Brazil against Paraguay, I can only say that I have never been able to discover that anything of the sort transpired.

"There is no such a thing as a truly official press in that country. The government has so little control over it that the liberty which it enjoys often approaches licentiousness. There may be some paper the editor of which stands in friendly relations with the members of the government, and who writes in conformity with their views, but it is certain that they can

never be confident that this same paper will not criticize their measures with the greatest severity."

In the note of Mr. Bergès (page 9) is contained an additional motive for war, added to the four which Mr. Thornton has so well set forth and judged. *In 1856 some forgers at Buenos Ayres counterfeited public bills of credit of Paraguay.*

Such are the causes by which it is attempted to justify so much ravage and *shedding of blood!*

As regards Brazil, Mr. Bergès (page 7 of his note) expresses himself in this manner: "Brazil itself hastened not only to recognize our independence, but also to fortify it." A little further, on the same page, are to be found these words: "Paraguay, the disinterested and grateful friend of Brazil, for the good offices which it had received from the latter." \* \* In order to know that Paraguay ought to be gratefully friendly to Brazil, it was not necessary for you, M. le Marquis, to read this confession of Mr. Bergès. There are documents in your department, of a date previous to 1845, to evidence the good offices of Brazil towards that republic, then feeble, menaced, and abandoned by the whole world.

Now, I would beg your excellency to cause to be examined most carefully the notes of Mr. Bergès and Mr. Bareiro, and to discover the allegation of a single fact, of a single offence, of a single small grievance which could have caused to change suddenly this friendship into rancor, this gratefulness into ferocious hostility.

The government of Paraguay had, I repeat it, nothing to do with the contentions of Brazil with Paraguay, since it did not have a single bond of alliance with that republic, and, on the other hand, owed friendship and gratitude to Brazil.

If the independence of Uruguay was threatened, according to his gratuitous assertion, he knew, and Messrs. Bergès and Bareiro repeat it in their notes, that there are stipulations between the governments of Brazil, of the Argentine Republic, of France, and of England, concerning that independence; he had, therefore, only to address himself to those governments, and to rouse them if he thought them asleep.

For Paraguay, who was bound by no engagement whatever, it was already a peculiar position to see that which enlightened and so well served governments failed to perceive.

Mr. Bergès and Mr. Bareiro speak vaguely of projects of absorption, of traditional pretensions, and the encroaching policy of Brazil. Proofs ought to have been adduced of these assertions. The proofs which attest the moderation and the pacific character of the government of the Emperor of Brazil are before the eyes of the whole world.

The person, the effects and papers of Colonel Carneiro de Campos, president (civil governor) of the province of Matto Grosso, fell into the power of the government of Paraguay. If it had found instructions to prepare in that border province the least attempt against the interests of Paraguay, it is not to be supposed that that government, which is seeking by so many sophisms and false allegations to justify its aggression, would have preserved these proofs a secret to this moment.

Did the Paraguayan armies, in invading Matto Grosso and Rio Grande, find battalions and squadrons ready to open hostilities against Paraguay—to extend the frontiers, to undertake anything whatever against that republic? Those armies did not even find an organized defence. One hundred and twenty men, composing the garrison of the dilapidated Fort Coimbra at Matto Grosso, and a few squadrons of the national guard collected hastily before S. Borja de Rio Grande, are the only forces they encountered.

It is known to the whole world that Brazil, when it saw two of her provinces invaded by the troops of Paraguay, had only 14,000 soldiers of all arms scattered in small detachments over the 20 provinces of the empire; that her arsenals were empty; that even her provinces bordering on Paraguay were unprotected; that the forts, which serve her more as landmarks than for defence, were dilapidated, poorly armed, and dismantled; that her fleet was composed only of the vessels always employed for the coast service; that she had not any war vessels drawing the proper depth for a war upon water; that she possessed neither the vessels nor the cannon necessary for an attack on fortresses such as that of Humaita.

The determination of the land and naval forces had undergone in the chambers the annual discussion. Nobody had proposed an increase; on the contrary, a reduction was proposed with a view to economy, and this same president of Matto Grosso, victim to the surprise of Paraguay, is one of the deputies who insisted upon a reduction of that insignificant army of 14,000 men.

The single indication which Mr. Bareiro advances to prove that there had been for a long time on the part of Brazil and the Argentine Republic an intention to make war on Paraguay, is that four months and a half after Brazil had been attacked, and fifteen days after it was known at Buenos Ayres that the Argentine Republic was equally exposed to hostilities, their plenipotentiaries signed in that city a treaty of offensive and defensive alliance. Not only is nothing more natural than to suppose that the Brazilian plenipotentiary had instructions to induce the Argentine Republic to an alliance, but fifteen days are more than sufficient to draw up a treaty, to send it from Buenos Ayres to Rio de Janeiro, and to receive the answer.

It is thus, however, the agents of Paraguay, destitute of the slightest proof, in making much ado about the encroaching policy of Brazil, attempt to make believe that Paraguay attacked the latter because she expected to be attacked herself. Mr. Bareiro says, (page 6

of his note:) "Who would account it a crime in him whose life is threatened to anticipate his aggressors?"

That Brazil had not a single means of aggression has just been stated, and is known to the whole world. Permit me now, M. le Marquis, to enumerate those which since several years the government of Paraguay had collected.

It has been solely occupied in training soldiers and acquiring instruments and munitions of war. Its army was the most numerous which South America had ever seen. It gave the greatest dimensions to the fortress, already formidable, of Humaita. It possessed the best and most numerous artillery which this part of the world has ever seen.

The loss which it has suffered in men and munitions in the past two years can only give an idea of what it possessed. The president of Paraguay threw 9,000 men into Matto Grosso, a greater portion of whom are there still. He lost 7,000 men, made prisoners at Uruguayana; 4,000 dead at the battle of Yatay; 2,000 at that of Reachuelo. In all the defeats which he has suffered since the invasion of his territory to the moment when he retired to his fortresses, he has lost a very considerable proportion of soldiers, the number of which is not known. Sickness has made ravages in his ranks, as in those of the allies. Notwithstanding, he has still behind his walls numerous soldiers worthy, from their courage, to prove a better cause. Since two years he has been blockaded by land and by water. The country does not furnish the necessary material for the manufacture of munitions of war. All the losses of men of which I have just been speaking were accompanied by the loss of their arms. Bombardments and musketry have scarcely ever ceased, and nevertheless he has still munitions.

And it is a government thus prepared for attack and defence that says in the face of a civilized world, and of governments which have agents and representatives in those regions, that it *anticipated its aggressors!* It accuses of projects of violence and conquest, governments which by the carelessness shown in the defence of their territory, and by the entire want of an army, have shown clearly the confidence of their consciences, and the most complete absence of the most distant project of ambition or encroachment!

It is the second time that the president of Paraguay has made in an official document the declaration which is contained on the 13th page of the note of Mr. Bergès, namely: that the *blood spilled to the present moment is more than sufficient, in his eyes, to wash away the offences alleged on the one and the other part by the belligerents*; so that, according to a new moral which he desires to establish between the nations when one of them has received injuries, it has only to collect a certain number of soldiers, shed an amount of blood, and that sacrifice made, all is ended.

A neighboring potentate having succeeded, thanks to the docility of his people, in procuring for himself an unlimited power, employs ten years to accumulate means of aggression. At a moment which seems to him propitious, he falls upon his neighbors, and when he begins to fear that his resources will give out, when he finds himself surrounded and invested in his strongholds, he simply says to the world, *the blood shed is sufficient for me*, and he thinks that the war should cease which he alone has kindled.

The government of Brazil leaves it to all just men to decide whether it is justified in leaving this germ of trouble and disquietude in the condition in which it commenced its ravages.

It behoves the nations of America to employ their activity and their treasures for different objects than that of maintaining large standing armies.

A neighbor, who by his ambition and his caprices has just destroyed so much treasure and spilled so much blood, would be a perpetual cause of alarm and of sacrifices of all sorts. The allies cannot, therefore, lay down their arms until they have obtained guarantees for the future.

The novel principle of public law by which it is attempted to deny nations the right to depose from power a chief who has abused it, and who has become a perpetual menace to his neighbors, is a principle contrary to the constant practice of civilized nations of all ages. But if it is intended to declaim against this sacred right, which proceeds from that of self-preservation, a different theatre and a different subject ought to be selected than Paraguay or her present chief; for Mr. Bergès himself (page 8 of his note) speaks of the alliance into which Paraguay entered to *depose the dictatorship of General Rosas*.

I cannot enter upon a recital of the plans of my government and of its allies for obtaining guarantees of peace and tranquillity. I am, however, instructed to declare on all occasions that it is their firm intention to maintain the independence of the republic of Paraguay, to leave it the choice of a national government, and of such institutions as it may wish to select.

I have been careful to confine myself to the limit of discussion traced out by the notes which the chargé d'affaires of Paraguay has placed under the eyes of the friendly governments of the Crown of Brazil. I refrain from speaking of the manner in which the war was conducted on the part of Paraguay.

On the banks of the Paraguay and the Parana, justice is opposed to the spirit of usurpation and of conquest. That wise policy which gives life to commerce, to industry, and to the progress of nations, no matter under what form of government, is opposed to the most absurd system of commercial restriction and monopoly. In short, civilization is opposed to tendencies towards barbarism.

The triumph of one of the two principles will be decided by arms. God, who has eternity in the mystery of his designs, does not always give the victory to the cause of justice. The

most superior combinations of human prudence and wisdom are doomed to failure every day. We trust, however, with confidence in the divine protection, in the valor of our soldiers, and in the intelligence of our military chiefs, that this sanguinary contest will be finished very soon by the triumph of justice.

I embrace, Monsieur le Ministre, this occasion to beg of you to accept the renewed assurances of my highest and most distinguished consideration.

S. DE MACEDO.

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*Mr. Dix to Mr. Seward.*

No. 92.]

LEGATION OF THE UNITED STATES,

*Paris, June 18, 1867.*

SIR: As the telegraph and the newspapers have already informed you, the Emperor of Russia was shot at in the Bois de Boulogne on the 6th instant, while returning from the review of troops given in his honor. The Emperor of France was seated by his side in the carriage, in which they were returning, and in the crowd and confusion the danger to each was about equal.

The accounts you have received are as near the truth as those which are given by different eye-witnesses of the same scene usually are. There is in this, as in other occurrences of a like character, the customary diversity of representation. I cannot add to it, as I preceded the Emperor on the same route by a few minutes, and did not see them again until some ten minutes after the shot was fired.

Our countrymen, participating in the general horror occasioned by this murderous attempt, and feeling it more strongly, perhaps, than the people of France, from their vivid remembrance of the unhappy success of a similar act of atrocity which so recently clad our own country in the habiliments of mourning and sorrow, expressed to me a wish to present an address to the Emperor of Russia, congratulating him on his escape. I communicated their wish to the Baron de Budberg, the ambassador of Russia, and received from him the written note which is first in the enclosed series. The address very properly referred to the danger to which both Emperors were exposed, and contained the same expression of thankfulness for the preservation of the lives of both.

The correspondence is itself a complete account of what took place in regard to the address. Though not strictly official, I thought it right to communicate a copy of the address to the Marquis de Moustier, and to say, as I ventured to do, that the preservation of the life of the Emperor of France, as well as that of the Emperor of Russia, would be a source of unfeigned gratification to the government and people of the United States. As all the governments of Europe were communicating similar expressions of good feeling through their representatives here, I thought I should not incur the disapproval of my own by uniting in them and saying what I was sure would be felt at home. The final notes of the Baron de Budberg and the Marquis de Moustier addressed to me show that the assurance I gave were received with great gratification in both quarters.

Trusting that I shall have the approval of the government in what I have done, I am, very respectfully, your obedient servant,

JOHN A. DIX.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Baron de Budberg to Mr. Dix.*

[Translation.]

PARIS, June 8, 1867.

GENERAL: I hastened to make known to the Emperor, my august sovereign, the desire expressed by the citizens of the United States sojourning in Paris to present an address to his Imperial Majesty in regard to the attack of the 6th June.

The Emperor is deeply impressed by the measure, of which you have kindly made yourself the organ of communication, and has deigned to direct me to receive the address in his name.

Accept, general, the assurances of my high consideration.

General DIX, &c., &c., &c.

BUDBERG,  
*The Ambassador of Russia.*

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*Mr. Dix to Baron de Budberg.*

LEGATION OF THE UNITED STATES,  
*Paris, June 8, 1867.*

SIR: I have the honor to place in your hands, for presentation to his Majesty the Emperor of Russia, an address, signed by a large number of citizens of the United States now in Paris, expressing their profound regret at the late nefarious attempt to take his life, and their thankfulness to Divine Providence for his escape.

I beg to add my full and cordial concurrence in their sentiments, and the assurance that the preservation of his life and that of his Majesty the Emperor of France, menaced by a common danger, and by an act of the most revolting turpitude, will be a source of unfeigned gratification to the government and people of the United States.

I am, with distinguished consideration, your excellency's very obedient servant,  
JOHN A. DIX.

His Excellency Baron de BUDBERG,  
*Ambassador of Russia, Paris.*

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*To his Majesty, the Emperor of Russia:*

The undersigned citizens of the United States desire to offer to your Majesty the expression of their most sincere and profound regret that an attempt should have been made on the life of a sovereign who has rendered himself forever illustrious by the enfranchisement of millions of our fellow-men, and to join in returning thanks to Divine Providence for having preserved your Majesty's life and that of the distinguished ruler of the French empire, who has done so much for the preservation of peace and the progress of civilization throughout the world.

(Signed by Hon. John Sherman, United States senator, and several hundred others.)

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*Baron de Budberg to Mr. Dix.*

[Translation.]

PARIS, June 10, 1867.

SIR: I have made it my business to submit to the Emperor your despatch of June 8th, in which you transmitted to me the address of a large number of your countrymen, on the occasion of the providential issue of the attempt upon the life of his Majesty on the 6th of June.

His Majesty has deeply felt the expression of the good will of the citizens of a country whose sympathies with the Russian people are happily growing stronger and stronger every day. He directs me especially to thank you for having joined so warmly in this expression.

Have the kindness to inform the signers of the address of the sentiments with which the Emperor has received it, and accept the assurance of my most distinguished consideration.

BUDBERG.

General DIX, &c., &c., &c.

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*Mr. Dix to Mr. Moustier.*

LEGATION OF THE UNITED STATES,  
*Paris, June 8, 1867.*

SIR: I have the honor to enclose a copy of an address which was signed by a large number of citizens of the United States now in Paris, for presentation to his Majesty, the Emperor of Russia, expressing their profound regret at the nefarious attempt to take his life, and their thankfulness to Divine Providence for his escape. The signers of the address express a like thankfulness for the escape of his Majesty, the Emperor of France, who was in danger from the same act of atrocity.



I beg your excellency to make known to his Imperial Majesty my cordial concurrence in the sentiments expressed by my countrymen, with the assurance that the preservation of his life will be a source of unfeigned gratification to the government and people of the United States.

I have the honor to be, with distinguished consideration, your excellency's very obedient servant,

JOHN A. DIX.

His Excellency the Marquis de MOUSTIER,  
*Minister of Foreign Affairs.*

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*Mr. Moustier to Mr. Dix.*

[Translation.]

PARIS, June 15, 1867.

GENERAL: I received the letter which you did me the honor to write on the 8th of this month, transmitting a copy of an address signed by a large number of citizens of the United States on the occasion of the criminal attempt of the 6th of June. I hastened to place this communication before the Emperor, who was greatly affected by it, and I conform to his orders in conveying to you the expression of his Majesty's sincere thanks.

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

MOUSTIER.

General DIX,  
*Minister of the United States, Paris.*

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*Mr. Dix to Mr. Seward.*

No. 93.]

LEGATION OF THE UNITED STATES,  
*Paris, June 19, 1867.*

SIR: The evening before last I received your despatch No. 77 of June 1st responding to my cable telegram of the same date.

Yesterday morning I drove to the Tuileries and sent in my card to the Emperor, by whom I was promptly and unceremoniously received. I informed him that I had received a letter from you in reply to the communication I had made at his request in regard to Maximilian, stating that every practicable proceeding in the direction referred to had been and would continue to be made. He expressed his gratification with the assurance and desired me to return his thanks for it.

I will only add that the interposition of the government of the United States to induce that of Mexico to spare the life of an unfortunate victim of a misdirected ambition has been received with great favor by all classes here; and, as far as I can learn, it has made the same impression in other parts of Europe.

I am, with the highest respect, your obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. F. W. Seward to Mr. Dix.*

No. 85.]

DEPARTMENT OF STATE,  
*Washington, June 21, 1867.*

SIR: I have to acknowledge the receipt of your despatches Nos. 85 and 86, both of which relate to the telegraphic communication sent by you to this department at the special request of the Emperor in behalf of Maximilian.

In connection with this subject it may be well to inform you that nothing is omitted that could be done properly, and it is done in the way that seemed likely to be useful.

I am, sir, your obedient servant,

F. W. SEWARD,  
*Acting Secretary.*

JOHN A. DIX, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Dix.*

No. 88 ]

DEPARTMENT OF STATE,  
*Washington, July 3, 1867.*

SIR: The Alacran Mining Company, a corporation organized under the laws of the State of California, and prosecuting the business of mining at the San Pablo mine, in the district of Panuco, state of Sinaloa, in Mexico, has asked the interposition of this government to obtain from that of France indemnity for certain damages sustained in the manner now to be stated. On the 29th of September, 1865, an agent of the company despatched a train of ten mules, under the charge of one Haywood Judson, to the port of Mazatlan, for the purpose of transporting hence to their works at the mine certain machinery and material required for use there. On the 30th of September, 1865, the mules were forcibly taken from Haywood Judson by the order of General Baron Aymard, commanding the French forces at Mazatlan, were loaded with stores and material for the French troops and taken to Mazatlan. On the 7th of October of the same year Mr. Thannhauser, in behalf of the company, made a written application to General Aymard for the restoration of the mules. In reply a letter was written by the general chief of staff, of which a copy is herewith enclosed. The mules have never been restored, and the company claim their value and that of their furniture, which is estimated at \$800.

The company being in pressing want of the machinery and materials at Mazatlan, their agent at that place hired another train of mules and despatched them laden with the property towards their mine. This train had proceeded but a short distance from the city on the 3d of October, 1865, when it was arrested by the French authorities at a point on the highway known as Palos Pintas. The mules were seized and the machinery rudely thrown by the wayside. For the damage thus done to the machinery and for the loss of a portion of the lumber carried by the mules and damages to the residue the company claims the sum of \$600. It also claims \$14,700 for losses sustained and expenses incurred in delaying the operations of its mine and mill, being at the rate of \$150 per day for 98 days, from September 29, 1865, when the mules belonging to the company were seized, to January 6, 1866, which was the earliest day at which it was possible to replace them by the purchase of fresh animals.

You will present this claim to the French government, with a request that it will make any necessary inquiries concerning the same, with a view to ultimate action thereupon.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN A. DIX, Esq., &c., &c., &c.

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[Translation.]

MAZATLAN, *October 7, 1865.*

GENERAL: Three or four days ago there were taken from a certain Haywood Judson, a subject of the United States of America and employé of the mine of "Alacran," 21 mules. These mules belong to a company of American miners of Copala.

On applying for them to the political prefect I received the advice to apply to you.

I have been refused the honor to present myself personally before you, and I therefore take the liberty to address these lines to your consideration.

Being commissioner for the said company, I beg of you to be pleased to allow Mr. Judson to pass with the mules, especially because the articles which he is to bring consist principally of machinery, &c., indispensable for the working of the mine.

I trust, general, you will be pleased to address me an answer, be it to direct me to appear before you, or whether to address me the reply in writing.

Be pleased to receive, general, my respectful greetings.

S. M. THANNHAUSER.

General Baron AYMART,  
*Superior Commander, Present.*

MAZATLAN, *October 7, 1865.*

Mr. PREFECT: Mr. Thannhauser addressed to you a claim on the subject of the mules belonging to one Haywood, and you told him to present himself before me.

The claimant did not present himself, but has written to the general to ask him to allow to pass out the mules in question. As I do not know the whereabouts of Mr. Thannhauser I cannot let him know the decision of the general.

I have therefore the honor to beg of you to cause him to be informed that the army having need for a great number of mules for a military operation, those which form the subject of this claim will be detained like others, and the proprietor will be paid as customary for the number of days during which they continue in the service of the army.

Receive, I pray you, Mr. Prefect, the expression of my entire devotion.

MAURAND,  
*The Chief of Staff.*

To the SUPERIOR POLITICAL PREFECT,  
*Mazatlan.*

MAZATLAN, *November 17, 1865.*

The secretary of the superior political prefecture of the department of Mazatlan certifies that the foregoing is an exact copy of the original.

JOSÉ LANCASTER JONES,  
*The Secretary General.*

MAZATLAN, *October 9, 1865.*

According to the orders given by General Baron Aymart, the said mules, belonging to Mr. J. L. Burtis, will be detained until further orders. They will be returned to him as soon as the circumstances will permit it. I do not hold myself in any way responsible for the mules.

BÉLIBEN,  
*Captain, Under Military Intendant.*

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*Mr. Dix to Mr. Seward.*

No. 102.]

LEGATION OF THE UNITED STATES,  
*Paris, July 12, 1867.*

SIR: I have the honor to transmit by to-day's mail copies of the *Moniteur* of July 10th and 11th, containing the remarkable speeches of Mr. Thiers, Mr. Rouher, minister of state, and Mr. Jules Favre, upon the Mexican question.

Mr. Thiers's speech will be found to be a clear and admirable historical resumé of the Mexican expedition, attacking the government by the force of the facts. Mr. Favre's speech is a vehement and bitter attack upon the ministry, ending with the assertion that in a free country they would be impeached. Mr. Rouher's reply is able and eloquent. Mr. Girardin in his paper of yesterday says that it is no answer.

With the *Moniteurs* I enclose two numbers of Galignani containing translations of these speeches. They are not, however, full or accurate.

I have the honor to call your attention especially to the concluding sentences of Mr. Favre's speech, of which I subjoin a translation.

I am, with great respect, sir, your obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

[From the *Moniteur*, July 11, 1867.—Translation.]

**Mr. JULES FAVRE.** But it is not only upon Mexico you wished to make war. Through her heart, which you had pierced, you wished to strike America.

Well, the sad result of this expedition has been precisely to aggrandize that America which you wished to strike.

In fact, the final result of your false policy—a policy which you glorify, however, for you declare that you have committed no faults, and this declaration you make standing in the midst of ruins—the final result of your false policy is the avowal that the expedition of Mexico has ended in throwing this great country, that you wished to save from anarchy, into the arms of America.

Gentlemen, I have not invented this; it is the government itself which has said so in the last declaration of the *Moniteur*, the imprudence of which declaration I pointed out when I said that the severity of official language should never indulge in epithets which might cruelly wound a government which, after all, has strength, and against which you can do nothing. No, no! against which you can do nothing, and which can at this moment do great hurt to our countrymen.

This is what the government has said: "Mexico would be too happy if she could disappear from the number of independent nations, and see herself absorbed by powerful neighbors."

Thus the result of your expedition has been to aggrandize beyond measure that America whose development disquiets you, as can be proved by official declarations which I can produce.

[From *Galigni's Messenger*, July 11, 1867.]

The legislative body held a sitting yesterday, M. Schneider in the chair. The President announced the death of M. de Voize, deputy for the Isère. The debate on the budget of 1868 was resumed, the speakers being M. Rouher, minister of state, M. Jules Favre, and M. Berryer. The close of the general discussion being called for, M. Olivier was heard against that course, but after some observations from M. Rouher it was pronounced. The sitting then terminated.

The following is a full report of the proceedings on the day before, already briefly mentioned. M. Rouher, minister of state and of finance, M. Baroche, minister of justice, and the other government commissioners were present.

The order of the day was the discussion on the budget of 1868.

**M. THIERS.** I feel bound to speak upon the subject of Mexico, although the task is a painful one. So fatal a termination to that enterprise requires all the light possible that can be thrown upon it. I offered my objections in 1864, and I shall regret to the last day of my life that upon that occasion I was not sufficiently persuasive. It may be said that, the undertaking having now come to an end, silence with respect to it would be becoming, so that in the beginning a blind confidence, during the course of the enterprise an ill-understood patriotism, and, in the end, a desire to forget all, would never allow the truth to be heard. [Applause from the left.] The cause of all these misfortunes is to be found in an absence of control. It is not true, although it was said, that the losses suffered in Mexico by our compatriots were the motive for this expedition; it is not true that at any time there was the least chance of success. There has been no discouragement, because from the first there was no hope. The original motive was a generous but mistaken one, and it found no sufficient support. Mexico was at that time recovering from the effects of its revolution, and it was ruled by a man who had not then stamped an indelible stigma upon his name. [Hear, hear.] Foreign creditors, it is true, suffered, but some of them made their claims the pretext of odious speculations. Mexico could not pay, a rupture took place, and an act of rigor became necessary. It was then said that the Mexicans were tired of revolutions, and desired a monarchy under a European prince. The English Admiral Dunlop, however, who knew the country well, informed his government that the only party in Mexico that wished to see a monarchy established was the clerical party, composed of timid, passive and incapable men, who could do nothing for themselves. The English government then withdrew from the joint enterprise, and that of Spain followed the example; Marshal O'Donnell declaring that, for his own part, if the crown of Mexico were offered to him he would not accept it. The Spanish minister did not believe in the possibility of a monarchy in Mexico. That was in January, 1862. The ideas of the Mexican exiles met more credence in France. These men described the resources of their country as enormous; its riches were depicted in glowing colors, and it was even supposed at that time that means were obtainable to pay off the French national debt. [Laughter.] The next question was, where to find a European prince? A member of the house of Austria was selected; an Italian province had been taken from that family, and, as compensation, an empire was to be given to it. These were the three notions that lay at the root of the Mexican expedition: the mere appearance of France in Mexico would suffice; immense treasures were to be found there; and Austria would receive a satisfaction.

England objected, and then came the convention of the 31st October. The object of the expedition was laid down to be solely the securing of the interests of the resident Europeans; but a clause was added enabling the French general to undertake whatever accessory opera-

tions might be necessary. Nevertheless, the instructions given to Admiral Jurien de la Gravière, who acted throughout with sense and prudence, authorized him to extend his operations, in case of necessity, as far as the city of Mexico. The expedition, composed of 2,200 men, arrived at Vera Cruz early in December. The smallness of that force proved how completely the notions of the Mexican exiles had sunk into the mind of the French government. General Prim, who is not deficient either in courage or intelligence, heard at Havana, what was said everywhere by those exiles, that the mere appearance of the expedition would effect a revolution. "Well," he said, "if you want a revolution, make it; we will then treat with you as we would with Juarez; but we shall not meddle in the matter. Our instructions are to enter into communications with the government *de facto*." The expedition reached Vera Cruz; the Mexican government acted calmly; it sent General Doblado to ascertain the demands made. That commander did not for a moment dream of resistance; but he said to Prim: "Do you come here to change the government? If you do, you shall be opposed to the death. If your purpose be confined to obtaining satisfaction of the claims of your compatriots, we can negotiate on that subject." The French and Spanish troops were dying at that moment in great numbers at Vera Cruz; Prim replied that they could not negotiate, remaining in that position. General Doblado then offered to give up the defiles of Chiquite and 30 leagues of territory, comprising healthy localities, and where provisions were plentiful, provided that, if the negotiations should prove abortive, these positions were to be restored; and also, in order to appease the patriotic feelings of the Mexican people, that the national flag should in the meantime float alongside that of the allies. All this was agreed to, and formed the basis of the convention of Soledad, afterwards disavowed by the French government. The troops, heretofore blocked up in Vera Cruz, were enabled to go to Orizaba, the line of march being strewn with the dead and dying, so severe was the pest then raging. The Mexican general acted with perfect good faith. At Orizaba the European plenipotentiaries endeavored to come to an understanding among themselves respecting their claims on Mexico. England demanded 80,000,000, which, I am convinced, is an exaggerated amount; Spain claimed 40,000,000; and the French plenipotentiary estimated at 60,000,000 what was due to French subjects. The sum appeared high, but neither the English nor the Spanish representative raised any objection. Since that period, however, in negotiating with Maximilian, we have estimated the debt due by Mexico to us at 40,000,000, payable in paper, which is really worth only 20,000,000; and a sum of not more than half that amount had only accrued before the expedition was undertaken. With respect to the claims of Jecker for an additional 75,000,000, and of which I will say nothing at present, the English and Spanish plenipotentiaries only remarked that it would be difficult to compel Mexico to pay so much money—275,000,000 altogether, equal to three or four years of its entire revenue. But they agreed to refer the point to their governments. Then, a second expedition, accompanied by Mexican exiles full of enthusiasm, and commanded by General Lorencez, arrived at Orizaba. It proclaimed its purpose to be to re-establish monarchy in Mexico. The English protested and sent Miramon back to Havana. Our plenipotentiary refused to send away the other exiles, and a rupture took place. The English and Spanish representatives declared that they were pledged not to attempt any interference with the constitution of the Mexican government. Admiral Jurien de la Gravière, admitting that the French troops were there to overthrow the republic, asked whether they thought the Mexicans had given up the position at Orizaba with any real intention of negotiating. The reply of the other European representatives was: "This is only the 9th, and the negotiations are fixed for the 15th. I have my orders," said the admiral. "So have we," replied the others, and the separation took place. General Prim renounced the command which the Emperor had conferred upon him, and predicted a calamity to the French troops, who were then about to march upon Puebla. The difficulties of that march were immense, and the conduct of the expeditionary troops elicited the admiration of France and of the world. [Applause.] Such was the first period of this expedition, of which the vindication of the interests of French subjects was the occasion but not the cause. I have mentioned these facts in order to show the necessity of more control over the action of the government. When was the legislative body consulted on the subject? It was not, indeed, in session at the commencement of the expedition, but afterwards, when 17,000 men were demanded in June, the request was made without a single observation on the part of the government.

SEVERAL VOICES. That is an error.

M. THIERS. Well, it may be one; but a complete discussion at that epoch might have had the effect of limiting the expedition. A whole year was required to repair the consequences of the check received on taking Puebla, on the 3d of May. Our soldiers on that occasion conducted themselves in a manner worthy of the troops of the first empire. [Hear, hear.] Puebla was taken, and with this the real fault commenced. If an efficient control existed, no cabinet, feeling itself responsible, deliberating under the watchfulness of the sovereign, and composed of capable men, could have remained blind to the objections which then presented themselves. It had been said, "Oh, we have only to present ourselves;" but two years had elapsed, and we had scarcely got beyond Puebla. The state of parties in Mexico was known, and the government ought to have been aware of the impossibility of an Austrian prince sustaining a government in their midst. The Mexicans had applied the principles of 1789 to their own affairs. Nearly the whole of the property of the clergy had

been sold; and Spaniards, French, and English had shared in it. This placed the prince in a false position and one of great difficulty. The wealth of Mexico in precious metals could not be compared to that of California or Australia. The soil gave none of those marvellous results like the cultivation of cotton in the United States or of coffee in Brazil. When the French troops arrived in the city of Mexico, the party which had promised such wonders at length showed itself. A provisional government, composed of honorable men, I admit, was formed, and a junta being organized, voted by 213 to 2 that the monarchy should be re-established and Maximilian invited. The French army was in the mean time well received everywhere but with a certain reserve. A French merchant wrote at that moment, that after an absence from Mexico he had found the country a little more quiet, but many more soldiers and millions, he said, would be required. The Mexicans, he added, were vanquished, but not subjected. In the mean time the prince arrived at Paris in January, 1864. The address in the chamber was then being voted, and on the paragraph relating to Mexico I said, "We have repaired the check at Puebla; now we should stop. The prince has not yet started; it depends on you to stay the government." It was replied to me, "Will you, then, abandon the French in Mexico to the vengeance of the partisans of Juarez?" I answered, "Do not expose yourselves to a still greater danger—that of abandoning the French you will have taken there if you allow him to leave." The next day M. Rouher replied to me, and if I quote his words do not think it is for the pleasure of vain reprisals, or as a sad revenge for the rather hard words he then addressed to me. He said: "Passions will die out, the truth will become manifest, and posterity will say, he was a man of genius, who, in spite of resistance, obstacles, and weaknesses, had the courage to conduct a difficult undertaking to a successful termination." He saw that the equilibrium of Europe, being no longer on the Alps, the Pyrenees, the Vistula, or the Euxine, was in the whole world. That will be a glorious page, and people will be astonished that this policy should have been contested and misunderstood, not here, but elsewhere. A loan of 126 millions was concluded, but it only produced 102 millions, and of that sum Maximilian, in starting for Mexico, had to leave two years interest of the English and French debts, and a certain sum to guarantee the reimbursement. There only remained for him 40 millions, and probably he had not more than 20 millions on his arrival. He was well received, as all governments in that country have at first been during the last 50 years. The Mexican expedition resembled the wars of Spain under Napoleon I. Maximilian did like the brothers of the Emperor. He issued decrees, formed a council of state, made prefects and sub-prefects, and attempted to reform the administration of justice and organize an army. The cadres were ready, but the men were wanting, there being no conscription. He then wished to settle the question of the ecclesiastical property and excited against him the animosity of the clergy. From that moment he was completely isolated and had no other support than the French army. The emperor Maximilian had thought that with a budget of 90 millions, 20 millions for the debt, 20 for the Mexican army, 25 for the French troops, and 25 for public works and the home government, he could suffice for everything. He could not expect, however, to raise that sum by taxation. He hoped to pass the year with the 30 millions brought from France, and obtain fresh assistance from Europe for the next year. Six months later the budget had to be remodelled, and then it was not 90 millions but 180 millions of francs he required. He applied to Europe. The first loan of six per cent., issued at 63, had fallen to 50. Recourse had consequently to be had to another form of credit. Then was imagined that combination of bonds issued at 340 francs, producing nearly ten per cent. interest, and with prizes of 500,000 francs downwards. A number of short-sighted persons, seduced by those advantages, allowed themselves to be led away. Moreover, all the government officials were set to work to convince the public of the excellency of the investment. M. Corta said that the country had formerly produced a revenue of 150 millions to the Spanish government, and the population having doubled, 200 millions might be counted on. At that moment, however, Spain had the monopoly of the distribution of the precious metals, on which she derived a profit of 20 to 25 per cent. They produce now but 6 or 7 per cent. Spain derived 20 millions of profit on the tobacco trade, which now produces but 6 or 7. The debts, which did not exist under the Spanish rule, had been forgotten; for since the period of what is called the independence, each of the governments have had 70 millions of revenue, and 100 of expenditure, and have provided for the difference by loans. After M. Corta, the minister of state said that a general had told him that Mexico had always produced, not 200 millions, but 300 millions, to those who had pillaged or devastated it. If the country gave so much to anarchy, it would not be less productive to those who introduced order. The minister added, with a certain irritation, "You wish to discourage the capitalists as you have done the partisans of the expedition. Well, the capitalists have pronounced. I have just received a despatch announcing that the loan is all subscribed for." This statement excited marks of satisfaction and applause. It is not to recriminate that I revive those recollections. [Several voices: It is the truth! It is history!] But a few weeks after the minister of state had boasted of the advantages of the loan, the minister of finance admitted that at bottom the affair was doubtful and bad. Of this second loan, which produced about 168 millions, after the deductions for reconstituting the capital for interest, prizes, &c., only about 40 millions remained for the emperor Maximilian. The situation had begun to grow worse. The French columns had been forced to pause and concentrate. The United States had triumphed over the insurgents of the south; the Mexican

malcontents, who were said to have been driven from the country, took courage; they resisted leaning on the Rio Grande.

The republican generals, Cortina, Regules, and Porfirio Diaz, also were holding out. The resources were void. The French army was obliged to pay the Mexican troops from its own funds. Marshal Bazaine asked Maximilian to establish a conscription; but the emperor replied, "what would be said if he introduced all the European burdens into the country?" A melancholy incident then arose. When the French troops were absent the roads were infested with brigands. The government was accused of being weak. Heaven preserve me from attributing the decrees of the 3d of October to any one [Movements in opposite senses.] These persons who accused the Mexican government of weakness did not see, by the side of the few brigands who might indeed be infesting the roads, men who were defending the country and had a right to do so. ["Hear hear," on the left of the speaker. A movement of dissent.]

The PRESIDENT. The gravity of the debate makes it a duty on all to listen in silence.

M. THIERS. The regrettable decrees of the 3d of October, 1865, unhappily struck, by the side of a few brigands, two men who enjoyed universal esteem in Mexico, Generals Ateaga and Salazar, and drew from the United States a demand for explanations from M. Drouyn de Lhuys, who replied—I do not blame him for it, for he was himself in great embarrassment—"Apply to Maximilian; apply to Juarez." The American government did not insist, but it asked what were our intentions and how long we were going to stay in Mexico. An arrangement was come to with the United States as to the period when the French troops should leave, and in order to do something for the subscribers to the Mexican loan, the government of that country was obliged to give up the half of the products of the custom-house of Vera Cruz and Tampico. That was taking away the only resources by which it could live. Then it was that the voyage of the empress was resolved on; and while the Moniteur, which the minister of state recommended us to read, said that everything was prospering in Mexico, and that the empress Charlotte had not left that country, the telegraph announced her arrival at Saint Nazaire. [Various exclamations.] She was received with all the attention due to her rank, but what satisfaction could be given her? Could the Emperor tell her that he would resist the United States; that he would apply to the Chamber for fresh resources? No; he could not. The empress left Paris and went to Rome. I stop there. Let us hope there is a recompense above for souls who have suffered much on earth. [Great movement.] Then the French government decided to send General Castelnau to prepare the evacuation, and to leave Maximilian the choice to quit the country or to stay. In the former case he was to come to an understanding with no matter what government existed in Mexico. At the same time the United States sent Mr. Campbell to Mexico, charged to recognize Juarez specially, and these facts becoming known to Maximilian, and at the moment he learned the blow which had fallen on the empress, he was attacked by a violent fever. Then he parted for Orizaba, and there the parties who had separated from him returned to him and offered their swords. Even the clergy proffered pecuniary aid, and he, believing himself abandoned by France and bound in honor not to fail his partisans, took the resolution to remain, and returned to Mexico. What followed we all now know. France left this prince to make a last effort to save his honor, but solely his honor. [Movement.] We went to Mexico to obtain satisfaction for some of our countrymen: a few millions would have sufficed; but now, not only are they not reimbursed, but their number has become woefully multiplied. We went there for the benefit of our commerce and to advance the esteem of France in those regions. We went there to organize the Latin race in opposition to the Anglo-Saxon. Well, our commerce has suffered immensely. France has withdrawn, and as to the Anglo-Saxon race, it is triumphant; and we are reduced to form hopes that it will overrun the Mexico from which we wished to expel it, to avenge what we could not ourselves avenge. [Exclamations on some benches. "Hear, hear," to the left of the speaker.] And what was the result? Last year the face of Europe was profoundly changed, and France, having the weight of Mexico on her hands, was unable to interfere. [Exclamations.] Everybody, I well know, is liable to error; nations, as men. But was this one of the passions by which people are led astray? Was this an expedition urged on by the nation? All Europe has judged it like us. I well remember the raileries of the journals, especially the English. "Some occupation is necessary for the activity of our neighbors; here is an important one which will free us for some time from their enterprise." In France, you well know, no one was led away, and dare I speak of the Chamber? If it did not resist, that was from a sentiment I respect—the consideration due to the government—to the chief of the state. [Hear.] And I draw this lesson from it, that no greater service can be rendered to the chief of the state than to resist him on certain occasions. [Cheers on some benches.] I have always been among those who in France have sought liberty under a monarchy; but there are two species. The first, where a prince governs through ministers, but without consulting them; in fact absolutely. The other, a chief of the state having respectful and devoted ministers, but concerting and arranging with them, they deferring to him with respect, and in case of difference, supporting themselves finally on public opinion. This latter is the one to which I have devoted myself for more than 40 years, and the one I wish for my country, and I am sure that the true friends of the government will desire that it pass as soon as possible from the first form to the second—

The PRESIDENT. M. Thiers will permit me to say—

SOME MEMBERS. Let M. Thiers speak!

M THIERS. I have only one word to add.

The PRESIDENT. Precisely; I ask that it may be such as that I may not be compelled to tell you that you are not discussing Mexico, but the constitution.

M. THIERS. Oh, Mr. President, I myself consider the situation too grave, the occasion too solemn, not to attend not only to moral, but to political propriety. [Applause.] Many of my honorable colleagues have told me that we are progressing towards this form of monarchy. So be it. I recognize that we are marching towards it; but let us not stop on the road, for we might encounter there the Mexican expedition and the events of Germany. [Various movements.] I have only touched upon these sad affairs, in hopes of accelerating the result we are permitted to aspire to—progress in our institutions. [Great applause on some benches.]

M. GRANIER DE CASSAGNAC would once more sanction with his approval the Mexican expedition. This was not the first time that Providence had not granted success to a good cause. He regretted that young victim, the hope of right-minded men, the idol of liberal Italy, who had accepted the task of re-establishing order and liberty in Mexico. The speaker had heard the expedition reproached with being out of proportion to the interests engaged; but Europe could not tolerate a state of anarchy which held in check the general advance of civilization. France, England, and Spain united in 1861, and undertook an expedition to obtain reparation for former insolence, and a guarantee for the future. In the opinion of the three powers the expedition was not to be circumscribed to the narrow circle of former operations. Those powers would not confine themselves, as formerly, to seizing the customs and bombarding citadels. The landing had hardly taken place when the incident of Soledad arose. The plenipotentiaries signed, with the representatives of Juarez, the preliminaries of an arrangement, contrary to the spirit of the instructions the former had received. They were disavowed by their governments but a few days after, under pretexts which he would not revive. England and Spain withdrew. The honor of France bound her to remain. The events showed once more the result of such acts of weakness in governments. England saw the incontestable prestige of her maritime superiority disappear from the seas. She was attacked in Canada, and even in Ireland. M. Thiers had repeated an opinion, which was too generally believed, that the principal object of the expedition had been to establish a monarchy in Mexico, in order that it might form a barrier to the expansion of the United States, and become a check to their ambition. That error was much to be regretted, for it had contributed greatly to cause the expedition to fail. [Hear, hear.] The United States owed their existence to France, who was not now less liberal than in the last century. The Emperor had not been the guest of two republics to forget that if the republican form of government was in conformity with the genius of nations, it excluded neither order, liberty, nor greatness. [Hear, hear.] This had not been the first time France had attempted a great expedition beyond the seas. In 1778 she undertook a war against England, then the most powerful nation in the world; but after five years the latter was forced to come and sign peace at Versailles. He did not believe that Frenchmen had less courage and energy than their forefathers. If the Mexican expedition had been supported by public opinion it would have succeeded. Unfortunately it had not been understood. Nothing in it, could, however, tarnish the honor of France and her sovereign. [Hear, hear; loud applause.]

M. JULES FAVRE rose and was about to speak, when cries of "Adjourn, adjourn" were heard.

The PRESIDENT, at the request of the honorable member, consulted the Chamber, which decided that the discussion should continue.

M. GARNIER PAGES. It is scandalous to make a speaker begin at a quarter to six. [Interruption.]

The PRESIDENT. I regret to be obliged to order you to be silent. You should respect the decision of the Chamber.

M. GARNIER PAGES. I have a right to protest. [Loud marks of dissent.] Some offensive expressions have been employed near me.

M. GAVINI. After the remark of M. Garnier Pages that it was scandalous to make a speaker begin at six o'clock, I answered that what was more scandalous was to thus treat the decisions of the Chamber.\* [Applause on several benches.]

M. GARNIER PAGES. It is certainly permitted, when the Chamber comes to such a decision, to express dissatisfaction. [Loud interruption.]

The PRESIDENT. If you had kept silent at first the persons near you would have made no remarks. The incident is terminated.

M. GARNIER PAGES continued to speak, amid cries of "Order, order."

The PRESIDENT. I regret, M. Garnier Pages, to be obliged, by your persistence, to call you to order. [Hear, hear.]

M. GARNIER PAGES. Call the other persons to order, M. le President; do not have two weights and two measures.

The PRESIDENT. I must ask for the silence of the Chamber.

M. JULES FAVRE. You have just heard M. Granier de Cassagnac, with a sincerity which I honor, defend the Mexican expedition in spite of its failure. I cannot share his opinions,



I may ask whether it is the proceeding of a wise government, conscious of its responsibility, to cast into the abyss of a distant expedition a sum of 700,000,000 or 800,000,000 and 30,000 or 40,000 men, and whether the expedition should not be condemned by all reasonable men and citizens who love their country. M. Thiers has sought for the causes of the faults committed in the want of control. That absence of restraint was not, however, the only or the principal reproach to be addressed to the government. It was to have not told the truth—to have obtained by surprise the consent of the Chamber, by indicating an object which was not the real one. [Dissent on several benches; applause on others.] The contradiction is flagrant, and you have not forgotten it. When the ministers first—the convention of London, in hand—said that the object of the expedition was to obtain reparation for outrages on Frenchmen, the opposition did not contest the right of the government to chastise such acts. You spoke of punishing outrages; but had you no other design in view? Had you not the secret idea of taking advantage of the dissensions in the American republic? Had you not a secret preference for the south, and had you not another project, rumors of which reached our ears through foreign journals, and not by the French press, which you keep enchained? [Loud interruption.] The best proof I can give is that it had not the right to say what was said by the journals of neighboring countries, and I do not think that this simple observation is refuted by the murmurs of the majority. The rumor was that under the veil of diplomacy the French government intended to destroy the Mexican republic and raise a monarchy on its ruins, and the prince mentioned for sovereign was just the unfortunate Maximilian, who has just perished, the victim of his courage and misfortune. The French government then contested the statement, and asked us for proofs. England, who was uneasy, applied to the French minister of foreign affairs, who denied the statement. That fatal conception, which has cost France her blood and treasure is now known to have come from Spain. [Noise.] The French government lent its ear to the intrigues of the Madrid cabinet and Mexican emigrés. The negotiations have been denied, but on the 18th April, 1860, the minister of state at Madrid wrote to the Spanish ambassador in Paris that, in reply to some proposals which he had previously made, the French minister at Madrid had read to the Spanish minister of foreign affairs an extract of a despatch, showing that France and England were disposed to combine their efforts with Spain to establish in Mexico a government recognized by all the nations, and to put an end to the painful situation of that unfortunate republic. [Hear, hear.] The idea was commendable at a moral, but not a political point of view. To put down all the disorders that may exist in the world Mexican expeditions must be increased, and the necessity for loans be accepted. [Interruption.] To promote morality in the world by means of the cannon is a mad enterprise, which every politician should oppose. [“Hear, hear,” to the left of the speaker.]

The PRESIDENT. I must ask members to abstain from such vivacity in their marks of approval. They may give rise to counter manifestations, and thus disturb the speaker.

M. JULES FAVRE. Now listen to what M. Barrot wrote on the 11th of October, 1861. The London convention was not then signed, but the diplomatists had their undivulged designs. The satisfaction of the complaints of our countrymen was stated by M. Barrot to be the ostensible object of the expedition. The real purpose was the overthrow of the Mexican republic and the establishment of a throne for a foreign prince. The opposition did its duty in calling attention to that design, and the minister of war admitted that such was the object in view, on the occasion when he asked for credits on account of the expedition. The truth was concealed from the Chamber, which, if it had been placed in possession of the facts, would certainly have refused to follow the government in the course it had pursued. In the name of reason and of law, this intervention in the affairs of a foreign nation would have been rejected. Every country has a right to its own government, according to its manners, customs, and usages; and to interfere with it is to violate a primordial right. [Applause on the left.] The same system of keeping back information has been pursued from the beginning. No documents have been communicated to the Chamber; and the minister, when asked for papers, disdainfully replied that the extracts made from Mexican correspondence by a clerk in the foreign office were sufficient. To that we replied that the words of the minister on that point were not more to be relied upon than on other matters. [Loud interruption.]

The PRESIDENT. M. Jules Favre must not express doubts of the veracity of any one, whether minister or deputy. Errors may be committed, but sincerity ought never to be called in question. [Hear, hear.]

M. JULES FAVRE. I did not speak of veracity, but I will withdraw the expression if it does not represent my thoughts. I merely said that the words of the minister of state were not exact. [Fresh interruption.] I cannot of course criticise documents which I have not read; as to believing that the minister has not perused these official papers, that is impossible. The absence of bulletins signed by any general officer engaged in this expedition is a fact of much gravity; and such intelligence as has been communicated represented the troops as being always victorious.

SEVERAL MEMBERS. That is the truth!

M. JULES FAVRE. The Austrian prince was said to have been received with enthusiasm by the Mexican people, and that they hailed him as a savior; but when the minister held this reassuring language he must have known from the despatches of our agents that success was impossible. This was how our soldiers were doomed to perish in fruitless con-

flicts. I have a right to say that not only has there been a want of control, but also an absence of truthfulness in this matter. [Loud cries of dissent.]

The PRESIDENT. M. Jules Favre, I again request you to use parliamentary language. [Hear, hear.]

M. JULES FAVRE. I cannot express my thoughts in any other terms. I am convinced that the Chamber has been purposely deceived, and I have a right to say so. [Interruption.]

M. ROULLEAUX DUGAGE. If there has been a mistake it was not a wilful one.

M. JULES FAVRE. Maximilian has sealed his foolhardy enterprise with his blood; for all of us he is now a victim whose memory is to be held sacred. [Applause.] So long back as September, 1865, the French government considered Maximilian's position to be untenable, and I, therefore, charge it—entertaining as it did that conviction—with having taken none of the precautions which prudence dictated, and with having prevented that prince from leaving Mexico. [Loud denial.] We are all unanimous in our feeling respecting the sanguinary events of which that country has been the theatre; but the French government has been wanting in wisdom and in calmness, by publishing in an official journal words which may produce a deplorable effect on the other side of the Atlantic. [Approval from the left.]

M. BELMONTE. It has given expression to the general sentiment of Europe.

M. JULES FAVRE. And when it appeals to divine right, I reply that the fate of the humblest child of France, who dies obscurely on a foreign soil in the performance of his duty, is more worthy of sympathy than that of a prince who perishes in defence of his throne. [Cries of "Order, order."]

The PRESIDENT. M. Jules Favre protests not only against the sentiment of the Chamber, but that of the country and of all Europe. [Loud cries of approval.] If he persists in the expression of such opinions I shall be obliged to call him to order.

M. EUGENE PELLETAN. We esteem a Frenchman more than we do an Austrian archduke.

The DUKE DE MARMIER. Let there be no distinction between victims!

M. JULES FAVRE. It is because I repel all distinction that I pronounced the words which have excited the Chamber. No reasons of political necessity can justify the conduct of the government during the latter period of the expedition. Maximilian went on the faith of our promises, with our army, and he ought to have been supported by it. Yes, I have experienced a feeling of profound affliction that this unhappy prince was not brought back to Europe with our troops, so that France might have been sheltered from the blood that has been spilt, and which will fall upon her head. [Loud exclamations, and cries of "Order, order!" Applause from some benches.]

The PRESIDENT. The latter words of the honorable member may well fall upon his own head, in the eyes of the whole country. [Sensation; loud applause.]

M. JULES FAVRE. No person in this Chamber, not even our honorable president, whom I respect, is entitled to hold such language to me—to me, who am one of that minority which, when it was in power, overthrew the scaffold for political crimes, which you have again set up. [Loud expressions of dissent.] I have always protested from this place in favor of the inviolability of human life, and if you had taken these protestations into consideration, perhaps we should not now be deploring the calamity which has occurred. [Great agitation.]

M. ROUHER. I will not reply at present to the two speeches which have just been delivered. I shall defer that task until to-morrow, if the Chamber permit me; but I cannot allow the sitting to close without protesting against the language used a moment since by M. Jules Favre—[hear, hear]—and against the assertions which he has made. The honorable member insists that the responsibility falls on France.

M. JULES FAVRE. No, no; on the government.

SEVERAL MEMBERS. You said on France. [Great agitation.]

M. ROUHER. M. Jules Favre desires to cast upon the government of France—

THE SAME VOICES. He said, upon France.

M. ROUHER. The responsibility of the murder which has been perpetrated in Mexico. I must indignantly protest against such an accusation. The emperor Maximilian has fallen victim to an act of cowardly treachery—[hear, hear]—and when weeks had elapsed, and angry passions had had time to subside, a secret tribunal was erected, and Juarez assassinated the emperor whose betrayal he had procured. [Loud applause.] And this is the act the responsibility of which is sought to be cast on the French government. When we were leaving Mexico we used every effort to induce Maximilian to return to Europe; but he would not. No one can feel a more profound grief than the French government. I can affirm this with all the sincerity of my heart and of my conscience. [Sensation.] But that unjust reproaches should be levelled against us—that the responsibility should not be left there, where it is so odiously concentrated, is what I cannot for a moment tolerate. [Loud applause.] What! The government of the Emperor is charged with erecting the political scaffold! But was it not the Emperor's government which blotted out from our legislation the penalty of death in political cases?

M. PELLETAN. You endeavored to re-establish it.

M. ROUHER. I do not call the odious assassinations on the steps of the opera a political crime; I term them murders, [hear, hear,] for that is their real name. [Applause.]

The discussion was then adjourned to the next day.

[From Galignani's Messenger, July 12, 1867.]

PARIS, July 11, 1867.

The legislative body held a sitting yesterday, M. Schneider in the chair. The President announced the death of M. de Voize, deputy for the Isère.

M. Rouher, minister of state and of finance, M. Baroche, minister of justice, and the other government commissioners, were present.

The order of the day was the adjourned discussion on the budget of 1868.

M. ROUHER rose and said: Notwithstanding the painful result of the Mexican expedition, the hopes disappointed, and the excited language held yesterday from this place, the government remains convinced that the enterprise was just and legitimate, both in its causes and its object; but it does not shrink from the fullest discussion, even within the limits traced by its opponents. M. Thiers has represented this undertaking as having been inspired by the sole wish to found an empire, and as never at any time having had the least chance of success. He denies that any real legislative control existed with respect to the action of the government, and says that if such control had been allowed the expedition would have been stopped. But M. Jules Favre, in more vehement language, admitted that control did exist, and that the public authorities were consulted; and he argued that the government had been deficient in veracity, and had deceived the Chamber into giving its acquiescence. Now, what are the facts respecting these questions? According to M. Thiers, neither Spain nor England had been thoroughly admitted into the confidence of the French government; but M. Jules Favre has contended that it was the cabinet of Madrid which prepared the whole plan; that it was from Spain the idea came, in 1858, of providing a throne in Mexico for Maximilian. Both these assertions are equally erroneous. The motive for the expedition lay in the well-founded complaints of our compatriots, and its object was to obtain satisfaction of their just claims. The means, frankly avowed from the first, were to penetrate to the heart of the republic—to the city of Mexico itself. We are accused of having harbored the intention, in 1860, of founding an empire in Mexico; but it was at the end of that year that Juarez, having overcome Miramon, returned to his capital. What did France then do? She sent a plenipotentiary to the President, recognized and entered into relations with him. And how were those friendly relations disturbed? Was it by France? On the 28th April, 1861, the French minister in Mexico reported that the political and even social state of the country was in process of dissolution, and that a French force was necessary in the waters of Vera Cruz for the protection of the interests of our countrymen. Again, on the 29th of June, M. Dubois de Saligny wrote that requisitions, forced loans, confiscations, and exactions of all kinds were the order of the day; that foreigners were not respected, either in their persons or their property. The government of the Emperor recognized the necessity of action to protect the interests of French subjects. Similar reports continued to be received. Our minister reported that he and the representative of England had agreed to break off relations with the government of Juarez, and the Spanish minister was, towards the close of 1861, expelled from Mexico. The three great powers then, on the 31st of October, entered into a convention, the preamble of which declared that "the more efficacious protection of their respective subjects in Mexico" was the motive of their combined action. Could it be admitted that those three powers—France, England and Spain—simulated grievances that had no real existence?

M. THIERS. I did not say that.

M. ROUHER. I do not mean to affirm that you did. My purpose is to prove that grievances did exist, and that to redress them was the object of the expedition. With respect to the means, did any doubt at that time arise? Why, the first paragraph of the convention laid it down that the three powers should send a sufficient force, naval and military, to occupy the coast fortresses, and that the commanders should be authorized to undertake whatever other operations might, in their judgment, be considered necessary to secure the object of the enterprise—which was the protection of the interests of our resident compatriots. That article acknowledged the right to push forward into the interior. That this was in the intention of the governments is further shown by the composition of the forces which they sent out; Spain furnishing a body of land troops, 7,000 men; France, 3,000; and England, faithful to her naval specialty, 700 soldiers and 700 sailors. M. Thouvenel, on the 11th November, wrote to Admiral Jurien de la Gravière that if the government of Juarez refused to treat, the troops should proceed onward to the city of Mexico, and that preparations for that purpose had been made, in case the necessity should arise, and intimations of these instructions was at the same time communicated to General de Flahault in London, and to M. de Barrot in Madrid; so that the English and Spanish governments were simultaneously informed of the causes and objects of the expedition. Besides, in 1858, efforts had been made by the Mexican exiles in Europe to induce Maximilian to accept the throne of a Mexican empire, but without success; and they were renewed in 1859, with the full knowledge of the contracting powers. The latter declared at first that they had no thought of conquest in going to Mexico; and by the convention of 1861 it was stipulated that the United States should be invited to join the expedition; and it was also agreed that no member of the reigning families of the three European powers engaged should pretend to establish a

throne in Mexico, or, in violation of the law of nations, attempt to impose by force a government on that country. Article two of the convention declared this formally.

M. GLAIS-BIZOIN. The whole question lies in that.

M. ROUHER. But it was known that the Mexican people were tired of the government of Juarez, and ample liberty of choice in selecting another was reserved to them. Instructions to that effect were conveyed to Admiral Jurien de la Graviere in M. Thouvenel's despatch of the 11th of November. Thus the reasons which led to the convention of the 31st October are to be found in the violence exercised towards our fellow-countrymen. Its object was to repress the vexatious acts of which they were the victims; and the means consisted in a military march upon the city of Mexico.

M. THIERS. No.

M. ROUHER. I will prove it. An eventuality was foreseen. The Mexican nation might shake off its apathy, and desire to establish a regular and stable government, and the instructions sent to the French commander had for object to give to such a free and spontaneous effort our encouragement and moral support.

M. GLAIS-BIZOIN. They were secret instructions

M. ROUHER. Secret instructions! Why, I have read them from the collection of diplomatic documents laid before the Chamber at the beginning of the session of 1862. And did not the chief of the state pronounce a speech, in which the situation of the empire was presented to you? In that exposition it was said: "We should have only satisfaction to express if our intervention in Mexico should lead to a solution favorable to the reorganization of that magnificent country under conditions of power, regularity, independence and prosperity, to which it has been for a long time a stranger." M. Thiers seems to have forgotten the discussions in this place in 1862 and 1863, and the explanations at that time given; but M. Jules Favre recalled them to mind. That honorable member admitted the power of control possessed by the Chamber, but he alleged that the government were guilty of unverity. Yes, the truthfulness of M. Billault has been called in question, and this accusation has fallen upon a tomb so unhappily and so prematurely opened. [Sensation.] At that epoch the government knew nothing officially of the candidature of Maximilian. No engagement had been undertaken; the Austrian prince himself had not accepted the offer made to him. Under these circumstances, M. Jules Favre, on the 4th of March, 1862, asked the government whether the Mexican expedition was undertaken for the purpose of founding an empire for an Austrian archduke. The reply of M. Billault was in the negative; but did he dissimulate the possible consequences of the presence of our troops in Mexico? No. M. Jules Favre has exhibited temerity in desiring to place the words of that eminent orator in contradiction of the facts. M. Billault, on that occasion, said that if the Mexican people, wearied out with bad government and anarchy, should make an effort to establish a rule of order and liberty, they should not be prevented from making the attempt, and that our sympathies, counsel, and moral support should be theirs; but as to the employment of force, there could be no question of that kind. [Approval.] Such was the language of M. Billault, who added that topographical peculiarities and reasons connected with the health of the troops would render necessary the march of the troops as far as the city of Mexico. The blow, he said, must be struck in the heart of the country—in the place itself where the wrongs had been committed. [Applause.]

SEVERAL VOICES. The case is clear.

M. ROUHER. Thus I have established the true sense of the convention, the lucidity of the explanations which were given by the government, and the frankness of the minister; and I have a right, therefore, to repel the rash allegations of want of veracity made against that distinguished man. [More applause.] And what, at that period, were the views of the Spanish and English, then on the shores of the Gulf of Mexico? Was it not agreed to by them that the city of Mexico should be reached as soon as possible? and that on account of the coast fevers which were decimating our troops? General Prim wrote in that sense to his government, on the 7th of February, and his letter is public and official. How, then, were these ideas changed by the 19th of February? How did the commander-in-chief of the allied forces come to sign the preliminaries of Soledad? To inquire is fruitless, under the circumstances in which he, whose conduct we are examining, is at present placed. [Marks of assent.] Those preliminaries involved a complete contradiction of the convention of the 31st October, and of the official instructions given to the plenipotentiaries. We repelled these stipulations; and this was also the sentiment of Earl Russell and of M. Calderon Collantes, the foreign minister of Spain; but events had taken their course before the refusal of ratifications had reached Mexico. The trick which the convention of Soledad involved was speedily discovered by the honorable men who were at first deceived by it. Exactions continued; violence and assassinations recommenced everywhere; and a Mexican army was organized and concentrated at Puebla to arrest the progress of our troops. The object was, by gaining two months, to place the expeditionary corps between the fortifications of that city and the yellow fever of the coast, the recurrence of which was looked for towards the end of April. [That is true.] On the 21st of March General Prim wrote to M. Dubois de Saligny and to Admiral de la Graviere: "We have been deceived. Our sole means of extricating ourselves from this position is by marching upon Mexico." [Various movements.] Negotiations with the Juarists were broken off on the 9th April, and the

struggle commenced between the Mexicans and the French, then separated from their allies. M. Thiers has mentioned an ultimatum, but that document could have had no influence on the course pursued by the Mexican government, because it was never forwarded to Juarez, and was only discussed among the plenipotentiaries. The honorable deputy (M. Thiers) described the claim of England to 80 millions as being probably exaggerated; that of Spain to 40 millions as equitable; and the French demand of 60 millions as exorbitant; and he reproached the government with increasing this demand to 156 millions after the entry of the expedition into Mexico. True, in 1855 we claimed only 40 millions from Mexico, but that was because we were unwilling to use excessive rigor towards a new government which was surrounded with difficulties. But did that moderation detract from the legitimate character of our demand? M. Thiers added that at that period 75 millions were also asked for on account of the Jecker affair. That statement is not correct; all that was asked for was to continue to have the Jecker bonds accepted in payment of the customs duties. I repeat, the question of the ultimatum and the non-acceptation of the preliminaries of Soledad had no direct effect on the events. Then occurred the attempt against Puebla—a check which raised a question of national honor—followed by the taking of that town. M. Thiers says we should have then stopped. It is easy after events have been accomplished to say that something else should have been done. [Hear, hear.]

M. THIERS. I said so before.

M. ROUHER. I do not deny that you maintained that reasoning in 1864. I ask what could be done by a government that wished to arrive at a serious arrangement? A conquest? No one would have advised it. A treaty? It could not be made with a government in flight, which had not even a representative in Mexico to negotiate with the French generals. A fortnight or three weeks back some persons might have said, "You should not have had such scruples; you should have recalled the vanquished government; treated with it, and placed French subjects under its protection." But, after the painful events just accomplished, such argument is impossible. Such a government is not to be treated with. [Prolonged movement; applause.] What was to be done? Bring home our troops and leave Mexico without a treaty; without any of the guarantees we had gone to obtain? Was that possible?

M. GLAIS-BIZOIN. That is the present situation.

M. ROUHER. It is; but we do not accept it voluntarily. We submit to it with profound grief. [Movements in opposite senses; exclamations.]

The PRESIDENT. These continual interruptions do not add to the dignity of the debate.

M. ROUHER. It was, however, necessary to come to a resolution. The course followed by the United States in 1848 served as a precedent. They obtained several provinces by a treaty, and the electors having been assembled, Herero was named President of the republic in presence of the American troops. Marshall Forey did the same; he called together a junta to decide on the best course to be followed. That body, as M. Thiers has said, was composed of the most honorable men of Mexican society. It believed that the Mexican empire could be re-established, and a suffrage of the inhabitants having been taken, five millions out of eight voted for the reconstruction of the empire under the Archduke Maximilian. Did France employ any influence or coercive means to arrive at such a result? The instructions to Marshal Forey said, "Respect the will of the Mexican people," and it was done. Yes; the Mexican nation acted in the plenitude of its liberty! The choice was made spontaneously, and yet we are to be made responsible for ulterior events. When the Mexican nation appeared to be in accord to constitute a stable government, were we to prevent and paralyze it? were we to say that the enterprise was a mad one, and that Mexico was to be effaced from the list of nations because it was incapable of receiving a political and financial organization? No, no. M. Thiers has said that the archduke inevitably became isolated because of the question of the ecclesiastical property, and that the fertility of Mexico was an illusion. From the first day the emperor Maximilian saw the real solution—to respect the sales made and the contracts executed in perfect sincerity, and to overrule only those vitiated by manœuvre or fraud.

M. THIERS. He was right.

M. ROUHER. He was; and because he counted on the reason and good sense of all, you exclaim, folly! If passion had not abused the intelligence of the country, he would have reaped a great and legitimate popularity. [Hear, hear.] As to the sterility of the country, all writings and reports of engineers bear witness to its extreme fertility, which, under different latitudes, presents the products of all climates. Its mineral riches are silver, iron, and coal. I do not know when they will be extracted from the soil, but if one day the United States establish a regular government, you will see, under the influence of order and the energetic labors of the Americans, wealth and prosperity succeed to the sterility still perpetuated by disorder and anarchy. We knew that the revenue of preceding years had amounted to from 80 to 90 millions; to balance the budget of 130 millions drawn up by Maximilian, all that was required was a tax of five or six francs per head, on a population of eight millions of inhabitants. That was not impossible with a regular government. Such an immediate result could not be expected. But after a year or two the riches of the country would become developed and assume means for paying the liabilities of the past and the finances of the future. Under those circumstances we thought right to open the

market of France to the loans to be raised. Could we refuse? M. Thiers objects that, while one minister was signing the contract for the loan, another expressed his mistrust of the operation. Here is a complete error in the dates. The second loan was contracted in April, 1865, under the auspices of M. Fould, the minister you accuse of having doubted it. The convention which you make contemporary with the loan was drawn up on the 27th September, at a period when grave events had already taken place, and even then no serious doubts hung over the Mexican loans. If at that time we had had any fears, we should at the present moment suffer a cruel remorse, for only a month before the minister of finance and myself had induced one of our friends to leave the council of state, where he was loved and esteemed for his rare talents, to go out to Mexico and take in hand the reorganization of the finances of that country, and the friend we sent there succumbed to the difficulty of the task he had accepted. We were destined not to meet again. [Sensation.] Ah! say, if you will, that we were mistaken in our provisions, and insist on accomplished events, but do not suspect our honesty. [Hear, hear.] M. Jules Favre says that we were aware of the situation; that Marshal Bazaine had been obliged to force the receipts of the Mexican treasury; that the Mexican government was at the end of its resources, and obliged to have recourse to exceptional measures. This is also an error of date and appreciation. The events he refers to occurred in May, 1866, while the loan had been resolved on and the treaty signed in 1865. M. Thiers has said that the failure of the expedition was the result of a want of control; M. Jules Favre, that the control was exercised, but was perverted by falsehood. Gentlemen, that is an attempt to disunite the majority from the government, to isolate the executive power, and to charge it alone with all the responsibility of the undertaking. That argument is based on neither truth nor justice; you will reject it, and we shall continue, in good as well as in ill fortune, to make common cause. [Yes, yes; loud applause.] We told you the truth; and if we failed it was our misfortune, but we concealed nothing. If the event betrayed our hopes, if the expedition did not succeed, leave to us the responsibility if you will, but do not aggravate it by unjust imputations. What! the fortnightly bulletins published in the *Moniteur* were not the exact reproduction of the reports sent by our commander-in-chief; question him. Do you suppose that we should have thought of falsifying them? Blame the enterprise, but do not deny our sincerity nor seek to introduce into this debate a violent and cruel element which we could not accept without indignation. [Hear, hear.] At the end of 1865, events became unfortunately complicated; the attempts made by American filibusters to violate the neutrality and the encouragements received by the malcontents forced Marshal Bazaine to concentrate his troops and prepare for all eventualities. Public opinion at home had been feverish; there is in our country, so prompt in generous enterprises, an impatience to attain the object, which does not always take into account the conditions of time. We had been long in Mexico, and no result appeared to have been obtained. What was to be done? Ah! gentlemen, if you had had to do with such a despotic government as you picture sometimes, it might have persisted and declared that it would not withdraw; that it would meet all the risks and undergo all the consequences of the expedition. I do not know how things passed in the ministerial councils of previous monarchies, but I can assure you that the deliberations which took place on the question were conducted with frankness, independence, and resolution. We deliberated sadly and solemnly; we had interrogated the fluctuations of public opinion, and we resigned ourselves to pronounce the word, evacuation. And, gentlemen, if I were allowed to mingle in this debate a personal feeling, I should not hesitate to say, that if I had had a forecast of the future, if I could have foreseen an odious murder at the termination of that struggle, I admit I should have perhaps recoiled before my personal opinion. [Movement.] In fine, the resolution was adopted and the order for evacuation was given on the 14th of January. But what was the character of the withdrawal? Was it a retreat before the malcontent troops? Our soldiers feared but little the armed bands of Juarez and Porfirio Diaz. [Hear, hear.] Was it the abandonment of Maximilian? Did we not preserve for him all the sympathy due to a common cause, and which was destined to be further increased by a fearful misfortune? [Hear, hear.] We endeavored to delay the departure of our troops, who left in three portions. We hoped still to be able to consolidate the tottering throne, and when the fatal term arrived we sent an aide-de-camp from the Emperor Napoleon to implore the emperor Maximilian to leave that theatre of grief with the French troops. Alas! he would not; and a few hours back I was reading in a journal an account which gives an exact idea of the feelings and motives which induced him to persist in his resolution.

He said:

“France, in withdrawing, invokes her own interests; as for myself, I have no interests to invoke, and so long as the Mexican nation shall remain faithful to its choice, I cannot and will not abandon a cause which I accepted with its dangers. Happen what may, I have no need to tell you that I shall be what I was at Milan, in the Austrian navy, and at Miramar, taking counsel only of my duty and of my personal dignity. I will never abandon my post, and I shall not forget for one moment that I descend from a race which has passed through crises much more terrible than the one I am now traversing, and the glory of my forefathers shall never be tarnished by me.” [Applause.]

Noble words, which exalt by a hundred cubits the victim, and which force to his knees the conquering assassin! [Hear, hear.] M. Thiers has said that the Mexican expedition para-

lyzed the action of France, when grave events occurred in Germany; that the ruin of the attempt has destroyed our prestige in those distant seas and compromised the future prosperity of our commerce. No; the Mexican expedition did not weigh upon the decisions of the government with regard to Germany. If 22,000 soldiers were absent from France she had still resources enough at home, had the government considered that her honor or interest required interference in the affairs of Germany. No; the prestige of the French name is not destroyed on those distant shores. And do you know why? During the four years which have passed never has the honor of our flag been seriously compromised. We have traversed from one end to the other that vast territory in small detachments, and in a hundred combats we have always been the conquerors. We left Mexico with all our renown, and the flag of France is respected, venerated in the republics of the south; likewise our commerce will continue to prosper there. We have failed; yes, but that result is only another proof of human fallibility, to show how perishable are the most carefully studied combinations, and how mysterious are the designs of Providence, which sometimes delays, without our being able to penetrate its reasons, the hour of reparation of justice, and of chastisement. [Applause.] You would have had a justification for your attacks if our attempt had been made against a people free, laborious, and honest; but when we went to Mexico we found only anarchy and disorder. And now that we quit the country, midst the applause of some, what do we leave there? Anarchy and crime, a disordered government abandoning itself to all the passions, all the excesses of an unexpected and unhopd-for victory. [Movement.] Is that the reason of a great triumph for those who had predicted our return? I will only add one word more; I do not wish to leave on the Mexican nation that afflicting epitaph. No; nations do not perish. Anarchy will be one day vanquished, and the innocent blood which has flowed will be avenged. I do not know when that day will come. But when Mexico, free and happy, shall look into her history, she will have, in the midst of the enthusiasm of her deliverance, a cry of sympathy and gratitude for France. The minister resumed his seat in the midst of loud applause.

**M. JULES FAVRE.** We are less in face of a lamentable check than of a system of which that check is the consequence and symptom. [Rumors.] On hearing the minister I asked myself what language would have been used if the expedition had been crowned with success. [Fresh rumors.] It was just, we are told, and legitimate; it had been well conceived and valiantly conducted. Why, then, and how did it fail? [Interruption.]

**SEVERAL MEMBERS.** Enough; enough; the close!

The **PRESIDENT.** M. Jules Favre has the right to speak; I beg the Chamber to hear him. I think that M. Favre will do all that is necessary to be listened to with calm and silence.

**M. GRANIER DE CASSAGNAC.** Let him do it, then. [Exclamations to the left of the speaker.]

**M. JULES FAVRE.** I am too much accustomed to submit to the law of the majority not to know how to accept it. If I am not wanted in this tribune I am ready to descend. [Various movements.] The minister of state will agree that it is a grave mission to govern a great nation, one of the highest duties it is given to man to fulfil; and when affairs have been conducted in such a manner that 700,000,000 have been expended in a way completely sterile, [exclamations,] that the blood of French soldiers has watered without success the soil on which they had been thrown, it is not enough to come to the tribune, avow that a mistake has been made, and invoke human fallibility. I have said, and I maintain, that the Chamber and the country have never been sufficiently informed of the true scope of the expedition; [noise;] that if they had known, they would never have given their consent. At length it has been avowed that as early as 1858 diplomatic conversations had taken place between the cabinets of Paris and Madrid. [Denials.] I allude to official despatches anterior to the treaty of 1861. They are from M. Thouvenel and M. Barrot; they all mention that at this period there was a question between France and Spain of restoring the Mexican monarchy. It is none the less true that in 1861 those negotiations were denied in this chamber. Had they been known I do not doubt that the Chamber would have imposed upon the government the obligation of not going beyond the circle of the legitimate reparation of our wrongs. In October, 1861, was concluded between the three powers the convention which contained a clause foreseeing certain hypotheses. These were not new; and if we look into our history we shall find them in the despatches of those who wished to sully France by invasion and despotism. Among them was one providing for the case, when the sound part of the Mexican population, tired of disorder and anarchy, should aspire to another form of government and stretch out its arms to us. But, gentlemen, the sound part of the population never stretches out its arms towards the foreigner except to fight him. [Hear, hear, from some benches.] Did my country live under the most detested of governments? Let the foreigner show himself at our frontiers, and I should be ready to shed the last drop of my blood for that government. [Various movements.] Well, the troops arrived in February, 1862, and our ultimatum claimed a sum of 60,000,000 as due to Frenchmen, plus 75,000,000 for the Jecker bonds, which was assuredly a novelty in diplomacy, above all when it concerned a usurious contract. On this affair England and Spain separated from us, declaring that they could not associate themselves in a demand for a fraudulent claim. These bonds have been the constant preoccupation of our agents, and so much so that they are the only debt on which any payment has been made. In virtue of a convention bearing the signature of the Marquis de Montholon, the minister of France, the house of Jecker was to receive 26,000,000; 13 have been paid, and the claims

of the French still await reparation. Those bonds were the object of a predilection never denied, and only the arrival in Mexico of our late honored colleague, M. Langlais, prevented the payment of the second part.

M. ROUHER. Will you permit me a word?

M. JULES FAVRE. As many as you like; I only ask for the truth. [Exclamations on several benches.] Those who doubt it have only to descend to the bottom of their own consciences. [Applause on the left of the speaker.] If they have other sentiments I cannot compliment them. [Noise.]

M. ROUHER. M. Jules Favre involuntarily commits a material error. There were two conventions in 1865. The first, in April, did bear the signature of our minister. By the terms of that instrument the Jecker claims were diminished 60 per cent.; 13,000,000 were to be paid in the year, and the rest at a million of dollars annually. It was not executed. A new convention intervened in September, in reference to which the minister of finance wrote to M. Langlais, saying he was ignorant of the conditions, but that he saw with the most painful surprise that this convention had been settled without consulting the minister of France in Mexico. I hold in my hands the letter by which M. Drouyn de Lhuys, writing to M. Dano, protested against that convention, and declared it deplorable. The French government was a complete stranger to the affair, and only knew it to blame it energetically and prevent its execution. [Hear, hear!]

M. JULES FAVRE. Gentlemen, I do not wish to prolong this incident. [Noise and laughter.]

M. EUGENE PELLETAN. We listened to you in silence, and you do nothing but interrupt.

The PRESIDENT. The Chamber has hitherto listened in religious silence. [Noise on the left.]

M. MARIE. Not to-day.

The PRESIDENT. The sitting of yesterday was devoted to a solemn debate, and the speakers who made the sharpest attacks were heard with the most scrupulous attention. I ask for the same to-day. [Hear, hear.]

M. JULES FAVRE. I gather from what the honorable minister says that the French government wished its agents to remain strangers to this negotiation, and yet the signature of M. Montholon is at the bottom of the convention.

M. ROUHER. On that of April, but not on the second, that of September.

M. JULES FAVRE. The convention is of the 10th April, 1865. It may be that the government afterwards thought it advisable to alter its views; but what I affirm is, that Jecker has received a part of his claims in virtue of the signature of our diplomatic agent. I was therefore right in saying that the stipulation contained in the ultimatum was one of the causes of the rupture of negotiations. But the fact is there was a premeditation to march on Mexico and establish the government you had fixed on. Do you remember the solemn declarations that were made, "we shall never employ force?" Who will now dare to say that pledge was kept, and that force was not the only means employed to establish that phantom empire which has crumbled behind our soldiers? [Noise.] You speak of 5,000,000 of votes; where are the returns? [Rumors.] These 5,000,000 of votes are those of the 130 persons assembled at Mexico under the shadow of our flag, and whom you caused to deliberate on the offer of the crown to Maximilian. They were emigrants whom you conducted to the capital, sheltered by our colors; they carried there their rancour, their personal ambitions, in the service of which you engaged the honor and the blood of France. [Noise; approbation on some benches.] You remember that proclamation in which our soldiers were told that they would be received with crowns of flowers. How terribly were they undeceived. In 1864 Maximilian was enthroned; then all was told; France ought not to have carried her action further. Unhappily the persistent thought of the government was to treat every adversary of the new empire as an enemy of France. Either Maximilian, called, as you say, by 5,000,000 of votes, was sustained by the population—and then it was useless to seat him on your sword—[laughter]—or those 5,000,000 were a myth and you knew it; but you would not recognize it because you wanted to obtain a vote of subsidies from the Chamber. [Various movements; exclamations of dissent.] As early as 1865 the inevitable ruin of the enterprise was admitted by you. Yet the *Moniteur* continued to publish articles affirming the success of the expedition, boasting of the solidity of the Mexican throne, and repudiating all uneasiness. When I asked for communication of the official documents, the reply was that they did not exist. The Chamber was satisfied with the articles in the *Moniteur* and the declarations of the minister of state. Were, however, these latter reconcilable with the dignity of France when he said, "The object must be attained; the pacification must be complete; the dignity of France and of the Emperor both demand it?" And, gentlemen, you received that declaration with the same applause as that with which you just now covered the last words of the same minister. The other ministers repeated the same language, saying the duty of France was not to abandon her ally in misfortune. The minister of state said just now that the prestige of France has not been diminished. How can he reconcile that assertion with the solution of the lamentable drama? The French army has returned leaving our unfortunate countrymen defenceless. [Loud exclamations of dissent. "The close!"] The minister has been forced to admit that the commercial prosperity which was announced as to be the result of the expedition has been a dream deplorably unrealized. It was not at the heart of



Mexico alone that you aimed; you wished to pierce also that of the United States. [Enough; enough! Loud exclamations of denial.]

M. BELMONTEL. You are betraying France. That is not patriotic.

M. JULES FAVRE. Yet the result of the expedition has been to render America still greater; you have thrown Mexico into her arms. [Noise.] Yes, in that note of the *Moniteur* which I pointed out the other day as capable of wounding a powerful government, against which you can do nothing, [noise; cries of "Enough, enough,"] you say that Mexico would be too happy if that country could be absorbed by neighboring powers. Thus the result of your expedition will have been to aggrandise beyond measure that America, the strength of which was already a matter of anxiety to you, as is proved by a document I could quote. When you have compromised the finances of France, and have made of her blood a use which must weigh on your conscience, [exclamations and murmurs,] I have a right to say that in a free country you would be impeached. [Loud interruptions; cries of "Order, order;" "Enough, enough;" "The close!"]

The Marquis d'HAVRINCOURT. It is those whose speeches have been of service to Juarez that ought to be brought to trial.

The PRESIDENT. Monsieur Jules Favre, I must remind you that the exaggeration of the language proves always the weakness of the arguments. [Loud applause; "Hear."]

M. JULES FAVRE. It is only in France—[the voice of the speaker is covered by the uproar.]

SEVERAL MEMBERS. The last words of the speaker were not heard.

The PRESIDENT. I declare, for my part, I did not hear them.

SEVERAL VOICES. No one did.

The PRESIDENT. Then they cannot be inserted in the *Moniteur*.

M. JULES FAVRE. If that is the case—[fresh uproar; cries of "Order!"]

The PRESIDENT. Gentlemen, please to give an example of the moderation I invite the speaker to observe.

M. JULES FAVRE. Moderation is liberty, [exclamations,] and there is none where the *Moniteur*, which should reproduce our debates, is mutilated by the will of the person who presides. [Fresh exclamations; applause on some benches to the left of the speaker. M. Jules Favre then quitted the tribune.]

The PRESIDENT. I cannot allow these observations of M. Jules Favre to pass without remark. The merit, the right, and the duty of the *Moniteur* consists in being exact, and to be exact, everything that passes here must be reported. Now, the words alluded to were not heard either by the Chambers or by the president. ["That is the truth!" Agitation.]

M. JULES FAVRE. I am prepared to repeat them.

The PRESIDENT. If M. Jules Favre reads the *Moniteur* to-morrow morning, he will find there reported many attacks which I abstain from characterizing.

M. GLAIS-BIZOIN. And they ought to be reported there.

A number of members demanded the close of the discussion.

M. THIERS requested permission to offer two observations, and said he would be brief: First, as to the origin of the expedition. He maintained, against the statement of the minister, that Spain and England had formally declared that they had no other object than to redress the wrongs inflicted upon their subjects in Mexico. I have, said the honorable member, the orders issued by the English and Spanish governments, absolutely prohibiting a march upon the city of Mexico; and I have the letter written by Admiral Jurien de la Gravière to General Prim, announcing that the object of the expedition was to advance upon the capital and there to establish a monarchy. The first operation was, therefore, only a pretext for the second. [Varied movements.] As to the financial aspect of the question presented to us, I am bound to say that the cost of the expedition has been 600, not 300 millions, and to that amount must be added 300 millions more subscribed to Mexican loans in France. I protest against the accounts of this expenditure which have been laid before us. [Marks of approval from several benches.]

Mr. ROUHER. I maintain the absolute accuracy of the figures furnished to the committee on the budget, and when M. Thiers adduces proof of what he affirms, I shall be prepared to refute them. [Applause, and cries of "To-morrow, to-morrow!"] ["The close, the close!"]

M. EMILE OLIVIER observed that there were other questions of interest to be discussed besides that of Mexico, and if the general debate were now closed, he would reserve his right to speak fully when the budget of the minister of the interior came to be considered.

M. ROUHER declared that he had no objection to that course.

The termination of the general discussion was then pronounced, and the sitting was brought to a close.

*Mr. Dix to Mr. Seward.*

No. 105.]

LEGATION OF THE UNITED STATES,

Paris, July 20, 1867.

SIR: My attention has been lately called by an agent of the Arizona Mining Company to a claim of this company against the French government, which was

presented by my immediate predecessor to the minister of foreign affairs in the autumn of 1865, under instructions contained in your despatch No. 287 of that year.

Upon searching the records the last communication I find upon this subject is one from the Marquis de Moustier, bearing date October 13th, 1866, a translation of which I enclose.

I have the honor to inquire whether the "mixed commission" therein referred to has ever been appointed, and if so if the claim of the Arizona Mining Company may be submitted to it?

I am, with great respect, your obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Moustier to Mr. Bigelow.*

[Translation.]

PARIS, October 13, 1866.

SIR: I have instituted an inquiry into the causes which have delayed till now a definite solution of the reclamation which you have addressed to the imperial government in the name of the freighters of the American schooner W. R. Richardson.

My predecessor had only proposed to adjourn the examination until the moment when the reclamations which we, on our part, have to place before the government of the United States should be placed in proper shape.

Undoubtedly it is known to you, that for a long time we have been engaged in negotiations on this subject with the cabinet at Washington. This cabinet has insisted that the mixed commission which has been named for this purpose should be authorized to act upon the French reclamations against the United States, as well as upon the American reclamations against us.

We agreed upon this proposition, and therefore it has not depended on us that we are not already agreed upon this question. You understand that we wait only a perfect understanding between our governments on the manner of proceeding, in order to express our views on the reclamation which you have done me the honor to recall to my attention. At all events, it is indispensable that my department should obtain from the minister of the marine full information, and I will ask him immediately to furnish it to me.

Accept, &c., &c.,

MOUSTIER.

Mr. BIGELOW, *Minister, &c.*

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*Mr. Dix to Mr. Seward.*

No. 109.]

LEGATION OF THE UNITED STATES,  
*Paris, July 26, 1867.*

SIR: I have the honor to inform you that, in compliance with your instructions in despatch No. 52, I communicated to the government of France a copy of an instruction of the 25th March last, No. 194, addressed to Mr. Burlingame, the minister of the United States in China.

I now enclose a translation of a letter from the Marquis de Moustier on the same subject, addressed to me on the 24th instant, with a copy of a despatch addressed by the minister of foreign affairs of France, also in translation, to his excellency Lord Cowley, ambassador of her Britannic Majesty at Paris.

I am, very respectfully, your obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Moustier to Mr. Dix.*

[Translation.]

PARIS, July 24, 1867.

GENERAL: By the letter which you did me the honor to address to me on the 20th of April last, you kindly communicated to me, in the name of the federal government, the instructions which have been sent to the minister of the United States at Peking, on the subject of the new municipal regulations of the French concession of Shanghai.

It appears from this correspondence, of which I have taken cognizance with particular interest, that the cabinet of Washington, while provisionally approving the protest of its consul general at Shanghai against the municipal organization of the French quarter, has requested Mr. Burlingame to study the question in concert with the ministers of England, Prussia and Russia, and to examine if this organization be compatible with the rights and interests of the citizens of the United States, or if it could become so by means of certain changes.

The governments of Russia and Prussia, having to the present moment addressed no observation whatever relative to the new order of administration of the French concession of Shanghai, to the imperial government, I have reason to believe that they are disposed to join in the resolutions which may be adopted by the other governments interested in the case. In regard to the cabinet of London, I am happy to find myself able to announce to you, general, that it gives its complete adhesion to the French municipal regulations. It recognizes that the fusion of the two establishments situated on the north and the south of the Yang-King-Pang is henceforth impracticable, and that on the other hand it cannot contest the right of the imperial government to regulate, as it has done, by delegated authority from the court of Peking, the administration of the quarter especially appropriated as the residence of French subjects. One single provision had raised on its part some objections, which I was examining at the time when I received your communication, and which I fortunately succeeded in removing. It had appeared to the London cabinet that the 16th article of the regulations did not protect in terms sufficiently explicit the principle of the rights of persons, and it demanded that the sense of the article should be defined by an explanatory declaration intended to prevent any application contrary to these principles. To respond still more completely to its desire, and to prevent analagous objections which might be presented hereafter by other governments, I have decided to alter the 16th article entirely, and have announced my intention to substitute the following provision:

“The consul general, in concert with the authorities under whose jurisdiction the foreign residents may be placed, and in accordance with the principles of a just reciprocity, shall determine the manner of the execution of the warrants of arrest, which their authorities may issue, as well as of all judgments and orders of seizure issued against strangers, resident or in transitu in the concession.”

The British government declared immediately that this change satisfied entirely the objections which it had felt obliged to make. At the same time it has given its full assent to the bases on which I had proposed to regulate the details of the question relative to the mode of execution of sentences, warrants of arrest, &c., &c., issued by the respective judicial authorities. These resolutions are indicated in a letter which I addressed the 23d of May last to the ambassador of her Britannic Majesty at Paris, and of which I have the honor, general, to communicate to you a copy herewith. Besides it is understood that the modification of article 16 of the regulation should not go into effect until the legations of France and England have adopted in concert, and conformably with the bases adopted by common accord by their governments, a code of regulations adapted in practice to prevent all conflict of authority, whether between the authorities of the two neighboring “concessions,” or between the agents of the public force placed under the order of these authorities. The two governments have consequently with this view sent simultaneously instructions to their representatives at Peking, requesting them to seek the co-operation of the other foreign diplomatic agents in order to assure as much as possible the application of uniform rules.

Under these circumstances I am glad to hope, general, that the cabinet of Washington will join cordially in the views of the government of France and Great Britain, and that it will instruct its minister at Peking to take part in the good understanding which cannot fail to be established very soon between the representatives of the foreign powers in China in all that relates to the mutual aid which the consular and judicial authorities of the different nationalities should give to each other.

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

MOUSTIER.

Major General JOHN A. DIX, *United States Minister.*

*Mr. Moustier to Lord Cowley.*

PARIS, May 23, 1867.

**MONSIEUR L'AMBASSADEUR :** In answer to the communication which you were pleased to make to me the 25th of last month, of a despatch of Lord Stanley relative to the municipal regulations of the French concession of Shanghai, I am happy to inform your excellency that the views of the imperial government on this question are in perfect harmony with those of her Britannic Majesty's government.

In fact, as soon as the principal secretary of state of the Queen recognized that the fusion of the two establishments situated on the north and on the south side of the Yang-King-Pang was henceforth impracticable, and when he adheres to the considerations developed in the letter which I had the honor to address to your excellency on the 6th of June of last year, I hasten to modify the only provision which is objectionable to the London cabinet. According to the views of my department the 16th article was simply intended to establish what already practically existed, the principal of the rights of persons continuing to be respected in the most scrupulous manner. But I do not hesitate to admit that the language which was adopted does not protect these principles in terms sufficiently explicit, and although it appears that an explanatory declaration of the imperial government appears to Lord Stanley to be sufficient to prevent all difficulty, I believe that I shall respond still more completely to the desire of the British government by altering the 16th article according to the meaning of the considerations presented by Sir Edmund Hornby, judge of the English supreme court in China and Japan. I propose, therefore, Monsieur l'ambassadeur, to request the consul general of France in Shanghai to substitute for this article a provision thus conceived :

“The consul general, in concert with the authorities under whose jurisdiction the foreign residents may be placed, and in accordance with the principles of a just reciprocity, shall determine the manner of the execution of the warrants of arrest which these authorities may issue, as well as of all judgments and orders of seizure, issued against strangers, resident, or in transitu, in the concession.”

The Viscount Bremer de Montmorand, however, should not effect this substitution until he has come to a definite understanding with the consular and judicial authorities of the Anglo-American establishment, on the manner of executing the respective judgments and warrants of arrest. In order that this understanding should not meet either with delay or with difficulties, I consider it important that the French and British governments should immediately decide upon the base of an agreement, and issue to their agents at Shanghai identical instructions. I should therefore be greatly obliged to your excellency, if you would request Lord Stanley to communicate to you as soon as possible his views in this matter. As far as I am concerned, I adhere willingly to the proposition which has been made by the consuls of England and the United States in Shanghai, “to decide that all warrants of arrest issued by the authorities in the Anglo-American quarter should, in order to be executed in the French concession, and except in cases of extreme urgency, be previously countersigned by the consul general of France, or at least presented to the chief of the municipal police of the concession. However it appears to me useful to have it at the same time understood, that in case the warrant is not countersigned by the consul general, the chief of the French police shall always have the right to send one of his agents to accompany the constable who is charged with its execution.

Further, it seems to me desirable, to regulate the conditions of the instructions of the respective agents of the public force in cases of seizure, and others, in which physical resistance might be opposed to the execution of judicial sentences. Finally, the mode of execution in the Anglo-American establishment of judicial divisions and warrants of arrest issued by the consul general of France, should also be decided by an arrangement of intervention according to the principles of perfect reciprocity.

In conclusion, I believe it proper, Monsieur l'ambassadeur, to call your attention to the importance of mutual assistance, which the judicial authorities of the different nations should render to each other, to assure by those under their jurisdiction the observance of the municipal regulations in force both north and south of the Yang-King-Pang. Thus, as I had the honor to remark to your excellency in my letter of the 6th of June last, strangers living on the French concession will remain under the jurisdiction of their national authorities, even in cases of simple violations of police regulations or of disturbance of the peace, or in suits for the recovery of taxes. French subjects residing in the Anglo-American quarter will in analogous cases be brought before the consul general of France. But in order that the application of the principle of the rights of persons under these circumstances should have results advantageous to the interests of the community, it is important that full and prompt justice should be done on one part as well as the other, and that the respective authorities should feel no uncertainty as to the nature and extent of their obligations on this subject. I am pleased therefore to think, that her Britannic Majesty's government will not hesitate in cases of necessity to join its efforts to those of the imperial government to bring about, in reference to the infraction of municipal regulations, as complete an understanding as possible between the different foreign agents who exercise in Shanghai over their countrymen the rights of jurisdiction, recognized by the different treaties with the Celestial Empire.

MOUSTIER.

His Excellency LORD COWLEY,  
*Ambassador of her Britannic Majesty at Paris.*

*Mr. Dix to Mr. Seward.*

No. 111.]

LEGATION OF THE UNITED STATES,  
*Paris, July 29, 1867.*

SIR: At the request of Mr. Bareiro, chargé d'affaires of Paraguay, I have the honor to enclose a printed paper signed by him, dated Paris, 10th of July, 1867, and entitled an "Answer to the attacks upon Paraguay contained in the note of the 12th June last from the envoy extraordinary and minister plenipotentiary of Brazil, to his excellency the minister of foreign affairs of his Majesty the Emperor of the French."

I have the honor to be, very respectfully, your obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

[Translation.]

*Answer to the attacks upon Paraguay contained in the note of the 12th June last from the envoy extraordinary and minister plenipotentiary of Brazil to his excellency the minister for foreign affairs of his Majesty the Emperor of the French.*

The note which I had the honor to address to their excellencies the Marquis de Moustier and Lord Stanley, ministers for foreign affairs of their Majesties the Emperor of the French and the Queen of the United Kingdom of Great Britain and Ireland, the 3d of last June, has been the subject of a similar note of Mr. de Macedo, envoy extraordinary and minister plenipotentiary of Brazil, to his excellency the Marquis de Moustier, which contains accusations to which I see myself with regret under the necessity of replying.

This note, printed and distributed among a great number of persons, came to my cognizance in the same manner in which mine came to the cognizance of Mr. de Macedo.

I should have presented my observations ere this had I not been officiously informed that another note, with the same destination as that of Mr. de Macedo, was to be written by the minister plenipotentiary of the Argentine confederation; but it not having yet appeared or not having been seen by me, I can no longer delay my indispensable answer to Mr. de Macedo.

The government of Paraguay finds itself again in presence of the allegations refuted a number of times, but always again reproduced, that it commenced the war without reason and without a declaration; that it has conducted it *treacherously, with barbarity and ferocity*, &c. For my part, I am accused of *falsity* like all the agents of the President of Paraguay, like my immediate chief, Mr. Bergès. The tactics of all advocates who have a bad cause to defend consists in employing in their arguments violence instead of reason, personality and insult instead of logic. These tactics will not be mine. His excellency the Marquis de Moustier must have appreciated but indifferently the word *razzias* which these tactics suggested to Mr. de Macedo to express the *barbarity and ferocity* of the Paraguayans. Mr. de Macedo, it would seem, is not aware that this word is employed officially in the bulletins of the French army to designate certain war operations of Africa, carried out by that brave and loyal army which is assuredly neither barbarous nor ferocious. With the injurious sense attributed to it, neither this nor any other similar word ought to have found a place in a Brazilian note, because it resembles so much that of *Californias*, of so different a signification, which is of pure Brazilian origin, as is the event which gives it its meaning, which does not refer either to war properly speaking or to regular armies, but to pillage, the trade in whites, and the assassination practiced extensively by the Brazilians of Rio Grande against the Orientals of Uruguay. Whatever be the case, I repel with energy, if not the word itself, at least the wrong meaning which Mr. de Macedo attaches to it, considering that Paraguay did not for one moment deviate from the usages of war in fighting its enemies. Mr. de Macedo is unable to say as much for his country.

I extract from the note of Mr. de Macedo the following allegations in order to reply to them categorically:

I. "The Brazilian provinces were entirely without defence at the time Paraguay invaded them.

II. "The protest addressed to the minister of Brazil at Asuncion, the 30th August, 1864, was not a declaration of war.

III. "The government of Paraguay had nothing to do with the contentions of Brazil with Uruguay in 1864.

IV. "The declaration of war by Paraguay to the Argentine Confederation was not known

at Buenos Ayres until nineteen days after the city of Corrientes had been occupied by the Paraguayan forces.

V. "Mr. Thornton, her Britannic Majesty's minister at Buenos Ayres, testifies to the insufficiency of the reasons alleged by Paraguay for waging war on the Argentine Confederation.

VI. "Brazil was entitled since 1845 to the gratitude of Paraguay, at that time feeble, menaced and abandoned by the whole world.

VII. "If the independence of Uruguay was menaced, the government of Paraguay had only to address itself to the government of Brazil, of the Argentine Confederation, of France and England, who were under stipulations to guarantee it; it had only to arouse these governments if it thought them asleep.

VIII. "Messrs. Berges and Bareiro speak vaguely of projects of absorption, of traditional pretensions, and of the encroaching policy of Brazil. The proofs of these assertions ought to have been given. The proofs which attest the moderation and pacific character of the government of the Emperor of Brazil are before the eyes of the whole world.

IX. "If there had been found among the papers of Colonel Campos, president of Matto Grosso, the slightest proof against the pacific intentions of the Brazilian government with regard to Paraguay, which seeks so many sophisms and false allegations to justify its aggression, the Paraguayan government would not have preserved such proof a secret.

X. "The Paraguayan armies when they invaded Matto Grosso and Rio Grande found only 120 men to defend the dilapidated fort of Coimbra, and a few squadrons of national guard gathered hastily before San Borja de Rio Grande.

XI. "It is known to the whole world that Brazil, when she saw two of her provinces invaded by the troops of Paraguay, had only 14,000 soldiers of all arms scattered in small detachments over the twenty provinces of the empire; that her border provinces were defenceless; that her forts were poorly armed, dismantled, dilapidated; that her fleet was composed of the vessels only which she usually maintained for the defence of her coast; in short, that she was without vessels of war drawing the proper depth for a war upon the waters.

XII. "It is entirely natural to suppose that the Brazilian plenipotentiary had instructions to induce the Argentine Republic to an alliance; but besides, fifteen days are more than sufficient to draw up a treaty, to send it from Buenos Ayres to Rio de Janeiro and receive the answer.

XIII. "Whilst Brazil had not a single means of aggression, Paraguay, on the contrary, was solely occupied in training soldiers, in acquiring instruments and munitions of war. She gave the greatest dimensions to the fortress, already formidable, of Humaita. She had the best and the most numerous artillery that South America had ever seen. She lost men and munitions in enormous quantities, notwithstanding which she still has many, although she has been blockaded by land and by water since two years.

XIV. "It is a novel moral to pretend that after two years of war and torrents of blood spilled without result, peace was desirable.

XV. "The President of Paraguay is a capricious and ambitious potentate, during whose presence the allies cannot lay down their arms without having obtained guarantees for the future.

XVI. "The government of Brazil leaves it to be decided by all just men whether it would be justified in leaving this germ of trouble and disquietude in the condition under which it began its ravages.

XVII. "The principle of public law by which it is attempted to deny nations the right to depose from power a chief who has abused it and who has become a perpetual menace to his neighbors, is a principle contrary to the constant practice of civilized nations of all ages. Mr. Berges himself speaks of the alliance into which Paraguay entered to depose the dictatorship of General Rosas.

XVIII. "Without entering upon a recital of the plans of his government or of the allies, Mr. de Macedo is still instructed to declare on all occasions that it is their firm intention to maintain the independence of the republic of Paraguay, to leave her the choice of a national government and of such institutions as she may wish to select.

XIX. "Mr. de Macedo refrains from speaking of the manner in which the war has been conducted by Paraguay; however, he immediately thereupon adds this: "On the banks of the Paraguay and the Parana, justice is opposed to the spirit of usurpation and of conquest. That wise policy which lends life to commerce, to industry, and to the progress of nations, no matter under what form of government, is opposed to the most absurd system of commercial restriction and monopoly. In short, civilization is opposed to tendencies towards barbarism."

The preceding allegations are generally accompanied by that oratorical precaution, which I have suppressed for the most part, namely, that the facts stated are incontestable and completely established; that they are known to and before the eyes of the whole world, &c. This precaution, which has been dropped since a long time from all serious discussions, ought to have so much the less suggested itself to the mind of Mr. de Macedo, since it is, in more than one instance, in manifest contradiction to that which is known, I will not say to the whole world, but, at least, to those who read his note, especially to his excellency the Marquis de Moustier.

I shall endeavor in the first place to show this contradiction, and then I shall establish, by

a summary recital of the events which preceded the present war, that Paraguay was provoked to the strife, and, that in appearing as the attacking party—that which her adversaries consider in her so great a crime—she in fact only practiced her right of legitimate defence, and that under circumstances the most serious to her honor and independence.

To the allegations I, IX, X, and XI, I reply that the Paraguayans, when they penetrated into the province of Matto Grosso, found a large number of cannon of heavy calibre, and munitions of war in abundance. Fort Coimbra, dismantled, according to Mr. de Macedo, had 37 of these cannon, and Fort Albuquerque had 23. I borrow these figures from Mr. Thornton, who transmits them to Earl Russell in his letter of the 24th of January, 1865. The Paraguayans took still other cannon besides those of Coimbra and Albuquerque. According to official documents of Paraguay, they took 87 in all. Mr. de Macedo would have it that with 37 cannon of heavy calibre, Fort Coimbra was poorly armed; while the little fort of Curupaity only has 10, if I have a good memory, and with this armament, to which are added a few field pieces, it has victoriously resisted the attacks of the allies since 15 months.

There were not, perhaps, found among the papers of Colonel Campos any hostile instructions, neither were there found pacific instructions; very probably Colonel Campos had received only verbal instructions; but he had with him worse than hostile instructions against Paraguay, he had officers, provisions, and money for the province of which he was proceeding to take command; he continued the clandestine arming of that province or of vessels, as had the Marquis de Olinda, who transported him himself, previously brought the cannon of which I have just spoken, because similar matter could not have come to Matto Grosso except by water and clandestinely, since the treaties relative to the navigation of the Paraguay are expressly opposed to their transportation on that river as long as the question of boundary should not have been settled. This arming, and the violation of the treaties in order to accomplish it, do they not witness sufficiently the hostile intentions of Brazil with regard to Paraguay? Was it necessary to prove them that written instructions should have been given to Colonel Campos? Besides, other authorities of Matto Grosso were found with written instructions, and their papers, which were published at Asuncion in 1865, fully confirm the occasion of the measures taken by Paraguay.

But here are some other inaccuracies which escaped the too little cautious zeal of Mr. de Macedo. At the time Paraguay invaded the province of Matto Grosso, Brazil, according to Mr. de Macedo, had only an army of 14,000 men of all arms, scattered in small detachments over the 20 provinces of the empire; her fleet was composed only of the vessels required for the usual defence of her coasts; she had no proper vessels for a war upon the water. Mr. de Macedo forgets that Paraguay did not invade Matto Grosso until the month of December, 1864, 15 or 20 days after the first bombardment of Paisandu by the Brazilian fleet of Admiral Tamandaré, two months after the occupation of the territory of Uruguay by the troops of General Menna Baretto, and more than five months after the ultimatum in which Mr. Saraiva announced his intention to appeal to his two general officers, the one stationed in the waters of the La Plata, where he certainly could not have been guarding the coasts of the empire, the other encamped on the borders of Uruguay with his army, apparently somewhat more numerous than a small detachment. These are indeed strange inadvertencies for a diplomatist so prompt to accuse of falsity the arguments of his adversaries.

It ought to be true, however, that Brazil did not expect to enter upon her war on Paraguay in 1864. According to her plans she was not to attack until 1865, and she had no suspicion that she could be anticipated. Paraguay to anticipate her (Brazil's) projects! to assume the odium of the first attack! That could not enter into her plans. She thought herself perfectly sheltered under a like contingency, although the true fact had been officially announced to her, and quietly expected her time.

To allegation II, I answer that, in effect, the protest of the 30th of August, 1864, was not a declaration of war; but this document is not the only document preliminary to war which the government of Paraguay has addressed the government of Brazil. Four days after, the 3d of September, it confirmed the above by adding this significant declaration, that, the case occurring, it would with regret support it by force (*de hacerla efectiva*;) in short, the 12th of November following, by a final note to Mr. Vianna de Lima, it broke off all relations with the government of Brazil, and declared peremptorily that in consequence of the invasion of Uruguay by Brazil, the moment had arrived for Paraguay to make use of the means which she reserved herself in her protest of the 30th of August. This last note has so much the character of a declaration of war, that on the 17th of the same month the Paraguayan government gave a copy of it to the representatives of the foreign nations accredited at Asuncion, expressing at the same time an intention to lessen the evils of the war as far as it should be concerned. Surely, the government which proceeded in this manner was not wanting in the usages of civilized nations. But admitting that it had been wanting, that which for my part I could never admit, is it for Brazil to declare herself scandalized? Did Brazil declare war to Paraguay when, in 1850, she seized without a single formality the Pan de Azucar, a part of the Paraguayan territory? And did she declare it to her, in 1855, when she ascended the Parana with a fleet and threatened her coasts with bombardment, at the same time assembling an army at San Borja to invade her? "There is no longer any doubt," said then the President Carlos Antonio Lopez, in a proclamation to the Paraguayan people, "that Brazilian forces have entered the waters of Paraguay; there has not been addressed to us a single

word of courtesy ; we are invaded ; we are forced to defend our territory, our independence, our honor, our existence ! Yesterday, the 20th, (February) a battle may perhaps have taken place with our battery at Humaita." \* \* \* In a similar proclamation to the Paraguayan army, the same President said further, "a Brazilian fleet has entered the Rio Paraguay, without the government who sends it or the chief commanding it having given the slightest notice to the government of the republic." \* \* \* This manner of doing seems habitual to Brazil, because she proceeded similarly several times against Uruguay, especially in 1812 and 1816, at which time that country was not yet independent. With the government of Mr. Acuirre, in 1864, she contented herself with pronouncing that the special mission of Mr. Saraiva was terminated, and that reprisals (which do not yet mean war) would be resorted to by the fleet and the armies of Brazil, until satisfaction should have been given to the imperial government. The bombardment and destruction of Paisandu, in concert with a Uruguayan general revolt against the government of his country, when considered as coming within the acts of reprisal of Brazil—which do not yet mean war—are acts, among others, truly contrary to the usages of civilized nations ! In truth, one could not be more unhappy than Mr. de Macedo is in the choice of the grievances with which he reproaches Paraguay.

The fifth allegation loses its value after my comment upon the preceding. At all events, it is still not for Brazil to declare herself scandalized. As to the government of Buenos Ayres, it had too many reasons not to appear more scandalized than its Brazilian ally. That allegation reposes entirely on the testimony of the Argentine minister, who may have reasons for misstating the truth, as he has done various times on the subject of the treaty of 1856 between Paraguay and the Argentine Confederation. It is true that Mr. Thornton reproduces the same allegation ; but the testimony of Mr. Thornton may have no other foundation than the very exceptionable testimony—I am sorry to call it so—of the Argentine minister.

The sixth allegation is not serious, and I could dispense with replying to it. The good offices in question consisted simply in the fact of the recognition of the independence of Paraguay on the part of Brazil. Paraguay had enjoyed her independence for over thirty years without interruption, or claim against it, before Brazil recognized it ; moreover, the recognition of Brazil was not disinterested, because she contemplated to open hostilities against the dictator Rosas, against whom Brazil had at that time some grievances. Paraguay could nevertheless appreciate the recognition by Brazil, and show her her gratitude ; but was her gratitude to extend to a forgetting of her rights, her duties, and her dignity ? Shall I be here mindful of that disdainful remark that Paraguay was feeble, menaced, and abandoned by the whole world when Brazil recognized her independence ? If she was feeble, why seek her support against the dictator Rosas ? That alleged feebleness did not prevent her from consolidating her independence, preserving peace beside neighbors distracted by anarchy, and repelling victoriously all attacks against her autonomy and territorial integrity. What Mr. de Macedo terms her being abandoned by the whole world was nothing but a voluntary insulation from which she emerged voluntarily. Would Brazil to-day make her regret it ?

The seventh allegation is not more serious than the sixth ; besides, it has something of the derisive in it which is not usual in diplomacy. To direct Paraguay to the governments of Brazil, Buenos Ayres, France, and England, when the independence of Uruguay is threatened by two of these governments, because all four have more or less guaranteed the independence of Uruguay ; to counsel her to awaken these same governments, if she thinks them asleep, according to the ingenious expression of Mr. de Macedo, is assuredly to mock her, and I doubt whether the cause of Brazil can gain anything in Europe by this manner of arguing. Brazil, through the organ of Mr. de Macedo, does very much like the incendiary who thrusts back the succor of the neighboring proprietors of the house which he has set on fire, and who sends these proprietors to the insurers of the person on whom the incendiarism has been committed, to arrest the flames.

To the 12th allegation I reply that the alliance between Brazil and the Argentine Republic existed for a long time, in fact. The proof of it is to be found in the note of the Oriental minister, Mr. Juan José de Herrera, to Mr. Saraiva, of date August 9th, 1864, which note shows that in expressing his final views on the question of the reclamations of Brazil, Mr. Saraiva was instructed to come to an understanding with the government of Buenos Ayres, which he did, in fact, because on the very day of his return from Buenos Ayres to Montevideo, the 4th August, 1864, he addressed to the Oriental government his ultimatum, evidently drawn up at Buenos Ayres, and with the concurrence of the Argentine government, according to all appearances.

As to the assertion that 15 days are more than sufficient to prepare a treaty, send it from Buenos Ayres to Rio de Janeiro and receive the answer, Mr. Macedo did not consider it sufficiently. Of these 15 days, 12, at the least, were consumed by the steamer which carried and returned with the project of the treaty from Buenos Ayres to Rio. Now, the three remaining days were rather a short space for preparing, drawing up, discussing, and definitively executing the form of a document of that importance, of which the one of the contracting parties, if not all three, had never thought before. But Mr. de Macedo has not even the resort to these three days, nor that other, that it is natural to suppose that the plenipotentiary of Brazil had instructions to induce the Argentine Republic to an alliance ; for it is known from a letter



of Mr. Thornton to Earl Russell, dated the 20th April, that the Brazilian minister, signer of the treaty of the 1st of May, did not arrive at Buenos Ayres until the 16th of April, and that he did not present his letters of credence until the 18th, which only leaves him 12 days for preparing the treaty and sending the project to Rio de Janeiro. Mr. de Macedo will find it difficult to convince persons who are informed as to the history of the La Plata for the past years, that the treaty of the 1st of May was not conceived and executed a long time before Paraguay commenced the war against the Argentine Republic, and even against Brazil.

What shall I say to the 14th allegation? I leave with Mr. de Macedo all the responsibility of the strange pretension that it is a novel moral to wish for peace after a war already long and specially baleful to humanity. The government of the United States and Mr. Washburn, its minister, profess in that respect opinions differing from those of Mr. de Macedo, which the protest of Mr. Washburn goes to prove. That which is unfortunately not novel, is the immorality of prosecuting to extremity an unjust and cruel war, entered into from ambition and continued from pride, as is that which Brazil and her allies are waging against Paraguay.

The 15th, 16th, and 17th allegations present the president of Paraguay in the light of an ambitious and capricious potentate who sows the seed of trouble and disquietude around him, who ravages the territory of his neighbors, and who must be deposed at all events, according to the constant practice of civilized nations of all ages, according to the practice of Paraguay herself, who allied herself with Brazil in December, 1850, to depose the dictator Rosas. His excellency, Marquis de Moustier, will not learn without astonishment that a country erewhile feeble, menaced, and abandoned by the whole world, has become suddenly the empire of a potentate capable of creating trouble and disquietude with his neighbors. His excellency will rather see in this singular hyperbole of Mr. de Macedo an unfortunate attempt to excuse the long-planned intentions of Brazil towards the country whose territory she covets. If any doubt should still exist in his mind on that subject, the transparent language of the 16th allegation will dissipate it in an instant.

Regarding the alliance of Paraguay with Brazil in 1850, to depose the dictator Rosas, it presents this considerable difference from the alliance of the governments of Brazil, the Argentine Confederation, and Uruguay, in 1865, to depose the president of Paraguay, that Paraguay, in 1850, had never been recognized by the Argentine Confederation, of whom General Rosas was more or less the legitimate chief; that she was in constant hostility with the latter country and her chief, whereas in 1865, Brazil, the Argentine Confederation, and Uruguay had recognized her since a long time, as well as her president. In order to war against the dictator Rosas, she did not consider it necessary to profess a fallacious respect for the nation whose chief she was attacking, as do at this day Brazil and her allies, with regard to the Paraguayan nation. The laws of war authorized her to fight both the Argentine nation and its chief for her own better security.

To the 18th allegation I have the deep regret to reply that the official declarations of Brazil in Europe, as those of the Argentine Confederation, have lost considerably of that credit which they ought to inspire, since they have been preceded at London and Paris by those which the unexpected publication of the secret treaty of the 1st of May so deplorably belied. His excellency, Mr. Drouyn de Lhuys, whose imposing authority Mr. de Macedo will not challenge, in 1866 said in his *Exposé de la Situation de l'Empire* as follows:

"The basin of the La Plata has been the theatre of renewed hostilities. To the contest which raged before between Brazil and Uruguay, has succeeded a war in which these two States make common cause with the Argentine Confederation against Paraguay. The result of it is still uncertain, but it would seem from assurances given by the allied States, that it is not their aim to effect any change whatsoever in the territorial limits." \* \* \*

Finally, to the 19th and last allegation, I reply that if in the course of the war in question the law of nations has been violated, it was the enemies of Paraguay who committed that violation of the modern spirit by enlisting Paraguayan prisoners under their banner, by forcing the destitute to take up arms against their country, (see, among other proofs, a letter of Mr. Lettson, chargé d'affaires of England at Montevideo, to Lord Stanley, of date the 27th August, 1866, Blue Book,) or by reducing them into slavery. (See the *Diario de Rio de Janeiro* of the 14th October, 1865.) I confine myself to producing this single proof because it emanates from a Brazilian paper. Mr. de Macedo accuses Paraguay of barbarism. \* \* \* I have already spoken of those savage expeditions of the Brazilian province of Rio Grande, which have taken from the cynical language of those engaged in them the significant appellation of *californias*. Shall I speak now of those other *californias* which are practiced in the same province towards shipwrecked vessels which are pillaged, and towards their crews which disappear. \* \* \* Let Mr. de Macedo be careful how he evokes in Europe the poignant recollections which to this day close the doors of his country to European colonization! He likewise accuses Paraguay of a spirit of conquest; but he will never be able to make men at all versed in the knowledge of the particulars of our South American history believe that in South America any such spirit actuates Paraguay. I deem that it is wanting in respect for a minister of a great country like France to bring the accusation to him that Paraguay aspires to conquer Brazil and the Argentine Confederation! The use of the hyperbole has limits beyond which it is dangerous to employ it. With regard to the commercial restrictions and monopolies of which Mr. de Macedo accuses Paraguay, I must recall to notice

that of all the states of the La Plata, Paraguay was the first to claim and proclaim the free navigation of the rivers, whereas Brazil and Buenos Ayres have been the last opposed to it, and still oppose it as far as they can, as is proved by the treaty of the 1st of May.

I shall now reply to the 3d, 5th, 8th, and 13th allegations in taking a cursory historic view of the events which preceded the present war, from which the States of the La Plata suffer so cruelly. If I do not succeed in clearing my government of the imputations so often repeated against it, but with so little foundation, of ambition, caprice, a spirit of conquest, &c., it will be my fault, not that of the circumstances which are convincing in themselves to those acquainted with them.

I shall not notice the pretensions of Brazil to the possession of the whole oriental portion of the basin of the La Plata, which are anterior to the 19th century. They are to be found noticed in all the boundary treaties between the Portuguese monarchy and the Spanish monarchy. It is safe to assert that they date back to the first occupation of America by the Europeans. They assume for the first time an authentic character in the bull of Alexander VI, of the 4th May, 1493. However, this length of time will suffice to justify that which I have said of their traditional character with Brazil.

Since the last century their character has appeared still more distinctly perhaps. In 1808, (I shall cite only the most salient facts,) the prince regent of Brazil, afterwards King of Portugal, with the name of Jean VI, caused a proposal to be made to the cabildo of Buenos Ayres to take him under its protection, together with the whole vice-royalty of the La Plata—that is, to unite that whole vice-royalty with Brazil, under the pretext that Charles IV having abdicated, and Ferdinand VII being a prisoner, the claims of Spain to America resulted to the Princess Charlotte, sister of Ferdinand VII, and wife of the author of this proposition. In case the cabildo would not agree to this proposition, Brazil would see herself under the necessity of making common cause with the enemies of Buenos Ayres. (Buenos Ayres and the Provinces of the Rio de La Plata; by Sir Woodbine Parish. London, 1852.) In 1812, the prince regent puts this measure in execution, and invades Uruguay in the name and as ally of the same sovereign whom a few years previous he considered as having forfeited his rights. In 1816, that prince regent sends troops into the oriental province of Uruguay, which he finally seizes, and several years after annexes to Brazil, with the name of Cisplatine province. Forced to abandon her prey, Brazil did not abandon her prospect of reconquering it. In 1830, notwithstanding the treaty of 1828, in which she assumed, under the moral guarantee of England, the obligation to respect, and, in case of need, to enforce respect for the independence of Uruguay, now become a sovereign State, she issued to her special ambassador in Europe, the Marquis de Santo Amaro, the instructions, then secret, but at this day well known, from which I extract the following passage:

“7. Concerning the new Oriental state, or the Cisplatine province, which is not part of the Argentine territory, which was incorporated with Brazil, and which cannot continue independent, your excellency is to endeavor, on proper occasions, and frankly, to prove the necessity which exists for its being again incorporated with the empire. \* \* \* It forms the natural frontier of Brazil, and its reunion to the empire would be the best means of avoiding future causes of differences between Brazil and the States of the south.”

In 1852, Brazil caused herself to be recompensed for her participation in the downfall of the Dictator Rosas, the consequent deliverance of Uruguay and Montevideo, by a cession of Uruguayan territory. When she saw she could not take all at one time, she took in small portions; it was so much gained towards her unchangeable object. Not satisfied with this acquisition, she interposes almost immediately after in Uruguay; she procures the election of her protégé Don Venancio Flores, then colonel, (1853,) as president of that republic, and maintains a garrison at Montevideo. Compelled to retire before the reclamations of the guaranteeing powers of the autonomy of Uruguay, she carries with her in her retreat (1855) her protégé Don Venancio Flores, and if she did not then make a breach in the Oriental territory, it was because circumstances did not permit it.

New reclamations bring her back, in 1864, to the Oriental territory. It is the policy of the Brazilian empire always to have some reclamations pending against her neighbors, be it on account of questions of boundary or from any other cause, in order always to preserve a pretext for an intervention with them when occasion appears to her favorable. She does not claim seriously except to intervene and intervenes only to conquer. Even after she has intervened she still preserves some questions pending for future interventions. At this moment, though she no longer claims anything from Uruguay, as is proved by the convention of February, 1855, she still continues to occupy her territory. Don Venancio Flores, her protégé and accomplice as of ten years ago, has become provisional governor, or rather the dictator of that republic, under the protection of Brazilian bayonets, and, without doubt, reserves some great calamity for his country to the advantage of his protector if circumstances should permit it.

Mr. de Macedo will no longer charge me with not giving proofs in support of my assertions concerning the traditional ambition and encroaching policy of Brazil in regard to the La Plata, and yet this ambition and that policy are no secret except with him. They are publicly discussed in the parliament of Rio de Janeiro, and freely confessed at the private meetings at Paris. They are even to be found written in a sufficiently clear manner on the official geography of Brazil, among which the map of the South American empire is to be found

delineated with as much care and detail in the whole Oriental portion of the basin of the La Plata, which comprehends the republics of Paraguay and Uruguay with the two Argentine provinces of Entre-Rios and Corrientes, as it is in the vicinity of Rio de Janeiro, whereas the occidental portion of that basin presents a blank as a foreign country bordering on the empire. A final proof of that ambition and policy is contained in the geographical chart annexed to the book which Brazil has just published for the occasion of the Universal Exposition of 1867, in the Champ de Mars. In that chart, in fact, may be seen, independently of the circumstance of the delineation above mentioned, the Brazilian frontier in the direction of Paraguay pointed in conformity with the treaty of triple alliance of the 1st of May. This circumstance is the more curious since not only does Brazil not occupy the territory of Paraguay, which she ascribes to herself, but, on the contrary, Paraguay continues to occupy to this day a portion of Brazilian territory.

But will Mr. de Macedo say on this occasion these matters concern only Uruguay, and the government of Paraguay has nothing to do with the contentions of Brazil with Uruguay? I come to facts which do concern Paraguay, and I hope to be able to show the intimate solidarity which has united this republic with that of Uruguay since at least ten or fifteen years in the ambitious policy of Brazil.

Brazil recognized the independence of Paraguay in 1844. I have already stated that this measure, though an act of friendliness to all appearance, was really a measure of hostility against the Dictator Rosas, who had refused the year previous to ratify a treaty signed at Rio de Janeiro by her mandatory, General Guido. This treaty is another evidence of the ambitious policy of Brazil in the La Plata, because it had the double object of re-establishing the weakened authority of the empire in its southern provinces, and of introducing the Brazilian fleets into the Argentine rivers in order to rule over them as at this day.

At the same time that she recognized the independence of Paraguay, Brazil proposed to her a boundary treaty, very advantageous to the empire, which the government of Paraguay showed itself disposed to subscribe, as much out of gratitude for an act which did not cost Brazil anything, whilst it was not even spontaneous, as from a sincere desire to obviate all matter of disagreement between the republic and her dangerous neighbor. But Brazil, who doubtless did not expect so much good will, perceived that she had not been sufficiently exacting, and resolved to exact more; she exacted so much that the treaty of boundaries proposed by her became impossible. This was the beginning of her official relations with Paraguay. It is evident that she did not modify her traditional policy.

In 1850, Paraguay was menaced by General Rosas, in the direction of Corrientes. It is a moment which Brazil chooses to break in upon her territory and take possession of the Pan de Azucar, from which it became necessary to dislodge her by active force. In that conjuncture Brazil does not interpose; all occasion for it is wanting; she invaded without striking a blow, and simply and purely took possession of the undefended territory which she coveted, and did not even deem herself restrained by the preliminary forms with a country feeble, menaced, and abandoned by the whole world. However, she was repulsed, and her policy thenceforward was to resort to means less primitive.

In 1855, she proposes to herself a brilliant revenge. Experience has taught her that she is powerless against Paraguay by land; she will therefore seek a road by water. However, she has no longer the contempt for her new adversary entertained in 1850, and thinks of procuring support in the La Plata; besides, it would not be prudent to leave three hundred miles of river in the rear of her with a population, perhaps, hostile or at least neutral; and then it became expedient to operate at the same time against Uruguay and Paraguay. In this manner arose the solidarity of these two republics in the policy of Brazil. In 1853-'55, in fact, Uruguay is occupied by Brazil, who establishes in it her protégé Flores, and constitutes that republic the base of her operations against Paraguay.

In 1855, Brazil had not, as in 1865, the excuse of an anticipated attack by Paraguay; however, she prepares for the attack. A pretext will not be wanting; in case of necessity one can be created, and, in fact, one is created. The Emperor Don Pedro has, however, given his sovereign assurance to the Brazilian Parliament that it will not result in an armed conflict; but Brazil seems to have undertaken to vindicate the policy of the celebrated expression attributed to a modern diplomat, "that words were given to men to conceal their thoughts," and Admiral de Oliveira ascends the Paraguay with a fleet considered sufficiently strong to subdue the Paraguayan government. Admiral de Oliveira penetrates the Rio Paraguay as far as Cerrito. There he finds a Paraguayan launch which summons him to stop, and he does stop, but he declares that he is instructed to continue his voyage to Asuncion; he consequently requests (the moment does not seem to him to have yet arrived for proceeding otherwise) the necessary permission from the government of Paraguay, threatening to force his passage if he does not receive a favorable reply within six days. The government of Paraguay replies to him that he may pass along with the vessel carrying his flag, but that his other vessels must immediately leave the Paraguayan waters. This answer, at once proud and conciliatory, awes the Brazilian admiral, who begins to understand that his country has not the proper appreciation of Paraguay, her resources and government. However this be, he obeys the injunctions of the Paraguayan government, and profits by the friendly advice which he likewise receives not to provoke on his way the population of Paraguay, which was deeply indignant at the unexpected menace by his vessels. It was several days previous to this

exchange of communications between the Brazilian admiral and the government of Paraguay, that President Carlos Antonio Lopez addressed to the army and people of his country the proclamations from which I have already cited two passages, and from which I shall restate the following, as showing the anguish and firmness of that statesman, who has never been accused of ambition or of a spirit of conquest: "Yesterday, 20th, a battle may, perhaps, have taken place with our battery at Humaita."

The war which appeared imminent did not break out. Admiral de Oliveira, who had full powers to open it or to treat, deemed it more prudent to treat. His government disavowed his action; it thought it a weakness on his part; the present war proves that he judged rightly. Whatever the case, the pending question of limits between the two countries was not then solved any more than previously. The admiral had offered to settle it in a short space of time, but in disavowing his action, the cabinet of Rio did not pay the least attention to his engagement. The question is first postponed to 1862, and after 1862 it is evaded. Brazil continued true to her policy of equivocation and ambush during the peace, making her dispositions for a more favorable opportunity for war.

I come to speak of the battery, now fortress of Humaita, of which Mr. de Macedo gives such a flattering description to the Paraguayan military, at the same time deducing an argument from it against the purely defensive policy of my country. It is an occasion which I seize to explain the transformation of it into a fortress, or something like it. This transformation commenced in 1855, at a time when Paraguay, menaced by Admiral de Oliveira, was obliged to improvise means of defence for which she had not, until then, felt the necessity. At that period General Don Francisco Solano Lopez, now President of Paraguay, returned from Europe. He was charged by his father to organize in haste measures to oppose Admiral de Oliveira. It seems that he labored with success, since the admiral renounced his belligerent projects. Afterwards the temporary works of the fortress of Humaita were completed under the same superintendence, and experience has further proved the competency and foresight of the military genius who undertook it. The fortress of Humaita, as far as it is a fortress, is, therefore, the indirect work of Brazil, and it does not become Mr. de Macedo to complain of it. As regards the other armed preparations, they are explained in the same manner. I concede that they are unwelcome to Brazil and her allies, but their complaints on that score are really superfluous. Besides, I take pleasure in informing them that the future has new matters of astonishment in store for them if the war should continue. If it was their object to ascertain to what degree of heroism a nation defending its firesides, its independence, its honor, and life can rise, they will learn it from that nation of Paraguay, ere while feeble, menaced, and abandoned by all the world, as Mr. de Macedo says, who evidently does not understand either its character or its patriotism, or its resources.

In 1864, Brazil flourishes as ten years before, and this time again she has as an accomplice her protégé, now become a general, Don Venancio Flores; but this time she has another and more redoubtable accomplice, Buenos Ayres, now at the head of the Argentine Republic.

Buenos Ayres pretends, and Mr. de Macedo repeats, that Paraguay attacked her without reason, in full peace, at a time when she reposed in all security on the faith of treaties, and observed scrupulously her neutral obligations. She forgets that even before forcing the passage through Corrientes, which she had refused Paraguay, the Brazilians were already established in the port of Corrientes, of which they had made a military depot and a base of operations against Paraguay; she forgets that she had put the Brazilian fleet in possession of the waters, the harbors, and the strategic points of the Argentine rivers; she forgets, further, that she furnished to that fleet all sorts of provisions for its mariners, coal for its engines, and even munitions for its cannons, as is affirmed by one of the most honorable senators of the Argentine confederation, Don Felix Frias, and as was previously affirmed by Mr. Paranhos in the very senate of Rio de Janeiro; she forgets, finally, that she had previously stopped at the island of Martin Garcia, and forced to return the several vessels of the constitutional government of Montevideo, which were proceeding to the Rio Uruguay to battle with the rebel, (this word is not my own, and I employ it only to show the opinion which the English charge d'affaires at Montevideo, in 1864, Mr. Lettsom, entertained of the revolution headed by General Flores, in open alliance with Brazil, and the clandestine of Buenos Ayres,) Don Venancio Flores.

Paraguay could not but feel that the storm raised by Brazil and Buenos Ayres at the mouth of the La Plata, in 1864, was to burst over her as soon as Uruguay should have succumbed. She had no reason to believe either in the sincerity of the reclamations of Mr. Saraiva, or the professions of neutrality of the Argentine government. She was aware, besides, that since the beginning of 1864 Buenos Ayres and Brazil had had an understanding with each other; that Mr. Saraiva did nothing at Montevideo without the assent and concurrence of General Mitre; that the money and the munitions of Buenos Ayres supported General Flores; that the Oriental government, assailed by the three secret allies who were subsequently to sign the treaty of the 1st of May, was the most enlightened, moderate, and honest which Uruguay had ever had, according to the testimony, already cited, of the Argentine senator, Don Felix Frias. Knowing all this and many things beside, because in America state secrets are badly preserved, she was consequently aware that such efforts, so many violations of the law of nations, had not the single purpose of placing General Don Venancio Flores on the presidential chair of Uruguay; and she knew, therefore, that it would not be long before

she herself would be attacked in her turn, as in 1855, but this time under more threatening and more redoubtable circumstances. The treaty of the 1st of May, which it is attempted to prove the improvised work of 15 days, resulting from the passage of her troops through the Argentine province of Corrientes, shows in the most striking manner that she was not mistaken.

Menaced by enemies, so much more dangerous because they artfully concealed their projects, it became Paraguay to act with vigor and resolution. Each day which passed brought with it a new peril in drawing closer together the circle of iron in which it was endeavored to enclose her. In that situation it became necessary for her to attack in order to defend herself. To wait was to assent to the plan of her enemies; it was putting all the chances of the contest against herself. She had, perhaps, already waited too long. She therefore began the war, but she began it fairly, openly, like a soldier who is only animated by the noble motive of duty. She waged it against Buenos Ayres and Brazil because Buenos Ayres and Brazil waged it on her in an underhand, clandestine, secret manner, as they make treaties. They understand little any country who attribute to it a war of ambition or pride. Paraguay has never taken up arms except in defence of her independence. It is a merit of feeble States, true, but it is a merit of which strong States should be more emulous.

Mr. de Macedo makes a point in his favor of the opinion of Mr. Thornton that Paraguay opened the war on the Argentine Confederation without sufficient motive. It is indeed a cause of regret to my country that Mr. Thornton was not less partial in his conception and feelings in 1865; but in 1865 Mr. Thornton resided at Buenos Ayres; he was not in the secret of the subsequent signers of the treaty of May. In short, he had not confided to him the honor, independence, and existence even, of the country of whose acts he then disapproved.

I stop; further explanation would tire the persons who do me the honor to read this, without adding any to their convictions. One more word, however: Paraguay had nothing to gain from the war, even if she triumphed: why, then, should she have provoked it? Her past bears evidence of her pacific disposition, and, whatever may be said of her government, she would not have allowed herself to be drawn into a contest, disastrous in every respect, without a deep conviction that her honor and independence were at stake, of which she is equally jealous with any country on earth.

CANDIDO BAREIRO,  
*Chargé d'Affaires of Paraguay.*

PARIS, July 10, 1867.

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*Mr. Dix to Mr. Seward.*

No. 112.]

LEGATION OF THE UNITED STATES,  
*Paris, July 29, 1867.*

SIR: Admiral Farragut has been in this city for some days, and will leave to-day for Cherbourg. I have done all in my power to make his visit pleasant to him. He dined the day before yesterday with the Emperor, who invited some of the high officers of the government to meet him. I was also invited with them. The Empress has been in England some days on a visit to the Queen, and the admiral was preparing to pay her the proper honors at Cherbourg, where she was expected on Saturday, when he received the Emperor's invitation to dinner on the same day. He has made a very favorable impression here, as he does wherever he goes.

I am, very respectfully, your obedient servant,

JOHN A. DIX.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Dix to Mr. Seward.*

No. 138.]

LEGATION OF THE UNITED STATES,  
*Paris, October 18, 1867.*

SIR: I had rather a severe attack of inflammation of the eyes early in July, from which I have only recently recovered. You might otherwise have seen

more of my handwriting than my signature. But there has been little to communicate beyond the usual routine of business.

I said to you early in the season that you might confidently rely on the preservation of peace in Europe till after the close of the Exposition. The Italian question is a very embarrassing one for the Imperial government; and should the Papal troops, with the volunteers who are flocking in to aid them from Roman Catholic States, be unable to repress the movement against the temporal power of the Pope, I should not be surprised if serious complications should grow out of it. The Imperial government is actually deliberating in regard to its policy, and its determination cannot long remain unknown.

When I can give you any intelligence not founded on vague rumor, I shall not fail to write promptly.

I have the honor to be, very respectfully, yours,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Dix to Mr. Seward.*

No. 139.]

LEGATION OF THE UNITED STATES,

*Paris, October 22, 1867.*

SIR: This city has been greatly excited since I wrote you a few days ago by the knowledge that an expedition was fitting out at Marseilles to sustain the Papal government against the revolutionary movement in progress in the states of the Church. The feeling against it was very strong, even among the firmest of the Emperor's supporters. As the enclosed translation of the leading article in the *Moniteur* shows, the expedition is to be abandoned, the embarkation of the troops having been countermanded. The revolution seems, by the advices received to-day, to be gaining strength, and the probability now is that the Italian army will ere long occupy Rome—the first step towards making that city the capital of the kingdom of Italy.

I have the honor to be, very respectfully, your obedient servant,

JOHN A. DIX,

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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[From the *Moniteur*, October 22, 1867.—Translation.]

In view of the attacks of which the Pontifical States have been the object, on the part of revolutionary bands which have crossed the frontier, the French government had decided to send an expeditionary corps to Civita Vecchia.

This step was an act of duty due to its dignity and honor. The government could not permit its signature affixed to the convention of September 15, 1864, to be violated or disregarded. But the Italian government has given the imperial government the most positive assurances. All the measures required have been taken to prevent the invasion of the Pontifical States, and to restore to the convention its full effect.

In consequence of these communications the Emperor has given orders to stop the embarkation of troops.

*Mr. Dix to Mr. Seward.*

No. 142.]

LEGATION OF THE UNITED STATES,  
*Paris, October 24, 1867.*

SIR: When I wrote you two days ago the insurrectionary movement in Italy seemed to be extending, and there was a probability that the Italian army would march to Rome to aid in sustaining the papal power. Yesterday brought us news of an apparent collapse of the insurrection, and the probability that the Pope will be able to maintain his position without assistance from abroad. The inevitable fate of Rome will in that case, as would now seem likely, be further postponed.

I am, very respectfully, your obedient servant,

JOHN A. DIX.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Dix to Mr. Seward.*

No. 145.]

LEGATION OF THE UNITED STATES,  
*Paris, October 29, 1867.*

SIR: On Sunday, the day before yesterday, the Emperor of Austria received the diplomatic corps. I was unable to attend, and the legation was represented by Colonel Hoffman. On being presented the Emperor expressed his regret that I was not present, and said that the United States had shown a strong sympathy for him on account of the unhappy occurrences in Mexico, and that he felt very grateful for it. It seemed to the colonel that he said it significantly and with the expectation that it would be communicated to the government of the United States.

I have the honor to be, very respectfully, your obedient servant,

JOHN A. DIX.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Dix to Mr. Seward.*

No. 146.]

LEGATION OF THE UNITED STATES,  
*Paris, October 29, 1867.*

SIR: The phases of the Italian question change so rapidly that it is impossible to keep pace with them. When I wrote last the insurrection seemed to have collapsed, and the order for the embarkation of the French army at Toulon was countermanded. In 48 hours afterwards the intelligence came that Garibaldi was approaching Rome at the head of 4,000 men and had gained a signal success at Monte Rotondo over the Papal forces. The French troops at Toulon were immediately embarked and the fleet sailed.

To-day we have a proclamation from the King of Italy denouncing the insurrection and declaring that he cannot tolerate any usurpation of the privilege of being the depositary of the right of peace or war.

I offer no conjectures as to the result of these complications. A translation

of the proclamation published in Galignani's Messenger of this morning is herewith enclosed.

I am, sir, with great respect, your obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

[From Galignani's Messenger, October 29, 1867.]

FRANCE, PARIS, *October 29, 1867.*

By a telegraphic despatch from Florence we learn that the Italian ministry has been thus constituted: General Menabrea, president of the council and minister of foreign affairs; Gualterio, interior; Cambray-Digny, finances; Cantelli, public works; General Bertole-Viale, war; and Mari, justice. Until the complete formation of a cabinet, the following have been temporarily commissioned to act: Menabrea, as minister of marine; Cambray-Digny, agriculture; and Cantelli, public instruction.

The Official Gazette published on Sunday the subjoined proclamation from the King:

"ITALIANS! Bands of volunteers, organized and excited by the manoeuvres of a party without my authorization or that of my government, have violated the frontiers of the Pontifical State. The respect due by all citizens, without exception, to the laws and to international stipulations, sanctioned by the Parliament and by myself, imposes on me, in these grave circumstances, an inexorable duty of honor.

"Europe knows that the standard raised in the territory which adjoins ours, and on which is inscribed 'Destruction to the spiritual authority of the head of the Catholic religion,' is not mine. This attempt places the common country in great danger, and imposes on me the imperious duty, at the same time, of saving the honor of the nation and of not confounding in one common cause two matters absolutely distinct—two objects which are very different.

"Italy ought to be reassured against the dangers into which she may run; Europe must be convinced that our country, faithful to her engagements, does not wish to be, and cannot become, the disturber of public order. A war with our ally would be a fratricidal conflict between two armies which have fought for the same cause.

"Being the depository of the right of peace or war, I cannot tolerate any usurpation of that privilege. I have, therefore, confidence that the voice of reason will be heard, and that the Italian citizens who have violated that right will come promptly and place themselves behind the lines of our army.

"The danger which disorders and inconsiderate projects may create amongst us must be conjured away by maintaining firmly the authority of the government and the inviolability of the laws. The honor of the country is in my hands, and the confidence which the nation has had in me in the most painful times cannot fail me.

"When calm shall be re-established and public order completely restored, my government, in accord with France, will endeavor loyally, in conformity with the vote of Parliament, to devise some means of bringing to an end the grave and important question of Rome.

"I have had, and shall always have, confidence in your prudence, as you have had in the affection of your King for that great country which, thanks to common sacrifices, we have at last brought into the number of great nations, and which we must transmit to our children entire and honored."

This proclamation is signed by the King and all the ministers.

*Mr. Seward to Mr. Dix.*

No. 126.]

DEPARTMENT OF STATE,

*Washington, November 8, 1867.*

SIR: Your despatch of the 22d of October, No. 139, has been received. I thank you for calling my attention to the article in the *Moniteur* which announced that upon the attainment of sufficient guarantees at Florence the Emperor reconsidered his resolution to despatch a military force to Rome. Recent telegraphic despatches, however, show that this act of reconsideration has itself been reviewed. We are now informed that the demonstration of Garibaldi has attained dimensions so imposing that not only the French but the Italian government



also has despatched an armed force to resist and defeat the enterprise. It remains to be developed whether the proceeding of the two governments will be acquiesced in by the people of Italy, who manifestly are highly excited.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN A. DIX, Esq., &c. &c., &c.

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*Mr. Hoffman to Mr. Seward.*

No. 152.]

LEGATION OF THE UNITED STATES,  
*Paris, November 15, 1867.*

SIR: As a matter of interest and of curiosity I have the honor to transmit herewith a translation from the *Journal de Paris* of yesterday, copied into to-day's *Liberté*, relating to supposed instructions from you to the United States minister at this post in reference to the affairs of Italy. This is but a specimen of many articles which have appeared from time to time in the European papers upon the subject of the intervention of the United States in the affairs of Europe; although previous to the late disturbances in Italy such articles have generally referred to the supposed intention of the United States to purchase a naval station in the Mediterranean. The recurrence of these articles appears to me to be the expression of the uneasy and restless condition of public opinion in France.

In this connection I would add that a large number of arrests have lately been made for purely political disturbances; several of them of literary and professional men in good social position.

I am, sir, with great respect, your obedient servant,

WICKHAM HOFFMAN,  
*Chargé d'Affaires ad interim.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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[From the *Liberté*, November 15, 1867.]

The *Journal de Paris* states that the minister of the United States at Paris has received instructions from his government relating to the Roman question. "We are, of course, ignorant," says this journal, "of their tenor, but the simple fact that the cabinet of Washington has thought proper to give instructions to its minister at Paris upon the affairs of Rome, is of great importance. It is a new evidence that the United States, after having opposed so vigorous a resistance to European intervention in America, have determined to intervene more and more in Europe."

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*Mr. Dix to Mr. Seward.*

No. 155.]

LEGATION OF THE UNITED STATES,  
*Paris, November 19, 1867.*

SIR: I have the honor to enclose a copy of the Emperor's speech at the opening of the legislative chambers yesterday. It is from the imperial press, and is one of two copies sent to me last evening by the minister of foreign affairs. I also enclose a copy of Galignani's Messenger of this morning, containing a translation of the speech and an account of the ceremonies. The tone of the speech, in its domestic as well as its international bearings, is eminently pacific and soothing. Its three most noteworthy positions are: first, a frank acceptance of the political status of Germany under the modification of its internal regime, to

use the Emperor's own words; second, the relinquishment of the ground which France has occupied for twenty years as the arbiter of the Roman question, by proposing to submit it to an international conference; and third, the abandonment of the army bill proposed at the last session of the chambers, in regard to which I had the honor to write to you unofficially on the 21st of March last.

If in the first case he has gone counter to the strong feeling existing in France in regard to the extension of the power of Prussia, he has unquestionably, as strongly conformed to the public opinion of the empire in the two other cases. And in all three the ground he has taken indicates an unshaken determination to maintain the peace of Europe at all hazards, and to devote his energies, with increasing zeal, to the internal development of the resources of France and the improvement of the condition of the people.

These, at all events, are the manifestations of purpose which the speech affords, and I am not disposed to question their sincerity. If faithfully carried out they will go far to efface the undeniably bad impression created by the recent intervention in the affairs of Italy, an act to be considered, perhaps, not so much an original error as an unavoidable sequence of errors in the past.

I have the honor to be, very respectfully, your obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Speech of the Emperor at the opening of the Legislative Chambers.*

[Translation.]

MESSIEURS LES SÉNATEURS, MESSIEURS LES DÉPUTÉS: The necessity of resuming the examination, which had been interrupted, of various important bills, has obliged me to call you together earlier than is customary. And, in addition, recent events have made me desirous of obtaining the aid of your experience and co-operation.

Since you last separated, vague disquietudes have arisen and affected the public mind in Europe, restricting everywhere the industrial movement and commercial transactions. In spite of the declarations of my government, which has never varied in its pacific attitude, the assertion was propagated that every modification in the internal organization of Germany should of necessity prove a cause of conflict. That state of uncertainty cannot last any longer; the changes effected on the other side of the Rhine must be accepted frankly, and the declaration must be loudly made that, as long as our interests and our dignity shall not be menaced, we will not interfere in the transformations produced by the will of the populations. [Loud applause.]

The uneasiness which has been manifested can with difficulty be explained at a period when France has presented to the world the most imposing spectacle of conciliation and of peace. [Continued cheering.]

The Universal Exhibition, at which nearly all the sovereigns of Europe agreed to assemble, and where the representatives of the industrial classes of all nations came together, has drawn closer the ties of brotherhood between nations. It has now disappeared; but its impress will profoundly mark our epoch, since, if, after having risen majestically, the Exhibition has shone forth with only a temporary lustre, it has forever destroyed a past, full of prejudices and errors. Hindrances to labor and to intelligence, barriers between different nations and between various classes, international antipathies—that is what it has cast behind it. [Cheers.]

These incontestable pledges of concord cannot relieve us from the duty of improving the military institutions of France. Upon governments lies the imperious obligation to follow, independently of circumstances, the progress of all the elements which constitute the strength of the country, and for us the necessity presents itself of perfecting our military organization, as also our arms and our navy.

The bill presented to the legislative body divided among all citizens the weight of recruitment. That system appeared too absolute, and certain arrangements were made to attenuate its action. I then considered it my duty to subject this important question to fresh consideration. In fact, this difficult problem, which affects such considerable and often such opposite interests, cannot be studied too profoundly.

My government will propose to you some new provisions, which are only simple modifica-

tions of the law of 1832, but which attain the object I have always pursued—namely, to reduce the service during peace and augment it in time of war.

You will examine them, as well as the organization of the National Guard Mobile, under the impression of this patriotic persuasion, that the stronger we shall be, the more will peace be assured.

That peace, which we all wish to preserve, seemed for an instant in danger. Revolutionary agitations, openly prepared, menaced the Pontifical States. The convention of the 15th September not being executed, I had again to send troops to Rome, and had to protect the power of the Holy See by repulsing the invaders. [Applause.]

Our conduct could not be in any way hostile to the unity and independence of Italy; and that nation, for a moment surprised, soon saw the dangers in which those revolutionary manifestations were involving the principle of monarchy and European order. Calm is, at present, almost entirely restored in the states of the Pope, and we may count on the return of our troops at a not distant date. For us the convention of the 15th September exists until it shall have been replaced by a new international act. The relations of Italy with the Holy See interest all Europe, and we have proposed to the powers to settle that intercourse in a conference, and thus avoid fresh complications.

Some anxiety has been caused by the Eastern question, which, however, the conciliatory spirit of the Powers has deprived of all character of irritation. If there exist any divergencies between them as to the means of bringing about the pacification of Crete, I am happy to testify that they are all in accord on two principal points—the maintenance of the integrity of the Ottoman Empire and the amelioration of the position of the Christians.

Foreign politics, therefore, permit us to devote all our attention to internal improvements. Since your last session, universal suffrage has been called on to choose one-third of the members of the councils-general. Those elections, effected with calm and independence, have everywhere demonstrated the good spirit of the populations. The journey which I made with the Empress in the north of France was the occasion of manifestations of sympathy with which I was deeply affected; and I could once more convince myself that nothing has shaken the confidence which the nation has placed in me, and the attachment which it bears to my dynasty. [Applause.]

On my side, I endeavor constantly to meet its wishes. The completion of the vicinal roads was called for by the agricultural classes, of whom you are the enlightened representatives. To satisfy that want, was for us an act of justice—I will say, almost of gratitude, and an extensive inquiry is preparing a solution of the question. For you it will be easy, in concert with my government, to insure the success of this great measure. The present situation is doubtless not exempt from certain embarrassments. The activity of manufactures and commerce has relaxed, and that state of difficulty is general throughout Europe. It arises in a great measure from apprehensions which the good understanding that prevails among the powers will soon put an end to. The harvest has not been a good one, and dearth of food was inevitable; but freedom of trade can alone secure supplies and bring prices to a level.

If these various causes prevent the receipts from completely reaching the estimates of the budget, the provisions of the financial laws will not be modified, and we can look forward to the not remote period at which alleviations of taxation may be taken into consideration.

This session will be principally employed in the examination of the bills the initiative of which I took in January last. The time since elapsed has in no way changed my convictions as to the utility of those reforms. Without doubt, the exercise of these new liberties exposes public opinion to excitement and dangerous temptations; but I reckon alike on the good sense of the country, the progress of public habits, the firmness of repression, and the energy and authority of the government to render them powerless. [Applause.]

Let us then pursue the work which we have undertaken together. During the last 15 years our object has been the same: to maintain above controversy and hostile passions our fundamental laws which popular suffrage has sanctioned, but at the same time to develop our liberal institutions without weakening the principle of authority.

Let us not cease to promote well-being by the prompt completion of our lines of communication, to increase the means of instruction, to render the access of justice less costly by the simplification of procedure, and to adopt all the measures which may improve the condition of the majority. [Cheers.]

If, like me, you remain convinced that this path is one of real progress and civilization, let us continue to go forward in that harmony of views and sentiments which is a precious guarantee of the public welfare.

You will adopt, I hope, the bills which shall be submitted to you, as they will contribute to the grandeur and wealth of the country; and, on my part, be assured, I will maintain aloft and with a firm hand the power which has been confided to me, for obstacles or unjust opposition will not shake either my courage or my faith in the future. [Tremendous cheering.]

*Mr. Seward to Mr. Dix.*

No. 132.]

DEPARTMENT OF STATE,  
*Washington, November 27, 1867.*

SIR: I have received Mr. Hoffman's despatch of the 15th instant, No. 152. You cannot have been more surprised by learning from the Parisian journals that this department has given you instructions concerning the affairs at Rome than the department was a day or two since by learning through the cable telegraph that you have pledged the United States to take a seat in the European conference proposed to be held for the adjustment of the Italian question. Such intervention would not accord with the settled principles or with the present policy of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN A. DIX, Esq., &c., &c., &c.

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CORRESPONDENCE WITH THE FRENCH LEGATION.

*The Marquis de Montholon to Mr. Seward.*

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,  
*Washington, December 15, 1866.*

SIR: I had the honor on the 13th of October last to transmit to the Department of State the text of the law promulgated in France 16th of May, 1866, in relation to the merchant marine. I at the same time requested your excellency to be so good as to let me know whether the American government was disposed to grant to our ships in the ports of the Union the like treatment as that law stipulated in favor of American ships in the ports of the empire.

The minister for foreign affairs reminds me, in a despatch which I have just received, that, article 4 of the law of 16th May being applicable at and from the 1st of January next, it is indispensable, in order that we may be enabled, from that date, to extend to the American marine the benefit of its provisions, that we should receive, preliminarily, the assurance of full and complete reciprocity. The minister, Mr. de Moustier, instructs me, in consequence, to call anew this question to the attention of your excellency. I should, therefore, be much obliged to you, Mr. Secretary of State, if it should be possible for you, to put me in position to make known to my government, before the expiration of the time indicated for putting in force our new legislation, whether the federal government is disposed to consent to the suppression of the tonnage duties now levied on our merchant vessels in the United States. American legislation having anticipated cases of this kind, the minister for foreign affairs hopes the solution of this affair is not of a nature to involve delay or difficulty.

Accept, Mr. Secretary of State, the assurances of my high consideration.  
MONTHOLON.

HON. WILLIAM H. SEWARD, &c., &c., &c.

*Mr. Seward to the Marquis de Montholon.*

DEPARTMENT OF STATE,  
*Washington, December 18, 1866.*

SIR: I have the honor to acknowledge the receipt of your note of the 15th instant, recalling the attention of this department to your communication of the 13th of October last, respecting a proposition on the part of the government of France for a reciprocal arrangement between the two countries, having for its object the abolition of tonnage dues now enforced on the merchant marine of France and the United States, and in reply to enclose a copy of a letter of the 11th instant upon the subject from the Secretary of the Treasury.

I take great pleasure in assuring you of the earnest desire of this government to enter into an arrangement with that of France, with the view to securing the reciprocal privileges referred to.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

The MARQUIS DE MONTHOLON, &c., &c., &c.

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*Mr. McCulloch to Mr. Seward.*

TREASURY DEPARTMENT, *December 11, 1866.*

SIR: I have the honor to acknowledge the receipt of your letter of the 13th ultimo, covering and submitting for the views of this department thereon a translation of the note of the same date from the Marquis de Montholon, transmitting copy of the laws of the merchant service published in France on the 16th of May, 1866, by the terms of which "no foreign vessel shall, after the 1st of January, 1867, be required to pay tonnage dues in France, and after the 19th of May, 1869, all differential tax on flags, when covering produce from their native country, shall be abolished; which exemption, it appears, may be enjoyed by vessels of the United States if reciprocal privileges be extended in the ports of the United States to French merchant vessels."

I have to state in reply that I have read the note of the Marquis de Montholon, and examined the accompanying law published in France on the 16th of May, 1866; and after carefully considering the same I cannot but express to you my firm conviction that the time-honored policy of our government in inviting and seconding international efforts for the removal of all unnecessary shackles on commerce and navigation, is the true one; and that we should not cease to encourage and to follow any well-directed measures to that end, so constantly cherished by us, and now so well and wisely adopted by France in seeming response to proposals made by the United States in their very infancy as a nation.

In accordance with this policy differential duties on foreign cargoes have never found favor in the United States, and such imposts, as well as the discriminating tonnage dues imposed on certain foreign vessels by the earlier acts of Congress, were mainly retaliatory in their nature, and only levied to countervail the exactions or restrictions of nations upon our flag and productions; and the act of 7th January, 1824, repeals all such duties whenever the President of the United States is satisfied that the discriminating or countervailing duties of any foreign nation, so far as they operate to the disadvantage of the United States, have been abolished. The wisdom of this act thus empowering the President to meet the exigencies of the case now presented in the spirit of free navigation and trade, has never been questioned or disturbed by succeeding legislation. Under treaty of June 24, 1822, proclaimed February 12, 1823, and the act of 3d of March, 1823, now in force, vessels of France pay in the ports of the United States a tonnage duty of 94 cents per ton over and above what is required of vessels of the United States, that being the amount levied in France upon vessels of the United States over and above what is exacted of national vessels.

By the proposition now made by the French government, as understood, vessels of that country are to be admitted into the ports of the United States on the payment of the same tonnage tax as is paid by our own vessels; and vessels of the United States are to be admitted into the ports of France on the same terms as are French vessels. This reciprocal arrangement meets with the entire approbation and concurrence of this department.

Very respectfully,

H. McCULLOCH,  
*Secretary of the Treasury.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

*Mr. Seward to M. Berthemy.*

DEPARTMENT OF STATE,  
Washington, December 28, 1866.

SIR: I have the honor to state that, in accordance with a proposition made by his Majesty's government, through the Marquis de Montholon, to the government of the United States, the President has this day issued a proclamation, to take effect on the 1st day of January, 1867, removing the imposition of discriminating tonnage dues upon French vessels coming into ports of the United States.

Accept, sir, a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

M. BERTHEMY, &c., &c., &c.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

*A Proclamation.*

Whereas satisfactory evidence has been received by me from his Imperial Majesty the Emperor of France, through the Marquis de Montholon, his envoy extraordinary and minister plenipotentiary, that vessels belonging to citizens of the United States entering any port of France or of its dependencies, on or after the first day of January, one thousand eight hundred and sixty-seven, will not be subjected to the payment of higher duties on tonnage than are levied upon vessels belonging to citizens of France entering the said ports—

Now, therefore, I, Andrew Johnson, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the seventh day of January, one thousand eight hundred and twenty-four, entitled, "An act concerning discriminating duties of tonnage and impost," and by an act in addition thereto of the twenty-fourth day of May, one thousand eight hundred and twenty-eight, do hereby declare and proclaim that on and after the said first day of January, one thousand eight hundred and sixty-seven, so long as vessels of the United States shall be admitted to French ports on the terms aforesaid, French vessels entering ports of the United States will be subject to no higher rates of duty on tonnage than are levied upon vessels of the United States in the ports thereof.

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

Done at the city of Washington, this twenty-eighth day of December, in the year of our Lord one thousand eight hundred and sixty-six, and of the independence of the United States of America the ninety-first.

[SEAL.]

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

*M. Berthemy to Mr. Seward.*

[Translation.]

LEGATION OF FRANCE AT WASHINGTON,  
Washington, January 9, 1867.

MR. SECRETARY OF STATE: In transmitting to your excellency, the 28th of September last year, a copy of the new code of French maritime signals, I had the honor to announce to you that the governments of France and Great Britain, after coming to an understanding on the subject, had thought they could, in the interest of general utility, recommend the adoption of these signals to the other maritime powers. To follow up this communication, I hasten to send you to-day a note relative to the application of this new code, and to the establishment of an electro-semaphoric service on the coasts of France.

I avail of this occasion to recall to your excellency the importance which the government of the Emperor would attach to the knowledge of the views of the United States on a question which interests in so high a degree the marine of every country.

Please accept, Mr. Secretary of State, the assurance of my high consideration.

BERTHEMY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

*Note relative to the adoption of the commercial code, and to the imperial decree fixing the opening of the electro-semaphoric service.*

An imperial decree has fixed the 15th November, 1866, for opening the electro-semaphoric service. Every French or foreign vessel passing in view of one of these semaphores scattered along the coast can, if supplied with a commercial code, exchange with such post the signals which may interest her navigation. Besides, if the vessel, French or foreign, has a correspondent in France, he might send to the last, in French or by cypher,\* a despatch, the charge for which shall be paid by the party to whom addressed. The latter can then use the telegraph to send abroad the news given him, until an international convention regulate the question of collection of charges, and permit the direct transmission abroad by sea.

*Mr. Seward to M. Berthemy.*

DEPARTMENT OF STATE,

*Washington, January 21, 1867.*

Mr. Seward presents his compliments to M. Berthemy, and has the honor to enclose a memorandum of a conversation which passed between them on the 17th instant.

*Memorandum of a conversation between the Secretary of State and Mr. Berthemy, minister plenipotentiary from the court of France to the United States.*

Mr. BERTHEMY said: I have been instructed by my government to communicate to the Secretary of State the satisfaction with which the Emperor has received the good assurances made by General Dix in his speech on the occasion of his reception at Paris. From those assurances his Majesty's government feel themselves authorized to expect a disposition on the part of the cabinet at Washington favorable to a friendly understanding between the two governments in respect to the termination of the Mexican question.

I am further instructed by my government to say that the name of Señor Juarez being excluded from our combination, and also it being expected that the Emperor Maximilian will either abdicate or assent to such combinations as the French government might propose, in concert with the United States, we have no settled resolution in favor of any aspirant or candidate for reconstituting the political situation of Mexico, whether Señor Ortega or any other person or persons. What France desires is simply that there may be a restoration of government and order satisfactory to the people of Mexico, and acceptable to the United States and to France.

Although Señor Ortega might seem to both governments most fit, by reason of his position, to take in hand provisional measures for the reorganization of Mexico, yet we have in regard to him no bias or prejudice.

I am authorized, therefore, to say to the Secretary of State, that if he has in view another name better answering to the exigencies of the situation, we should be ready to examine, with a sincere desire to an understanding, any proposition which the government of the United States may deem it proper to make.

Mr. SEWARD said he would reply frankly and without reservation. The disposition of the United States in regard to the subject mentioned is entirely friendly and cordial toward

\* One signal of the commercial code allows the sender to indicate to the semaphore in what manner he may wish his despatch to be sent. In the interest of all, the exact translation of each phase of the code is indispensable, for one and the same thought should be expressed by the same signals, and this universal language once adopted, commerce would immediately feel its benefits.

France. They would do whatever they could consistently with their established relations towards the republic of Mexico to accommodate France. The attitude, however, which the government of the United States has held in regard to a republican government in Mexico has hitherto been, and yet is, that of recognition, exclusively, of President Juarez as the chief executive of that State. The United States do not think that the circumstances in Mexico are at the present time such as would justify them in changing that attitude. The United States are expecting that as a probable event the President of Mexico will recover the power which will enable him to exercise constitutional authority adequate to the pacification of Mexico and the restoration of order: there when the French forces shall have completed their evacuation. In any view of the case that we may take, we hold ourselves forbidden by our engagements from acting injuriously towards the republican government existing there or in derogation of its authority.

The United States are intensely desirous to avoid not only such transaction, but even an appearance of intervention in the troubled affairs of Mexico, even although President Juarez should desire or solicit, which he does not. For these reasons this government is not prepared at this time to accede to the policy which is suggested by the Emperor.

The Secretary said: I am sure that I shall have the President's authority for expressing his satisfaction with the directness and frankness of your communication.

This answer, like all my communications, leaves the Prince Maximilian, Ortega, and others, without special mention. My answer to you would have been exactly the same if you had left them unmentioned on your part.

DEPARTMENT OF STATE, *January 17, 1867.*

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*Mr. Seward to M. Berthemy.*

DEPARTMENT OF STATE,

*Washington, January 30, 1867.*

SIR: I have the honor to acknowledge the receipt of your communication of the 9th instant, enclosing a note relative to the application of a new code of signals transmitted by you to this department on the 28th of September last, and also to the establishment of an electro-semaphoric service on the coasts of France. In reply, I have the honor to state that a translation of your communication and of its accompaniment has been submitted for the information of the Secretary of the Treasury, to whose consideration I have already referred a copy of the code in question. In compliance with your request, the attention of that officer has been recalled to the latter matter, with a view to ascertain whether any decision has been made as to the expediency of the adoption of these commercial signals by the government of the United States.

Accept, sir, a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

M. BERTHEMY, *Sec., &c., &c.*

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[Memorandum.]

DEPARTMENT OF STATE,

*Washington, February 7, 1867.*

The French minister to-day informed me at the department that France has, in concert with Great Britain, agreed to express to Spain their hope that the tendered mediation of the United States in wars between Spain and Spanish American republics may be accepted and result in a restoration of peace.

WILLIAM H. SEWARD.



*Mr. Seward to M. Berthemy.*

DEPARTMENT OF STATE,  
*Washington, March 14, 1867.*

SIR: With reference to our conversation of this morning, I have the honor to communicate to you a copy of an \*opinion rendered by the Hon. Henry Stanbery, the Attorney General, in relation to the right of foreign residents at Valparaiso to reclamations against Chili on account of losses sustained by them in consequence of the bombardment of that city.

Accept, sir, a renewed assurance of my highest consideration.

WILLIAM H. SEWARD.

M. BERTHEMY, &c., &c., &c.

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*M. Berthemy to Mr. Seward.*

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,  
*Washington, July 8, 1867.*

MR. SECRETARY OF STATE: My predecessor had the honor to send you, on the 28th September last year, a copy of the code of maritime signals adopted by the governments of France and England, asking you at the same time to be so good as to let him know whether the government of the United States was disposed to adhere to this new mode of international communication. Since that I have myself had occasion, the 7th January last, to revert to that communication, on completing it, by sending a note relative to the application of this new code, and the establishment of an electro-semaphoric service on the coasts of France.

While making account of the time which the study of a plan of this kind requires, I think, Mr. Secretary of State, on looking back to the date of the first note from M. de Montholon on the subject, that I might anew remind you of the value which the government of the Emperor would attach to information of the manner in which the government of the United States regards a question which interests in such high degree all maritime nations.

Accept, Mr. Secretary of State, the assurances of my high consideration,  
BERTHEMY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Mr. Hunter to M. Berthemy.*

DEPARTMENT OF STATE,  
*Washington, July 24, 1867.*

SIR: I have the honor to acknowledge the receipt of your note of the 8th instant, asking whether any action has been taken by this government for the adoption of a new code of maritime signals now in use by the governments of France and Great Britain, which subject was first brought to the notice of this department by the Marquis de Montholon on the 28th of September, 1866. In reply, I have the honor to state that the matter was submitted for the consideration of the Secretary of the Treasury, who informed the department that

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\* For this enclosure see instruction to the United States minister to Chili, No. 22, of the 2d October, 1866.

competent persons would be selected with a view to examine into, and if deemed practicable, to commend the adoption of this code by the United States government, for the merchant service. No further information upon the subject has been received. I shall, however, cause a translation of your note to be laid before the Secretary of the Treasury, and will request him to inform the department of any decision which may have been reached in regard thereto.

Accept, sir, the assurances of my very high consideration.

W. HUNTER,  
*Acting Secretary.*

M. BERTHEMY, &c., &c., &c.

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*M. Berthemy to Mr. Seward.*

[Translation.]

AUGUST 8, 1867.

DEAR MR. SEWARD: In conformity with the wish you were pleased to express, I send you enclosed an extract from a despatch from the Marquis de Moustier, relative to the protection of French interests in Mexico; and I join hereto, with all thanks, the interesting letter from Mr. Hall.

Please accept, dear Mr. Seward, the assurance of my best regards.

BERTHEMY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*The Marquis de Moustier to M. Berthemy.*

[Extract.—Translation.]

PARIS, July 19, 1867.

\* \* \* \* \*  
I wrote on the 15th of this month to Mr. Dano to instruct him to bring away with him our two consuls at Vera Cruz and Tampico, and I request him to confide the protection of our countrymen to the agents of a friendly power. I have indicated to him those of the United States as being most naturally called upon to charge themselves with these cares. It is therefore to them that he will address himself, most probably. I beg you to inform Mr. Seward of this, and I doubt not that the federal government will authorize its representatives in Mexico to accept such mission.

Accept, &c.

MOUSTIER.

M. BERTHEMY, &c., &c., &c.

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*Mr. Seward to Mr. Berthemy.*

DEPARTMENT OF STATE,

Washington, November 20, 1867.

MY DEAR MR. BERTHEMY: I received from Mr. Plumb, United States chargé d'affaires in Mexico, a despatch yesterday, with which he communicated, with expressions of due appreciation, a copy of a polite note which he had received from Mr. Lavalette, minister of the interior, in charge ad interim of the ministry of foreign relations at Paris. In that note Mr. Lavalette expressed the thanks of the Emperor's government to Mr. Plumb for the attention which the United States had promised should be given by Mr. Plumb to the interests of French subjects in Mexico. Mr. Lavalette proceeded, in the same note, to say that as soon as Mr. Dano should return he would have an understanding with him to designate, if he had not already done so before his departure, a person

who could, in friendly guise, assist Mr. Plumb in the labors of the chancery relative to French affairs. Mr. Lavalette further promised that he would write again to Mr. Plumb by one of the earliest couriers. Mr. Plumb has also, with a subsequent despatch, transmitted to me a note which was addressed to him by Mr. Farine, on the 29th of October, which note was written in conformity with the views and purposes which have been made known to Mr. Plumb by Mr. Lavalette.

It is some time since I informed you that the Mexican government, in consenting to the exercise of good offices for foreigners belonging to other nations residing in Mexico, had taken care to insist that those offices should be employed in an unofficial and not in an official manner, and that this government had directed its representatives to Mexico to acquiesce in the course thus proposed by the Mexican government. It is under these circumstances that Mr. Plumb has transmitted Mr. Lavalette's letter and Mr. Farine's note to me, it being manifest that both of those papers were written before the authorities at Paris had received information of the special reservations upon which the Mexican government insists. It also appears that when Mr. Plumb received the communications of Mr. Lavalette and Mr. Farine he had not yet received the instructions of this department to acquiesce in the course which the French government had indicated.

I have endeavored to rectify the situation of this affair in Mexico by two despatches\* upon the subject, which have been transmitted to Mr. Plumb, and of which I have the honor to give you copies for the information of the Emperor's government.

It is hardly necessary to acknowledge the liberal and friendly sentiments manifested by Mr. Lavalette.

Faithfully yours,

WILLIAM H. SEWARD.

M. BERTHEMY, &c., &c., &c.

*M. Berthemy to Mr. Seward.*

[Translation.]

WASHINGTON, November 23, 1867.

DEAR MR. SEWARD: I have received with two accompanying annexes, which contain your instructions to Mr. Plumb, the letter you were pleased to write to me the 20th instant relative to the protection of Frenchmen settled in Mexico.

I have already made known to the Marquis de Moustier the conversation I had the honor to hold with you on this subject, and the government of the Emperor is certainly now informed of the conditions under which the good offices of the United States will be exercised. Be it as it may, I will not fail to transmit these documents to it; they will not, I think, modify its confidence in the efficiency of the support which French interests would find, in case of need, at the hands of your legation in Mexico, and which are guaranteed by the cordial assurances you have pleased to authorize me to transmit to Paris.

Accept, dear Mr. Seward, the assurances of my most sincere respect.

BERTHEMY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

\* For enclosures see instructions to the United States minister to Mexico, Nos. 20 and 23 of the 19th and 20th of November, 1867.

## CORRESPONDENCE CONCERNING THE INTERNATIONAL MONETARY CONFERENCE, HELD AT PARIS IN JUNE, 1867.

*M. Berthemy to Mr. Seward.*

[Translation.]

LEGATION OF FRANCE AT WASHINGTON,  
*Washington, January 4, 1867.*

SIR: I have the honor to transmit herewith to your excellency a copy of the text of the monetary convention, concluded December 23d, 1865, between France, Belgium, Italy, and Switzerland.

As you will see, Mr. Secretary of State, this act, which went into force the 1st of August last, has reconstituted, under the guarantee of an international contract, a monetary union which had existed in fact between these four states, but which diverse measures, adopted without preliminary understanding, had broken up during late years. These measures, adopted successively in Switzerland, in Italy, and in France, had a sole object, that of putting an end to the abnormal disappearance of fractional silver money, or standard change money, indispensable for payments of trifling amounts. To the same evil they opposed the same remedy, the lowering of the standard, but according to different rules and proportions. The Swiss pieces, for instance, coined at the standard of eight hundred thousandths fine, while those of France and of Italy were at the standard of eight hundred and thirty-five, had to be refused in the public treasuries of the empire, as well as in those of the kingdom of Italy. The inconvenience of this state of things was not long in becoming apparent, and causing, perhaps more keenly than in past time, the appreciation, by the populations of the four bordering States, of the advantages of the monetary communion by which they had been formerly benefited. For the purpose of satisfying the just claims and pressing interests of trade, the government of the Emperor last year proposed to Belgium, to Italy, and to Switzerland, to intrust to a mixed international commission the care of re-establishing the ancient uniformity by taking account of facts accomplished, and of the new conditions of the monetary circulation of Europe. Commissioners appointed by these different states assembled at Paris under the presidency of M. de Parieu, vice-president of the council of state, and, in stating the causes for the convention of the 23d December last, they have fully met the immediate end which was assigned for their labors, according to the expression used by the minister of finance of Belgium, on submitting to the Belgian chamber the project of law intended to sanction the convention: "This act contains in effect, within itself, saving the unity of stamp, a monetary system, complete for moneys, (coin,) properly so called, to the exclusion of *billon*, (base coin.)"

At this time the gold and silver coinage of these four states is conducted under conditions that are identical. In what relates especially to fractional silver of the piece of five francs real change of standard money, which alone can meet the demand for small transactions, the standard of eight hundred and thirty-five thousandths has been definitely adopted; this is the figure which, already adopted in France and in Italy, has seemed best to satisfy the conditions of the problem which was in discussion for a solution—that is to say, to give to fractional metallic currency of the union the highest intrinsic value and the qualities of a good alloy, at the same time doing away the premium they had reached from the relative depreciation of gold, which allowed speculation to melt them up and export them at a profit.

Express provisions limit, moreover, the emission of this legal small change, and serve also as the corrective of the lowering of the standard value. Precise

rules reduce to the smallest possible figures the allowances for cost of fabrication, so as to maintain the money of the union in a constant normal condition. In fine, you will remark, Mr. Secretary of State, a clause which is detached from the rest of the stipulations, exclusively destined to determine the monetary regulations of the four countries. I desire to say something of that accession which article twelve guarantees to any other State. This clause may be considered as the manifestation of a wish that sprung up in the proceedings of the international conference, and has not been without influence on the happy issue of the negotiations. After having brought about the disappearance of divergencies of which they recognized the inconveniences, the delegates of France, of Belgium, of Italy, and of Switzerland, seeing a population of seventy millions of souls henceforth endowed with the same monetary system, must quite naturally have been led to fix attention on an interest more general. Without entering on the examination of a question which it was not their mission to solve, they expressed in the name of their governments the desire to see the union, as yet restricted to four countries, become the germ of a union more extended, and of the establishment of a general monetary circulation among all civilized States.

The government of the Emperor would be very happy to see this proposition well received, but, at the same time, cannot dissemble the difficulties and objections it might encounter. But it doubts not, at least, that the views which are thus inspired answer the necessities which henceforth must press upon the solicitude of the governments. In proportion as the solidarity which now exists between economic interests becomes more and more close, each nation, in view of advantages already realized, better understands the importance of removing the obstructions still met with in international relations, one of the most onerous and annoying results assuredly from the diversity of coinage which multiply the fluctuations of exchange. The idea of the unification of the monetary systems makes, then, every day fresh progress. It is under its influence that, since the 24th January, 1857, there has been concluded the treaty which has markedly simplified the monetary régime of the States comprised in the ancient Germanic confederation; and more recently, in 1865, the same tendency has manifested itself in the discussions and in the votes of the German commercial diet; in fine, the convention, even of the 23d December, has been spontaneously the object on the part of several foreign governments of an investigation which bears sufficient evidence of their solicitude about the interests which attach to it. A new monetary law has already introduced in the Roman States the régime stipulated by the convention of Paris; and, in the United States, public opinion has been called to this question even in the deliberations of Congress.

If, for the moment, objections too weighty prevent the federal government from adhesion to the convention of 23d December, the government of the Emperor would not the less attach special value to being informed of these obstacles, and to learn what observations may have been drawn forth by the examination of this international act. In the absence of more immediate results, there would be incontestable advantage in being enabled to appreciate exactly the nature and extent of the difficulties that must be thought of removing, in order to arrive at monetary uniformity; and from the moment it is allowable to look toward the practical solution of such a problem, it becomes the duty of governments to follow it up, without exclusive ideas, mutually enlightening each other in their researches. Thus, also, in case the federal government, without wishing to accede to the union actually constituted, should be disposed either to enter into arrangements destined to establish equations between some of its monetary types of gold or silver and those which the convention may determine, or to take part in an international conference at which might be discussed the means of arriving at a more extended monetary understanding, the

government of the Emperor will entertain with readiness the overtures which might be addressed to it in this view.

Accept, Mr. Secretary of State, the assurances of my very high consideration.  
BERTHEMY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

The translation of the text of the convention of December 23d, 1865, will be found annexed to Mr. Ruggles's report of 7th November.

*Mr. Seward to M. Berthemy.*

DEPARTMENT OF STATE,

*Washington, February 13, 1867.*

SIR: I have the honor to acknowledge the receipt of your communication of the 4th ultimo, transmitting a copy of the text of a monetary convention concluded on the 23d of December, 1865, between France, Belgium, Italy, and Switzerland, the origin and purpose of which your note lucidly explains, and which by its terms is open to the adhesion of other governments.

Your note indicates a wish on the part of the imperial government, in the event of that of the United States not being prepared to subscribe to the stipulations of the convention, to be made acquainted with the obstacles in the way of such an arrangement; and you most courteously suggest that if this government, even though not able to accede to the conventional union actually constituted, should be disposed either to agree upon stipulations destined to establish equations between some of its monetary types of gold or silver and those which the convention may determine, or to take part in an international conference at which might be discussed the means of arriving at a more extended monetary understanding, the government of the Emperor will entertain any overtures which might be addressed to it with this view.

Having consulted the Secretary of the Treasury upon the subject, I have the honor to state, in reply to your note, that this government, both in its legislative and executive departments, has repeatedly manifested its interest in the question of international unification of monetary standards; that the importance of a standard unit of equal value in all commercial countries for the uses of account and currency is fully recognized and appreciated; and the ideal object presented in your communication being acceptable, it only remains to be decided how the desired result may be brought about.

It is to be hoped that neither the quadripartite convention, nor the proceedings already adopted by the four governments under its provisions, will be held to preclude any of those governments from entertaining considerations in favor of its modification which may be offered by other governments in the interests of a system universally acceptable.

From the enclosed reports you will be able to form an idea of the progress of the investigation of this question by this government, and of its views as to the manner in which the discussion of it should be continued. Both branches thereof have concurred in providing the agencies for this purpose, in connection with the Universal Exposition to be opened at Paris in April next, on which occasion it is presumed that leading nations, not parties to the convention before noticed, will be represented, with authority vested in their delegates or commissioners to consider and report upon this question with those of the four powers. This government, however, has no hesitation in avowing its desire to come into accord with other governments with which the United States hold important relations, to attain the object proposed, and to encourage a spirit of conciliation

in face of the conflicting interests and inconveniences involved in its accomplishment.

I beg that you will accept, sir, a renewed assurance of my highest consideration.

WILLIAM H. SEWARD.

M. BERTHEMY, &c., &c., &c.

The documents enclosed with the above were: the report of the Hon. John Kasson, from the Committee on Coinage, Weights and Measures, of the House of Representatives, (report No. 62, thirty-ninth Congress, first session;) the report of the director of the mint of the United States for the fiscal year ending June 30, 1866; and President's message and documents, (Senate Ex. Doc. No. 5, thirty-ninth Congress, second session,) relating to the collection of products, and of weights, measures, and coins, for the Paris Universal Exhibition of 1867.

*M. Berthemy to Mr. Seward.*

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,  
*Washington, May 27, 1867.*

MR. SECRETARY OF STATE: On communicating to you, under date of 4th January last, the text of the monetary convention recently concluded between France, Belgium, Italy, and Switzerland, I had, at the same time, the honor to call your attention to the opportunity for submitting to an international conference which should be held at Paris the study of the more general question of uniformity of coinage.

In view of the reception given to these overtures, as well by the cabinet of the United States as by those of other countries to which they were addressed, the government of the Emperor has thought that the time has arrived for following out the project, the realization of which it was their aim to prepare. In consequence, a formal proposition has been transmitted through the diplomatic medium to divers governments in order that they might cause themselves to be represented in a commission which should meet at Paris on Monday, the 17th June next, at the hotel of the department for foreign affairs. This conference would be presided over conjointly by the minister for foreign affairs and the minister of finance. The vice-presidency would be devolved on Mr. de Parieu, vice-president of the council of state, who, with Mr. Herbet, minister plenipotentiary, director of consulates and commercial affairs, would thereat represent the department for foreign affairs. The delegates from the department of finance would be Mr. Pelouze, member of the institute, president of the commission on coinage, and Mr. de Lavenay, president of the section of finance in the council of state. His excellency the Marquis de Moustier charges me, in placing these notices before the government of the United States, to convey to it, at the same time, the invitation to participate in the international monetary conference. It would attach even, in consequence of the early time at which the labors should commence, very special value to the information as soon as possible of the name of the delegate by whom the cabinet of Washington shall deem fit to be represented, and I would be very thankful to your excellency if you would, as soon as possible, inform me on this point.

There is no need to add that the commissioners will assemble without any programme arranged in anticipation. They will thus be able to look more freely for a solution of the difficulties which would oppose an assimilation between the systems actually in operation. This mode of proceeding, which has already

received so happy an application at the conferences of 1865, appears at this time of greater utility, inasmuch as different countries, while appreciating the importance of the object to be attained, would have the means of recurring to divergent opinions. The conference proposed has not otherwise any immediate object than to call out an interchange of views and discussion of principles; in a word, to seek for the bases of ulterior negotiations.

Accept, Mr. Secretary of State, the assurances of my high consideration,  
**BERTHEMY.**

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Mr. Seward to M. Berthemy.*

DEPARTMENT OF STATE,

*Washington, May 29, 1867.*

SIR: I have the honor to acknowledge the receipt of your note of the 27th instant, in relation to an international conference proposed to be held at Paris on the 17th of next month, for the purpose of an interchange of views and discussion of principles, with a view to ulterior negotiations upon the subject of a uniform system of coinage. You express on the part of the imperial government a wish to receive early information of the name of the delegate who will be selected to represent the United States at the conference.

In reply I have the honor to inform you that the honorable Samuel B. Ruggles, who is now in Paris in the character of a scientific commissioner of the United States to the Universal Exhibition, and who is familiar with the views of this government, has been specially authorized to represent it on the occasion to the extent and in the spirit indicated in your note.

General Dix, the minister of the United States at Paris, has been requested to confer and co-operate with Mr. Ruggles to such a degree as may be convenient or necessary.

Appreciating the courtesy of the imperial government in notifying that of the United States of the proposed conference, I beg you to accept, sir, a renewed assurance of my highest consideration.

WILLIAM H. SEWARD.

M. BERTHEMY, &c., &c., &c.

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*Mr. Seward to Mr. Ruggles.*

DEPARTMENT OF STATE,

*Washington, May 29, 1867.*

SIR: I transmit a translation of a note of the 27th instant, addressed to me by the minister of France, under instructions from his government, in regard to an international conference proposed to be held at Paris on the 17th of June next to consider the general question of the uniformity of coinage.

You are hereby empowered to attend that conference on behalf of the United States, and to represent your government to the extent and in the spirit indicated in the enclosed.

You are requested to transmit to this department a detailed report of the deliberations and conclusions of the conference, with such observations as may seem to you to be useful.

General Dix has been apprised by the same mail which bears this communication to you of the circumstances under which you are empowered to represent



the United States on this occasion, and he has been requested to confer and co-operate with you to such extent as may be convenient.

I am, sir, your obedient servant,

WILLIAM H. SEWARD,

SAMUEL B. RUGGLES, Esq., &c., &c., &c.

*Mr. Seward to General Dix.*

No. 74.]

DEPARTMENT OF STATE,

Washington, May 29, 1867.

SIR: I enclose a translation of a note of the 27th instant which was addressed to me by Mr. Berthemy, the minister of France accredited to this government, concerning an international conference proposed to be held at Paris on the 17th of June next.

The honorable Samuel B. Ruggles having heretofore received special instructions to take into consideration the general subject of a uniform system of weights, measures, and coins, I have by this mail forwarded to him a copy of the enclosed, with instructions to attend the proposed conference on behalf of the United States, and to participate in its deliberations to the extent and in the spirit indicated in Mr. Berthemy's note, concerning the question of the uniformity of coinage.

I will thank you to confer and co-operate with Mr. Ruggles in this matter to such an extent as may be convenient, and to render him any aid and facilities which it may be in your power to afford.

I am, sir, your obedient servant,

WILLIAM H. SEWARD

JOHN A. DIX, Esq., &c., &c., &c.

*Mr. Ruggles to Mr. Seward.*

[Extract.]

PARIS, May 30, 1867,

SIR: \* \* \* \* \*

Before the meeting of the international committee for examining the question of a uniform coin had commenced, the undersigned was enabled, through the introduction of Monsieur Michel Chevalier, senator of France, who takes much interest in the subject, to confer fully with M. de Parieu, vice-president of the conseil d'etat, and one of the two representatives of France in negotiating the quadripartite treaty or monetary convention of the 23d of December, 1865, between France, Belgium, Switzerland, and Italy. To that treaty the United States are now invited to become a party, in the communication of M. Berthemy, minister of France at Washington, to the Secretary of State of the United States, a copy of which, forwarded from Washington by the Department of State, reached the undersigned on the 29th of May, instant.

The undersigned does not assume in any way to discuss the diplomatic question whether the United States, for the purpose of securing the adoption of a common unit of money, should attain that result by means of a permanent and obligatory treaty, or should rest satisfied with concurrent legislation capable of easy change, and thus reserving a wider freedom and greater elasticity of action. He felt, however, at liberty, in case the concurrence of the United States by needful legislation in any form was required, to suggest to M. de Parieu the

expediency, and, indeed, to urge the necessity, of modifying that portion of the treaty in question which prohibits either of the four nations who had made it from issuing gold coin of any denominations but those of five, ten, twenty, fifty, and a hundred francs. This necessity is obvious at once from the fact that the gold coin most in ordinary use in the United States is the half-eagle of five dollars, which, with a slight diminution, could be readily reduced to twenty-five francs in value. This coin, when exported to France, in order to be readily and generally current, must there find itself side by side with some well-known French coin of like weight, diameter, and value. The propriety of this suggestion M. de Parieu not only admitted at once, but expressed his belief that the treaty might be modified by the four nations, in thirty days, to meet the necessities in this respect of the United States.

Shortly after this conversation with M. de Parieu, the undersigned, through the introduction of General Dix, the minister of the United States to France, had a personal conference with M. Rouher, chief minister of state, to whom the same suggestions as to the twenty-five franc gold coin were made, with some more extended remarks on the lasting importance of unifying the coin of the world, thereby inaugurating a new historical era in the monetary affairs of mankind. The peculiar significance of the fact that the Congress of the United States, in recently authorizing the issue of one of our smaller coins, had given to it precisely even metric weight and metric diameter, (being five *grams* in weight and two *centimetres* in diameter,) thereby scattering widely through the pockets of the American people the means of studying the metric system by specimens of the *metre* and its derivative the *gram*, constantly visible, was also brought to the notice of M. Rouher. He became so much interested in the subject and its further examination, that he shortly afterwards caused the undersigned to be invited to a personal interview with the Emperor at the Tuileries.

Upon that occasion the Emperor, after expressing very cordially his gratification that the United States of America had shown their willingness to aid in unifying the coin of the world, proceeded in a straightforward, business way to ask, "What do you wish France to do in aid of the work?" To that interrogatory it was answered, first, that much could be done by distinctly recognizing in the official documents and discourses of the government the international unification of coin, as a result of cardinal importance to be attained at the Universal Exposition; that most of its memories, however brilliant, were necessarily evanescent, while a common coin, once secured with universal uniformity, would endure for a series of ages. Allusion was made to the historical fact that the world under the Roman empire, governed by Augustus and his successors, had practically enjoyed the boon of a common coin, but had lost it in the wreck of that imperial power; that now, after the lapse of fourteen centuries, the modern nations of the earth, convened under a higher civilization in a universal congress, wisely organized, had the opportunity to establish a new and better Augustan age of money, having a world-wide equality

It was further urged that the United States of America, politically, commercially and geographically, had a peculiar interest in the subject; that they not only produced a large proportion of the precious metals needed by the world, but, from their continental and interoceanic position on the globe, enjoyed the pre-eminent and distinguishing advantage of having two outlets for their coin—one leading westward across the Pacific to Asia, the other eastward across the Atlantic to Europe; that it was alike their interest and their ambition to secure for that coin the greatest facility for unchecked, economical and rapid circulation, freely passing through both the hemispheres without recoinage or other impediment; that, in a word, the money of the world, as the common measure of its values, should be as uniform and as circumambient as the atmosphere of the world; and, finally, that the United States of America,

as a component part of modern civilization, with a population of forty millions, rapidly increasing, naturally desired to participate in securing for the whole family of man a blessing so universal and enduring.

In answer, the Emperor asked, in a kindly tone, "Can France do anything more in aid of the work?" To which it was replied, France can coin a piece of gold of twenty-five francs, to circulate side by side on terms of absolute equality with the half-eagle of the United States and the sovereign, or pound sterling, of Great Britain, when reduced, as they readily might be, precisely to the value of twenty-five francs. The Emperor then asked, "Will not a French coin of twenty-five francs impair the symmetry of the French decimal system?" To which it was answered, "No more than it is affected, if at all, by the existing gold coin of five francs;" that it was only the silver coins of France which were of even metric weight, while every one of its gold coins, without exception, represented unequal fractions of the metre.

It was then stated to the Emperor that an eminent American statesman, Mr. Sherman, senator from Ohio, chairman of the Finance Committee of the Senate of the United States, and recently in Paris, had written an important and interesting letter, expressing his opinion that the gold dollar of the United States ought to be and readily might be reduced by Congress, in weight and value, to correspond with the gold five-franc piece of France; that the letter was now before the international committee, having the question of uniform coin under special examination; to which letter, as being one of the best interpretations of the views of the American people, the attention of the public authorities of France was respectfully invited. The Emperor then closed the audience, by repeating the assurances of his gratification that the important international measure in question was likely to receive active support from the United States.

The letter of Mr. Sherman, above referred to, dated the 18th of May, 1867, originally written in English, was presented in a French translation a few days afterwards to the international committee in full session, where it was received with unusual interest and ordered by the committee to be printed in both languages. A copy is herewith transmitted for the information of the Department of State.

It will probably be regarded as a noticeable fact that while the British government has appointed an officer of its royal artillery, Colonel Younghusband, to exhibit in the "Pavilion" the weights, measures, and coins of Great Britain, it has hitherto omitted in any other way to participate in any discussions or action of the international committee on the subject of a uniform coin. There is good reason, however, to believe that its necessity is felt and acknowledged by a large and very respectable portion of the intelligent people of the British empire.

The Russian ambassador, Baron de Budbergh, has examined attentively the United States coinage of five-cent pieces of metric weight and diameter, in which he has manifested a lively interest, as affording a facility for the easy instruction of the people in the metric system worthy of imitation by the Russian government. That government is ably represented in the international committee by Mr. de Jacobi, councillor of state, and particularly eminent in physical science. He is the president of the sub-commission on weights and measures, and earnestly advocates their international unification as a necessary step in human progress.

The government of Prussia refrains from actively entering at present upon the discussion. A letter written by order of Count Bismarck to the diplomatic representative of France at Berlin, and dated February 2, 1867, states that the confederation of northern Germany is entering upon a political programme "which may include its local monetary questions;" the completion of which programme he may choose to await, before entering upon the subject of international unification, the eventual importance and interest of which the letter plainly recognizes. A copy of the text is herewith furnished.

At a meeting of the sub-commission on coins, held to-day, after hearing much discussion, the following note, seeking a practical result, was submitted for consideration by the undersigned, with the approbation of his colleague, Mr. John P. Kennedy, one of the commissioners to the Paris Exposition, who had been associated with him on the committee.

"The commission recommend that a proposition shall be submitted to the respective governments of France and the United States of America, that the government of France shall issue, in addition to its present coinage, a gold piece of twenty-five francs, and that the government of the United States, in its future issues, shall reduce the weight of the gold dollar to the value of five francs, and shall bring its other gold coinage to the same standard."

Whether this proposition will be amended by inserting a similar provision as to the British gold sovereign, remains to be seen. The result of the deliberations of the commission, or of the international committee, when finally reached, will be communicated without delay to the Department of State.

With high respect, your obedient servant,

SAMUEL B. RUGGLES,

*Vice-President of the United States Commission at the Universal  
Exposition at Paris, and specially designated as member  
of the Committee on Weights, Measures, and Coins.*

HON. WILLIAM H. SEWARD,  
*Secretary of State, &c., &c., &c.*

[Translation.]

*By direction of Count Bismarck, to Mr. Benedetti, minister of France at Berlin.*

BERLIN, February 2, 1867.

MR. AMBASSADOR: I have had the honor to receive the letter which your excellency pleased to write me under date of 12th December last, for the purpose of inducing the King to accede to the convention of the 23d December, 1865.

We do not undervalue the great advantages which the people of the two countries would derive from the approximation of the two monetary systems at this time in force. We would congratulate ourselves if we could contribute to remove the embarrassments which the diversity of coinage causes in our commercial relations. If, for the moment, I do not find myself in position to take on my part any steps to arrive at the understanding which you are pleased to propose to us, it is because, aside from the material difficulties which your excellency has not kept out of view, the present political situation prevents the royal government from entering upon an interchange of opinions upon this subject. The monetary question is one of those inscribed on the programme of the deliberations of the confederation of northern Germany. To discuss it in advance with another state would be to prejudice in some degree future discussions. When we shall know the result of those discussions the favorable moment will arrive for advising in respect to the removal of the obstacles which still oppose the monetary union of the two countries.

I need not assure your excellency that I shall not lose this object from view, and intend to revert to it on the proper occasion.

Please to accept, sir, &c.

For the minister,

DE THILE.

*Mr. F. W. Seward to Mr. Ruggles.*

DEPARTMENT OF STATE,

*Washington, June 21, 1867.*

SIR: Your very interesting communication of the 30th ultimo, reporting your proceedings in regard to the consideration of the question of the adoption of a uniform system of weights, measures, and coins, and enclosing a copy of your correspondence on the subject with the Hon. John Sherman, together with a

copy of a letter of the 2d of February written by direction of Count Bismarck to Mr. Benedetti, has been received. The accommodating spirit manifested by M. de Parieu, and M. Rouher, chief minister of state, and subsequently by the Emperor in person, in the conversations held by you with them respectively, is appreciated as an auspicious augury of an eventual agreement upon some plan which will give to the world the benefits of the uniform system, upon a decimal basis, of weights, measures, and coins, which has so long and so universally been regarded as one of the most desirable reforms in commercial and financial intercourse.

The form in which different nations practically concur in this plan is not of primary importance, but it is believed that the deliberations which have now been inaugurated on the subject will result in a basis of common understanding which will warrant you in encouraging the expectation that the United States may give its adhesion to a conventional arrangement which may be susceptible of termination within a period to be specified in such arrangement, when such termination should be considered desirable by either of the parties. In any event it cannot be doubted that the views so ably set forth by the honorable chairman of the United States Senate Committee on Finance, in the letter of the 17th of May, a copy of which forms part of your communication now under reply, will be so far approved by the public sentiment, the Congress, and the Executive of the United States, as to secure a concurrence by this government in any reasonable plan for producing the desired reform.

I am, sir, your very obedient servant,

F. W. SEWARD,  
*Assistant Secretary.*

SAMUEL B. RUGGLES, Esq., &c., &c., &c.

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*Mr. Dix to Mr. Seward.*

No. 100.]

LEGATION OF THE UNITED STATES,  
*Paris, June 28, 1867.*

SIR: I have the honor to transmit herewith a translation of a communication received from the Marquis de Moustier, minister of foreign affairs, in relation to the appointment of Mr. Samuel B. Ruggles as a delegate to the international conference now holding its sessions in Paris.

I am, with great respect, your obedient servant,

JOHN A. DIX.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Dix to M. Moustier.*

LEGATION OF THE UNITED STATES,  
*Paris, June 14, 1867.*

SIR: I have the honor to inform you that Mr. Samuel B. Ruggles is authorized by my government to attend the international conference in regard to the uniformity of coinage, to be held at Paris on the 17th instant. The despatch giving me this information was received this morning and I hasten to communicate it.

I have the honor, &c., &c.,

JOHN A. DIX.

His Excellency the MARQUIS DE MOUSTIER,  
*Minister of Foreign Affairs,*

*Marquis de Moustier to Mr. Dix.*

[Translation.]

PARIS, June 21, 1867.

GENERAL: I have received the letter which you did me the honor to write me on the 14th of this month, and in which you informed me that Mr. Samuel B. Ruggles had been officially appointed delegate to the international conference.

I congratulate you, general, on the choice made by the government of the United States—a choice which assures to the commission the co-operation of a gentleman whose enlightened intelligence has already been appreciated at the very commencement of the session.

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

MOUSTIER.

General DIX, *Minister of the United States, Paris.*

*Mr. Ruggles to Mr. Seward.*

[Extract.]

PARIS, July 12, 1867.

SIR: The necessary delays which have been experienced in accurate preparing and revising the proceedings of the international committee on weights, measures, and coins, which are not even yet completed, and also in reporting and printing the more formal proceedings and discussions of the international monetary conference, more directly governmental in its constitution, still prevent me from furnishing the Department of State with a full and continuous report in chronological form and order.

The printing, however, of the *procès verbaux* or full reports of all the proceedings and discussions of the international monetary conference was completed yesterday, and I hasten to transmit a copy herewith to the Department of State.

It will be seen that the action of the conference, though preliminary in form, practically points distinctly to a final result summed up in the five points fixed as "the basis for ulterior negotiations," stated at the seventh page of the seventh meeting of the conference.

Copies of all the proceedings thus printed will be formally communicated to the governments of the nineteen different nations represented by delegates in the conference.

It will also be seen that the 15th of February next is fixed for a further meeting at Paris, and the reception of responses from the different governments. The 15th of May was proposed and earnestly urged on the part of the United States, to allow sufficient time for full discussion in the Congress to meet in December next, but a much earlier day having been earnestly insisted on by several of the continental nations, the 15th of February was at last adopted as a compromise.

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It is hoped and believed that the proposed establishment of the gold five francs as the "monetary unit," to be practically identical in weight and value with the American gold dollar, when fully understood in its practical operation, and especially its consequence in the coinage of a French gold piece of 25 francs to circulate through the world side by side with the American half-eagle, will be regarded with favor by the government and people of the United States.

I have the honor to remain, with high respect, your obedient servant,

SAMUEL B. RUGGLES,

*Delegate of the United States of America  
in the International Monetary Conference.*

HON. WILLIAM H. SEWARD,  
*Secretary of State, &c., &c., &c.*

[Translation.]

OFFICIAL REPORTS OF THE PROCEEDINGS OF THE INTERNATIONAL  
MONETARY CONFERENCE.

FIRST SITTING.

MONDAY, June 17, 1867.

His excellency Marquis de Moustier presiding.

Were present—

For Austria His excellency Baron de Hock, privy councillor, member of the House of Lords.

For the Grand Duchy of Baden: Baron Schweizer, envoy extraordinary and minister plenipotentiary of the Grand Duchy at Paris; Dietz, privy councillor, commissioner general of the Grand Duchy to the Universal Exposition.

For Bavaria: Messrs. De Hermann, councillor of State; Le Haindl, director of the mint.

For Belgium: MM. de Fortamps, senator, director of the Bank of Belgium; Stas, member of the Royal Academy, commissioner of coinage.

For Denmark: Count Moltke Hvidefeldt, envoy extraordinary and minister plenipotentiary from Denmark at Paris.

For the United States: Mr. Samuel B. Ruggles, commissioner to the Universal Exposition.

For France: His excellency Marquis de Moustier, minister for foreign affairs, president of the conference; MM. de Parieu, vice-president of the council of state, member of the institute, vice president of the conference; De Lavenay, president of the section of finance in the council of state; Herbert, minister plenipotentiary, director in the department of foreign affairs; Dutilleul, director in the department of finances.

For Great Britain: Mr. Thomas Graham, director of the royal mint; Mr. Rivers Wilson, attached to the treasury.

For Greece: M. Delyannis, envoy extraordinary and minister plenipotentiary at Paris.

For Italy: MM. the Chevalier Artom, councillor of the legation of Italy at Paris; F. Giordano, inspector of the royal corps of mines, and commissioner to the Universal Exposition.

For the Netherlands: MM. Vrolik, former minister of finance; Mees, president of the Netherlands Bank.

For Portugal: MM. the Count d'Avila, peer of the realm, envoy extraordinary and minister plenipotentiary of his Most Faithful Majesty at the court of Madrid, commissioner general to the Universal Exposition; the Viscount de Villa Major, peer of the realm, member of the jury for the Universal Exposition.

For Prussia: MM. Meinecke, superior privy councillor of finance; Herzog, privy councillor of the department of commerce, commissioner to the Universal Exposition.

For Russia: M. de Jacobi, privy councillor, member of the Imperial Academy of Sciences at St. Petersburg.

For Sweden and Norway: MM. Wallenberg, member of the first chamber of the Swedish Diet, director of the Bank of Stockholm; Broch, member of the Storting of Norway, president of the central commission of Norway for the Universal Exposition.

For Switzerland: MM. Kern, envoy extraordinary and minister plenipotentiary at Paris; Escher, director of the federal mint.

For Turkey: His excellency Djemil Pacha, ambassador extraordinary and plenipotentiary from the Sublime Porte.

For Wurtemberg: MM. Baron de Soden, privy councillor of legation.

M. Clavery, "redacteur" of department for foreign affairs, was charged with the functions of secretary, associated with M. Roux, attached to the vice-presidency of the council of state, as assistant secretary.

The international monetary conference met for the first time on Monday, 17th June, 1867, at half-past 9 o'clock, at the hotel of the department of foreign affairs, under the presidency of his excellency the minister for foreign affairs.

His excellency the Marquis de Moustier expressed to Messrs. the delegates the regrets of his excellency M. Rouher, who being obliged to preside at that very time in the imperial commission of the Universal Exposition, could not assist at this sitting. He then opened the labors of the conference by pronouncing the following allocution:

"The approximations which the late commercial reforms have wrought between the economic interests of nations ought to result in causing to be appreciated more earnestly than in past time the advantages which would be derived from the unification of coinages. To substitute instead of the variety of monetary types actually in use, metallic coins struck in accordance with uniform regulations, and placed beyond any variations of exchange, would, in effect, be to remove one of the most serious obstacles to the development of international relations. Thus, when in 1865 the delegates of France; Belgium, Italy, and Switzerland had succeeded in forming between these four a real monetary union, the thought of a more extended association naturally presented itself to their intelligence; thence came the right of accession opened to other countries by a special clause in the convention of December

25, 1865; thence the wish put forth by the commissioners, that studies should be undertaken, in concert, among all civilized states on the question of uniformity of coinage.

"No period could be more favorable to the realization of this wish than that of the Universal Exposition; the government of the Emperor hastened to avail of it, and the acceptance which various governments have pleased to extend to these overtures have shown that the importance of the problem to be solved was universally recognized.

"The dispositions thus manifested from the outset are so much the more precious, as it was impossible to dissemble the difficulties of the task which the members of the conference have to accomplish. Those difficulties are of diverse nature, and to remove them it is important, beyond all, that each state, in view of the great interest it seeks to satisfy, should seek, without exclusive opinions, the best solution.

"The French government is, moreover, pleased, gentlemen, to recognize in the choice of yourselves, on the part of your government, a fresh pledge of the solicitude which, abroad as well as in France, is entertained upon the question submitted to the conference. A study of such delicacy and so complex could not be confided to an assemblage which could present a more complete combination of knowledge required either in the conduct of great affairs, in the management of important financial institutions, or in technical operations.

"The sittings, therefore, of the international convention open under the happiest auspices, and we may look to the result with confidence.

"I could have desired," added the minister of foreign affairs, in closing his remarks, "to have been able to participate with assiduity in your deliberations, but I have reason to fear, as also has the minister of state, that our many occupations will not permit us.

"In our absence M. de Parieu, vice-president of the council of state, will cheerfully direct the labors of the conference. I need not, sirs, attest to you the pre-eminent competency of M. de Parieu; you are aware that he has made the monetary question the object of the profoundest study, and you are acquainted with the remarkable writings in which he has published the results of his researches. The skilful direction which he has already given to the preliminary discussions of the convention of 1865 is the guarantee of a like ability in this new conference."

M. DE PARIEU, expressing his thanks to the minister of foreign affairs, invoked the kind co-operation of the members of the conference to second him in the task which might be devolved upon him.

He then proposed to confide to a sub-committee the charge of preparing heads of inquiry, which would serve as the basis of deliberations. The sub-committee might be composed of seven persons, and should represent the three groups into which the different states are divided, in a monetary point of view, as having respectively adopted the gold standard, the silver standard, or the two standards.

His excellency DJEMIL PACHA, suggesting that on the occasion of the last telegraphic conference, held at Paris, a sub-committee had been charged with preparing not merely heads of inquiry, but a complete plan for settlement, asked if it were not possible to proceed in that way on the present occasion.

M. HERBET remarked that at the time of the telegraphic conference all the states were represented by their diplomatic agents, assisted by special agents, principally heads of the administration of the telegraphs of their respective countries, and in some sort clothed with the power to elucidate numerous questions of detail and the technical difficulties connected with the reform which it was proposed to accomplish. The present commission is not composed of like elements, and the members who compose it are present by virtue of delegations which do not establish similar distinctions. M. Herbet, moreover, approved the combination proposed by M. Parieu, adding only that the conference could, if it should think proper, increase the number of members of the sub-committee, perhaps, to nine.

M. FORTAMPS also assented to the proposition under consideration, as the best way of settling without loss of time the programme of questions to be solved.

Baron DE HOCK and M. KERN expressed the opinion that it would be convenient to devolve on M. de Parieu and M. Herbet the duty of designating the members of the sub-committee, the number of which might, in case of need, be raised to nine.

On the motion of M. de Moustier, the formation of such sub-committee was directed.

The sitting being suspended for some minutes, was resumed, and M. de Parieu submitted to the conference the names which follow:

To represent the countries which have adopted the gold standard—M. Graham, delegate from England, and M. the Count d'Avila, delegate from Portugal. To represent the countries which have the silver standard—the Baron de Hock, delegate from Austria, and M. Meinecke, delegate from Prussia. To represent the countries of the double standards—M. de Jacobi, delegate from Russia, and M. de Parieu, delegate from France; finally, as the seventh member, Mr. Samuel B. Ruggles, delegate from the United States, and sole representative of the transatlantic countries.

The sub-committee, thus composed, would furnish all the guarantees of impartiality that were desirable.

M. DE JACOBI observed that Russia has only one standard, that of silver.

M. DE PARIEU answered that this empire finds itself in this respect in the same situation as France. For both countries there is a kind of pre-eminence of the silver standard, but gold



is equally a legal tender as silver, and the two metals are received without distinction in payments.

The conference decided that the sub-committee should meet to-morrow at ten o'clock at the council of state, and shall lay before it as soon as possible the proposed heads of inquiry (*questionnaire*.)

The sitting rose at 11 o'clock.

MOUSTIER,  
*President of the Conference.*

CLAVERY, *Secretary of the Conference.*  
ROUX, *Secretary Adjunct.*

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INTERNATIONAL MONETARY CONFERENCE.—SECOND SITTING.

WEDNESDAY, June 19, 1867.

Mr. de Parien presiding. The sitting opened at ten o'clock. Present, the commissioners who attended at the first meeting, with exception of his excellency Djemil Pacha and Mr. Vrolik, the latter being indisposed. M. Feer Herzog, member of the Swiss national council, takes his place among the delegates. The president informed the conference of a communication from the ambassador of the Sublime Porte, who, not being able to attend the sitting, has designated Colonel Essad Bey, military attaché of the embassy, to attend the discussions of the conference until the arrival of Mihran-Bey-Duz, member of the grand council of justice and director of the mint at Constantinople, special delegate of the Ottoman government. Colonel Essad Bey was admitted to participate in the labors of the commission.

The minutes of the first sitting being read and adopted, the president addressed the delegates as follows:

"Gentlemen, you heard at your last sitting the words by which the Marquis de Moustier, minister for foreign affairs, president of this conference, expressed to you, with all the authority of his high position, his thanks and the desires of the French government for the success of the labors which you are willing to enter upon with us in search of the proper means of development of a monetary unification, happily undertaken in 1865, with the sympathetic concurrence of M. Drouyn de Lhuys. You have been pleased to charge me with the preparation of a detailed programme for your labors, with the collaboration of six members of your conference, representing the more considerable states in the diverse groups among which the fundamental monetary systems of the world are distributed. It was incumbent on us to set to work, regretting to be deprived of the assistance of so many eminent men who could not be placed on the sub-committee, but whose precious co-operation will not fail us here.

"The '*questionnaire*' (interrogatories) which we prepared for you yesterday, gentlemen, has been distributed to you, and I ask permission to present to you a few brief remarks on the spirit in which it has been drawn up, and on the nature of the questions which may in some sort arrange themselves side by side with those which it includes.

"The monetary systems in use among various nations certainly bear traces of accidental varieties traceable to chance and the former isolation of nations, but it is incontestable that some of these varieties are not altogether fortuitous, but have relation to the economic condition of the countries in which they have been carried into practice.

"In this condition, monetary unifications, long desired, can be realized in our days only in the proportion in which these economic conditions can be approximated, and under which the monetary systems are less widely distant from what I would wish to call their point of maturity. To discern, on the one side, what relates to the circumstances which affect the economic history of nations, and on the other that which is fundamental in monetary science, is now our main endeavor; for if individuals and nations separate on what may rest on arbitrary will or caprice, they easily come together on a true and calm consideration of their situations.

"Notwithstanding this conviction, we have not been willing that all the doctrinal and scholastic questions which pertain to monetary science, a science still imperfect, should be textually laid down in the programme of your labors. They may present themselves incidentally, and, to a certain extent, are tacitly included. The questions we have the honor to submit to you all have a practical character, which we hope will meet your approval, as circumscribing difficulties and perhaps avoiding some idle problems. Allow me, in consideration of the number and the delicacy of the questions which, notwithstanding our reserve, it has been our duty to lay before you, to briefly invoke in advance your patient co-operation.

"The task assigned to us is difficult as the minister for foreign affairs so judiciously remarked, but in my opinion it is powerfully commended to our efforts.

"The Roman empire had imposed on the ancient world monetary unification. We are assured that in the thirteenth century the religious and commercial ascendancy of Italy made the golden florin current throughout all Christendom. Since that time the accidents of war have occasionally extended the range of certain monetary systems. An age which, like ours, has already affected so much for the approximation of nations by the community of the material means of intercommunication, and of certain legislative institutions guaranteeing

mutual interests, from the suppression of the *droit d'aubaine* down to international conventions for the execution of judgments and the extradition of parties charged with crime; from postal, telegraphic, and revenue conventions down to such as protect literary property; an age, the index of which, adopting the expression of one of the members of this conference at a former meeting, is the increasing recognition of the solidarity of the interests of all nations; an age which also honors and encourages the genius of peace, should it not require the peaceful discussion of the means of discharging, by the establishment of monetary unification, its debt to civilization? Permit me then, gentlemen, to count upon your indulgent aid, as you are assured of my devotion and my impartiality in pursuing this great task. If it is not for us to accomplish it immediately, I doubt not we are called on to prepare what will be useful in the future."

After this address, which was received with marks of unanimous assent, the "*questionnaire*," (or interrogatories,) prepared by the sub-committee in the following terms, was read to the conference:

#### *Questionnaire.*

1. By what means is it most easy to realize monetary unification; whether by the creation of a system altogether new, independent of existing systems—and in such case what should be the basis of such system—or by the mutual co-ordination of existing systems, taking into account the scientific advantages of certain types, and the number of the populations which already have adopted them? In this case, what monetary system should be principally taken into consideration, reserving the changes of which it might be susceptible for making it perfect?

2. Is there a possibility of establishing at this time identities or partial coincidences of monetary types on a wide scale, on the basis and with the condition of the adoption of the silver standard exclusively?

3. Is there, on the contrary, a possibility of attaining this result on the basis and with the condition of the gold standard exclusively?

4. What of the like result in proceeding on the basis and with the condition of the adoption of the double standard, with the establishment of an identity of relations in all countries between the value of gold and the value of silver?

5. In case of a negative on the three preceding questions, would it be possible and beneficial to establish identities or partial coincidences of monetary types on an extended scale on the basis of silver coins, leaving each state at liberty to simultaneously regulate the standard of gold?

6. Would it be more possible and more beneficial to establish identities or partial coincidences of gold coins, leaving each state to regulate the standard of silver?

7. On the hypothesis of the affirmative solution of one of the two preceding questions, and following the distinctions which that alternative imports, would the advantage of internationality which coins of the metal taken as the common standard would require, be a sufficient guarantee for their being kept in circulation in each state, or would it be necessary beyond that to stipulate, either for a certain limit in the relation between the value of gold and that of silver, or for the case where the international coins would run the risk of being completely expelled from circulation in some of the contracting states?

8. Is it necessary to the success of monetary unification to constitute at this time a unity everywhere identical for metallic composition, weight, and denomination; and in that case, upon what basis?

9. Would it be of advantage, in case gold should be adopted as the international metal, that the types of that money, determined by the monetary convention of the 3d of December, 1865, to promote unification, and consequent reciprocity, should be completed by new types; for example, by coins of 15 francs and of 25 francs? In this case what should be their dimensions?

10. Would there be an advantage, under certain hypotheses—for example, in case of the affirmative on questions three or six—to regulate by common obligations certain points relating to silver coins or base coin, either in regard to their composition and standard or their limits of admission in payments, or to the quota of issue of each?

11. Is it practicable to define precisely the means of control which could be established for securing exactness in the striking of the common types of international money?

12. Aside from immediate practical possibilities, the object of the preceding questions, could any ulterior solutions be attained by doctrinal decisions, and on grounds of principle, with a view to increase in the future the approximations already effected in the past two years in Europe, or that could be immediately realized in this monetary matter?

The president calls for discussions of the totality of the *questionnaire*. No one claiming the floor, the draught of the *questionnaire* was adopted, and the investigation of the first question was commenced.

Mr. MEES declared that if he could admit the immediate realization of the unification of coinage, he would give the preference to the first of the two alternatives. In this case, in effect, the creation of a new system, avoiding all national susceptibilities, would seem to him the best way to attain the end. But it does not seem possible to him that complete uniformity

can be speedily obtained, and therefore he considers the second alternative as being alone of a nature to produce actual practical results.

The COUNT D'AVILA did not hesitate, either, to place himself on the second alternative. If the different states found themselves obliged, by the establishment of a system altogether novel, to change simultaneously their monetary regulations, the difficulties of the attempt would be multiplied in such manner that they would become insurmountable. In respect to the existing systems which should especially be taken under consideration, the Count d'Avila indicated the convention of December 23, 1865. The points then essential for solution, and for the adoption of which the delegate from Portugal was ready to vote, were, 1st, one standard only; 2d, the gold standard; 3d, reduction of the pound sterling to 25 francs; 4th, reduction of the American dollar to five francs; 5th, the adoption of the gold coin of five francs as the monetary unit.

On these bases an agreement would be easy between France, England, and the United States, and would sooner or later rally also the other countries. It would only be necessary that there should be identity of weight and of standard between the pieces—that the fineness of the English coin should be brought from  $\frac{1}{10}$  to  $\frac{9}{10}$ . The last named standard tends more and more to prevail as to gold; it has been adopted by Spain for coin of this metal and for the silver dollar, which is the basis of the Spanish system, but the coinage of which has ceased since the standard of other silver coinage has been lowered to .810. In Portugal, where, as in England, coin was made  $\frac{1}{10}$  fine, and where the mintage at this standard has been very restricted, the Count d'Avila thought the government would doubtless consent to a recoinage, the cost of which would be covered by the lowering of the standard.

What was more essential in the view of the delegate from Portugal was, that an agreement should take place between England, France, and the United States. This example would have a decisive effect. In any event, if the commissioners from the different countries would indicate at this time in a summary manner, as he has himself done, their views on the project of arrangement, the Count d'Avila thought nothing could be more adapted to hasten, as well as to elucidate, the progress of the discussion.

Mr. FORTAMPS could have wished that the question of standard was first established. It is an initiative point which it is convenient to settle at once, in order to base the deliberations on foundations as precise as possible.

Mr. HERBET remarked, that by reason even of the importance of this last question, there would be inconveniences in bringing it at once under discussion. It would be of advantage if delegates from the same state could come preliminarily to an understanding among themselves, and ask, if needful, instructions from their governments. The absence of the Spanish delegate, who is shortly looked for, is so much the more to be regretted, because Mr. José Polo would bring a large experience to bear on these subjects; at present, therefore, it might be well to confine ourselves to an exchange of general views on this point.

M. DE PARIEU explained that the first question had been framed in such manner as to embrace an order of ideas much more extensive than the question of standard. The alternatives therein presented are not pure hypotheses: the establishment of a new system having for unity the gram of gold; the generalization of the system having for basis the standard of silver, which, according to the Brussels committee, whose views have been communicated to the conference, should be five francs; unification by means of approximation between the systems in operation: all these doctrines have been supported in the newspapers or in special publications.

Baron DE HOCK shared in the opinion of Count d'Avila on the impossibility of bringing about the acceptance of an entirely new system, and completely breaking up inveterate habits. In Germany we find in respect to this matter a striking example: there was a wish to introduce in the German states a coin which was not correspondent with any existing types. Although it was the most rational, and accorded perfectly with the metric system, it could not find its way into calculations. The gold crown only passed from the mint into the melting-pots of the goldsmiths. It is, as expressed in the second sentence of the first question, by the mutual co-ordination of existing legislation, by taking into account the scientific advantages of certain types and the number of populations which have adopted them, that a solution may be found. Among the systems actually in vigor, which is the one which would serve most advantageously as the basis of this approximation?

It would be, said the commissioner from Austria, the convention of 23d December, 1865, provided it were to undergo certain modifications, and the new agreement should rest upon the principle of the gold standard exclusively. This metal, which has spread in such considerable amounts through the European market during the last 20 years, would be the most convenient agent for a universal monetary circulation.

M. FEER HERZOG agreed with Baron de Hock on the fitness of adopting the second alternative proposed in the questions.

There is in France a school, important because of the scientific authority of its adepts, which admits no other monetary unity than metric unity in round numbers; and proposes to take for unit a weight of five grams of gold of 9-10ths fineness.

This theoretic solution would be wanting in one essential quality, that of practicability; at the time we have arrived at, we cannot invent a monetary unit which is not in relation with any type actually existing.

The franc itself has been compelled not to depart too far from the livre tournois in order to make itself acceptable, and, as the Baron de Hock has reminded us, the gold crown, containing 10 grams of fine gold and weighing little more than 11 grams, has not been able to get into circulation in Germany because it is not adapted to the florin of Austria, nor the florin of Bavaria, nor the thaler of Prussia. By the very force of things it is a foreign coin. The Napoleon, which represents beyond all others the monetary circulation of gold in Germany,

In a word, added M. FEER HERZOG, when the unification of monetary systems is discussed, it is, above all, necessary to inquire whether existing legislations do not present the elements of equation and of approximation. We must take into account the habitudes long ago formed of the great monetary reservoirs already created.

Without doubt, the metric system, in its application to weights and measures, satisfies by its admirable co-ordinations the necessities of practical character, as well as the exigencies of theory; but to desire to impose it, coextensively, in all its rigor, in matters of coin, would be to encounter obstacles which mere considerations of practical utility would not have removed.

In the opinion of M. FEER HERZOG, the system of the monetary convention of December 23, 1865, would best assist the equations of the English sovereign and the American dollar, and it would be sufficient to add some improvements, especially in what concerns the standard. Seventeen years ago the question was much discussed in Switzerland, and that country, which then had to choose between the diverse systems in application in the neighboring states, has only had to congratulate herself on having given the preference to that which is actually in force in the confederation.

M. JACOB adopted in full the order of ideas developed by M. Feer Herzog. He would have been glad that a relation should exist between coins and the systems of weights and measures, but, in the double view of science and practice, he saw no necessity for establishing such relations to the prejudice of other more important interests. He could not, therefore, regard as serious the reproach cast on the gold coin of France, as having widened the breach in the French metric system, the integrity of which he acknowledged, and in favor of which he had categorically expressed himself on another occasion. The creation of an entirely new coinage was so much the less opportune that he would not let the occasion pass without noticing the agreement, perhaps accidental, but in fact almost complete, which exists between the intrinsic value of the principal French coins and those of Russia, which he represents in this assembly. Thus, the silver rouble coincides very nearly with four francs, the difference not being greater than the limit of the tolerance. In the same way the demi-imperial has a value only 15 kopeks higher than the 20-franc gold piece.

M. HERMANN, replying to a remark of M. de Hock, observed that if the gold crown has not kept in circulation it has been because it was not legal coin, and was not received in the public banks.

M. STAS would prefer the establishment of an entirely new monetary system, and that the conference assume as its mission to settle principles and not expedients in practice. To follow the latter course would be to leave traces in snow, not to engrave footprints in rock. The one would not create anything durable; on the contrary, it would prepare difficulties; for the future monetary unification will only be reached by first laying down an immovable basis, and in that M. Stas, contrary to the views of M. Feer Herzog, declared himself the partisan of the opinion of the economists, in the scientific point of view as well as in its application. The creation of a system based on a unit of gold of 5 or 10 grams would offer the immense advantage of having it more readily accepted by all nations, as it would avoid all national susceptibility. Doubtless the adoption of the new unit would require the general re-minting of all coinage, but this recoinage would bring with it a definitive system sanctioned by science.

The system of equations among the coins of different countries, in accordance with those of the convention of 1865, would also bring about the necessity of recoinage for the countries not parties to that convention. But would this recoinage have the needed immutability? M. Stas did not think so, and added that in this respect he spoke disinterestedly, considering his position as a representative of one of the governments cosigners of the act of 1865; but he looked at the question from the stand-point of the interests of England and the United States. From England is asked the equation of the pound sterling with 25 francs. This coin of 25 francs, of itself, will offer certainly some advantages, but what inconveniences will not its divisions produce? The half would be 12 francs 50 centimes, a number already fractional, and therefore inconvenient, and this inconvenience will only increase with successive subdivisions. As for the United States, the difference between the dollar and the five-franc piece renders the equation particularly difficult.

M. STAS added that, in his view, there does not really exist pieces of 20 francs, of 10 francs, of 5 francs, seeing that no piece of 20 francs, for example, is exactly the one hundred and fifty-fifth part of a kilogram. Mathematically speaking, the kilogram cannot be divided into 155 equal portions. With stronger reason, it cannot be, in the order of material facts. That would not be with a metric unity of gold; and it is only by manufacturing from all coins a new monetary system that we can reasonably hope to arrive at the establishment of a common measure in the values of various countries.

The PRESIDENT asked M. Stas if he speaks in the name of the Belgian government, or if this is his own personal opinion only.

M. FORTAMPS declared that the opinion expressed by M. Stas is shared by the ministers of finance of Belgium, but the Belgian government would not refuse to acquiesce in other propositions which should be adopted by the conference.

M. MEINECKE thought it of prime necessity to adopt as the base of the new system a system already recognized and reduced to practice. He did not pretend to ask the sympathies of the conference in favor of the Prussian monetary system, for he thinks that the standard of gold in the countries which have adopted it cannot be replaced by the standard of silver in force in Prussia only. Prussia, then, must renounce its standard if she wished to rally under a general monetary union. However, Prussia is content with the silver standard; the monetary circulation of which it is the basis is excellent, and there is no urgent reason for introducing there a change so considerable as that which would result from the change of this standard. On the other hand, the difficulty of adopting the gold standard is much greater for Prussia than for any other country. Nevertheless, without having the thought of modifying at this time its monetary system, the Prussian government would not fail to take the matter into consideration if the labors of the conference should aim at establishing a basis for a general monetary arrangement. She would study with care the best means to connect her with it, and when resolutions in this respect shall have been adopted, she would communicate them to her northern confederates, whose concurrence is indispensable, and also to the states of south Germany, her cosigners of the treaty of 1857. M. Meinecke adds that with this reservation he would take part in the discussion, and would give his vote.

M. FEER HERZOG, replying to the remarks of M. Stas, said that the metric system would not probably claim scrupulous respect for its smallest parts: The metre, which is the basis, has not, practically, that sure scientific quantity of length which constitutes its definition. The terrestrial spheroid, according to one of the dimensions on which the metre is calculated, presents irregularities, and there could therefore not be found in the metre itself that mathematical perfection which M. Stas seeks for. Nevertheless, the metric system offers great advantages, especially in the co-ordination of the different magnitudes which it includes, and which facilitate calculations.

It is certain that neither the 20-franc piece nor the 5-franc piece represent a fixed round number of grams, and in this point of view it would not be possible to give of them in grams a mathematical definition. But there is nothing to hinder the definition of the napoleon by indicating the round number (155) which a kilogram includes, or rather that it should be defined by the fractionary number of grams which represent its weight, neglecting the decimals beyond the thousandths decimals which practically are of no importance and have only an interest purely scientific. It is not indispensable to the goodness of coin that it should be metrically proportioned.

It has been said it would be necessary to remind the English sovereign. That is a point for discussion. There is between the sovereign and the 25-franc piece a minimum difference of 20 centimes only. But this difference is very little beyond the limit of the tolerance; the reminting of the sovereigns would therefore not be of absolute obligation, and it would be possible to keep in circulation the pieces now in use, provided only that the new ones should be coined with the minimum of reduction indicated. M. Feer Herzog adds that as for the objection raised by M. Stas in respect of the United States, he can reply, that according to a letter from Senator Sherman, which had been communicated to him by Mr. Ruggles, member of the conference, opinions are pronounced in America for lowering the dollar value. That country is, therefore, ready, and the objection of M. Stas falls of itself.

In what regards the division of the sovereign, in case the value of that coin should be brought to 25 francs, it would not be necessary to have coins of 12 francs 50 cents. The pound sterling would theoretically become to France a multiple of a new monetary unit which would be two francs 50 cents, a unit of which it would be the decuple, and consequently there would be no occasion to apprehend the numerous decimals which would follow the successive subdivision of the sovereign of 25 francs, as there would be on the hypothesis of the creation of coins of 12 francs 50 cents and of 6 francs 25 cents.

The Baron DE HOCK observed to M. Feer Herzog that the metre is a unit, not merely scientific but also real; witness the metre kept at the department of justice; the monetary unit might be kept in the same way. He was, besides, of the same opinion with M. Feer Herzog in relation to the division of the pound sterling, and added, that in Austria it is the intention to make coins of 25 francs. These coins will bear the name of 10 florins, and as for their subdivisions, the monetary commission at Vienna, presided over by Baron de Hock, has decided against a coin of 12 francs 50 cents, and preferred that of 10 francs, or four florins. There is nothing to prevent England from doing likewise. The objection of M. Stas, therefore, has not all the weight that he supposed it to have.

M. BROCH was of opinion that monetary unification must be effected, not only in view of the convenience of travellers, but above all for the sake of commerce it would be proper to have an understanding in respect to the subdivisionary coins as well as of gold coin in the interest of the laboring classes. It is essential that the coinage should everywhere offer subdivisions as equivalent as possible, so that the laborer who often has need of a fractional coin may not be the sufferer from variations which might exist in the diverse monetary systems

respecting small change, and may be enabled to estimate correctly the real cost of his limited purchases. It is therefore for identities on the whole monetary scale that M. Broch reserved his approval, and not for simple partial coincidences between gold coin.

He declared himself, moreover, for the system previously recognized by the convention of 1865, and thought the tie which connects the gold coinage and the metric system (155 napoleons to the kilogram) was sufficient, without there being need to create a new system, as M. Stas wishes to do. But it was to be remarked that the standard only of silver is in force in Sweden and Norway, and that, moreover, the commerce of those united kingdoms being principally with Germany, especially Hamburg, their adhesion to a monetary union would of necessity be subordinated to the preliminary adhesion of northern Germany.

The PRESIDENT, without contradicting the tendencies of M. Broch, must observe that they presuppose a preliminary reminting of all the gold and silver coinings actually in circulation in the states which would take part in the monetary union, while by a system of equations the reminting would not bear upon the fractional coins, but only on the large pieces, a distinction which M. Stas has not taken into account.

Mr. GRAHAM, through Mr. Rivers Wilson, replying to the assertion of M. Feer Herzog that sovereigns actually in circulation might be kept so because of the trifling difference which would separate them from the new 25-franc coins, said that, if it be true that the 20 centimes of difference are almost comprised within the limits of the tolerance, it is not the less true that the English government would make it a point of honor not to avail itself of these limits. There would, therefore, be serious inconvenience in leaving in circulation sovereigns of 25 francs 20 cents. In case of a new emission of sovereigns reduced to 25 francs, it would follow that the people, accustomed to divide by 20, would call for the piece of 20 francs; thence the necessity for a second recoinage, and, in such case, the abandonment of the sovereign. The immediate adoption of the French system would be preferable.

M. FEER HERZOG remarked, that if the sovereign be reduced to 25 francs, and be divided, we obtain the double of the present shilling and not the franc. He added, that this double shilling exists in fact because it is the English florin, and consequently the reduction of the sovereign would not lead to its abandonment.

Mr. RUGGLES said it would be as impossible to abolish the expression of the dollar in the United States as that of the sovereign in England, but that both might be retained in reducing their intrinsic values. For the sovereign it would be a reduction of only 20 centimes; for the dollar, on the other hand, the reduction would be  $3\frac{1}{2}$  per cent. on its value. The United States were ready to make this sacrifice in view of monetary unification; such was the opinion of the American people, and after the next winter a general reminting of coin, however considerable, might commence. But this reminting must be made now or never, for if we examine the gold coinages of the great commercial nations we find them rapidly increasing. If this progression should continue, the time would come when the reminting of the coinage of the United States would become practically impossible in view of the enormous cost of recoinage which would then be necessary. The United States from 1793 to 1849 actually coined but \$85,000,000 in gold; in 1850 and 1851, \$94,000,000; from 1851 to 1866, \$665,000,000. During this last period of 15 years France has coined about \$955,000,000 in gold, and England \$450,000,000. We thus see that two milliards of dollars in gold, or more than 10 milliards of francs, have been thrown into the money market since the discovery of the mines of Australia and California. This considerable mass of coin is increasing daily. It is certainly possible that in the United States, in the 15 years which are to follow, the coinage of gold may reach the amount of five (5) milliards of francs. In view of such a future the American government would prefer to reduce its monetary unit at once. For that purpose it needs only the passage of a law briefly declaring that "the weight of the gold dollar shall be hereafter 1<sup>s</sup> 612<sup>m</sup>.90, in place of 1<sup>s</sup> 670<sup>m</sup>." Those few words would serve to change the whole monetary system of the United States. But the United States, in thus consenting to recoin its gold now in circulation, would expect that France, on her side, will consent to coin gold pieces of 25 francs, in which case monetary unification would at once assume a practical form.

The PRESIDENT expressed to Mr. Ruggles the satisfaction with which the conference had listened to sentiments so favorable to monetary unification as those he had uttered in the name of the United States; adding that, in regard to the wish expressed for the creation of a 25-franc piece in France, this wish had already found its place in the questionnaire, and would be thereafter discussed.

M. HERBET laid before the conference a communication which had been made to him personally by Mr. Graham, relative to the coin of Canada, about which there would be a question of recoinage on the basis of the convention of 1865. This was an important communication, and it would be of advantage if Mr. Graham would repeat it to the conference, which could take action upon it.

Mr. GRAHAM replied that nothing had been decided upon in this respect, but as there was an identity of coin between Canada and the United States, if the latter should approximate to the French monetary system, Canada would, of necessity, follow the example.

M. MEES said that he could only consider the first question in a theoretic point of view, and that his vote could not bind his government, seeing that Holland would not, at least at present, be able to conform to any monetary system whatever while surrounded by three

monetary systems so different as those which are based upon the franc, the thaler, and the sovereign.

The Count D'AVILA, resuming the question of the reminting of the English coin, discussed in succession by M. Stas, Feer Herzog, and Mr. Graham, expressed the opinion that if the pound sterling were reduced to 25 francs, the reminting of the English sovereigns, far from being an expense to the treasury, would probably be profitable to it, as the new sovereign would be inferior in fineness to the old. In fact, by reducing the fineness from  $\frac{1}{11}$  to  $\frac{1}{10}$ , there would be a gain of more than 60 milligrams of pure gold for each sovereign. Besides, the adoption of the pound sterling for 25 francs would be sufficient, because naturally the subdivisions of the one coin and the other would correspond with each other; for example, there would be natural equations between five francs and four shillings, 50 francs and two pounds sterling, &c.

No one asking to speak, the president proposed to take the vote on the first question, pointing out at the same time the necessity for agreeing preliminarily on the manner of voting, individually or by states.

M. HERBET remarked that, in conformity with the precedents, the vote could only be taken by states; the French government, in fact, on inviting foreign governments to take part in an international monetary conference, left them at full liberty as to the number of delegates who should represent them. If the vote were *per capita*, some states would cast more votes, because their delegates might be more numerous. That is a consequence which could not be admitted. Without having precisely the character of a diplomatic assemblage, the present conference is, however, composed of members who have been furnished with preliminary instructions by their governments, and who should, in consequence, yield their individual opinions, so as to bring forward only those of the states they may represent, and it pertains to the first of the delegates of each state to utter its vote.

The mode of voting laid down by M. Herbet being accepted by the conference, the president put to vote the first paragraph of the first question:

"Is it more easy to realize monetary unification by the creation of an entirely new system, independent of existing systems, and in this case what should be the basis of this system?"

The conference decided unanimously in the negative.

The president then put to vote the first part of the second paragraph of the same question:

"Is it, on the contrary, more easy to realize monetary unification by mutual co-ordination of existing systems, taking into account the scientific advantages of certain types, and of the numbers of the populations which have already adopted them?"

The conference unanimously responded, yes.

The second part of the same paragraph thus framed was then put to vote:

"In this case what monetary system should be principally taken into consideration, reserving improvements of which it might be susceptible?"

Upon a suggestion from M. Fortamps, it was understood that the vote to be given did not determine the question of standard. The conference expressed itself unanimously in favor of the system of the monetary convention of 1865, annexed to this *procès verbal*. Messrs. de Hermann and Baren de Soden stated that all their votes were given subject to reserve in respect of anterior engagements of their respective states.

M. DE PARIEU stated that, in effect, the German states finding themselves mutually bound by the treaty of 1857, their reciprocal engagements do not permit them to act in severalty, except as far as Austria is concerned, which has quite recently freed herself from the engagement.

The examination of the second question was remitted to the next meeting, which was fixed for to-morrow at 2 o'clock.

The sitting was closed at half-past twelve.

DE PARIEU,  
*Vice President of the Conference.*

CLAVERY, *Secretary of the Conference.*  
ROUX, *Assistant Secretary.*

#### INTERNATIONAL MONETARY CONFERENCE—THIRD SITTING.

THURSDAY, June 20, 1867.

M. de Parieu presiding. The sitting opened at 2 o'clock. Present, the delegates who were present at the second sitting, as well as M. Vrolik, and excepting the Count de Moltke Hvitfeldt.

The minutes of the preceding sitting having been adopted, the president opened the discussion on the questions 2, 3, 4, 5, 6, and 7, which are strictly connected together, and thus framed:

2. Is it possible to constitute at this time identities or partial coincidences of monetary types, on an extensive scale, on the basis and with the condition of the adoption of the silver standard exclusively?

3. Is there, on the contrary, a possibility of attaining this result on the basis and with the condition of the adoption of the gold standard exclusively?

4. How much of like result in proceeding on the basis and with the condition of the adoption of the double standard and the establishment of an identity of relation in all countries between the value of gold and the value of silver?

5. In case of the negation of the three preceding questions, would it be possible and beneficial to establish identities or partial coincidences of monetary types on an extended scale on the basis of silver coins, leaving each state at liberty simultaneously to regulate the gold standard?

6. Would it be possible and beneficial to establish identities or partial coincidences on the basis of gold coins, leaving each state at liberty to regulate the silver standard?

7. On the hypothesis of the affirmative solution of one of the two preceding questions, and observing the distinctions which the alternative imports, would the advantage of internationality which coins of the metal assumed as the common standard would have, be a sufficient guarantee of their continuance in the circulation of each state, or would it be necessary beyond that to stipulate either for a certain limit in the relation between the value of gold and that of silver, or for the case where international coins would incur the risk of being completely expelled from circulation in some of the contracting states?

Mr. MEES avowed himself, for each particular state, partisan of a single standard, and, although representing a state whose system rests on the standard of silver, he did not maintain that this standard would be that which it would be proper to adopt in preference to gold; but he could foresee serious inconvenience in all the nations of Europe adopting the same standard, for this would exclude entirely from European circulation one of the two metals, while M. Mees considered them both as beneficial to be retained. It should not be forgotten that for trade with the extreme east silver is the metal always in use; M. Mees would, therefore, be inclined to vote in the negative on the questions 2, 3, and 4, because he does not admit either the standard of silver exclusively, or the standard of gold exclusively, and he would only vote for the adoption of the two-fold standard in the event of the formation of a universal monetary union, an hypothesis whose epoch of realization cannot, as yet, be predetermined.

M. DE JACOBI could not perceive any necessity for agreeing upon the adoption of one or the other standard. It would be sufficient to stipulate that such and such coins should be received and accepted as legal coins, each state remaining, in other respects, free to strike other coin in accordance with convenience or the necessities of its internal transactions.

M. LAVENAY remarked that the difficulty was perhaps greater than M. Jacobi seemed to suppose it. The proposition just set forth would tend to nothing less than the establishment of the double standard in all countries. How could it be admitted, in effect, that the government of a state which should have the silver standard, which, for example, could only strike legal coin in that metal, could consent to attribute that privileged character to foreign gold coins? How could their subjects, their public banks, be obliged to accept metallic specie which it shall have prohibited in its own issues, and of which it would seem to admit implicitly the fitness?

In another point of view would not the same government have to apprehend a danger—that of bringing into the market of the country a foreign money which might drive out the national coin, and thus give preference to a metal which it has deemed fit to discard from internal circulation in that state?

Thus, in the opinion of M. Lavenay, every country which, upon economic principles, shall have adopted one standard only, could not accept the combination proposed.

M. JACOBI. Without being bound to stipulate for the employment of one and the same standard, governments might come to an understanding to coin pieces of equal value. The approximations would not present great difficulties. Thus the demi-imperial of gold varies little from the napoleon of twenty francs, and if the Russian government should coin pieces of one rouble and one-fourth, it would obtain a piece equal to the five-franc piece of France, and at the same time preserve to itself the denomination of rouble.

M. LAVENAY admitted the facility with which these combinations could be attained between France and Russia, which have the double standard; and the case would not be similar between a country with the silver standard and a country with a gold standard, such, for example, as Prussia and England.

The PRESIDENT did not perfectly comprehend the practical bearing of the observations of M. Jacobi. In the opinion which prevailed at the drawing up of the questionnaire, and in which the members of the conference appeared to concur, the solution now sought for could only be found in one of the five combinations following the adoption by all the states either of the gold standard, or the silver standard, or the double standard, or, in fine, the standard of gold, with liberty to maintain for a time the standard of silver, and reciprocally.

M. FEER HERZOG indicated a certain connection between the remarks of M. Mees and those of M. Jacobi. They both think that the adoption of the same standard is not indispensable to the creation of a money which shall be universal. M. Feer Herzog was not of this opinion; for the specie, be it gold or be it silver, which should be intended for universal circulation, would become a simply commercial money, from the moment of their entry into a country where the monetary standard would be of a different metal. This would fall back on the inconveniences which the conference should particularly apply itself to remove.



As for the fear expressed by M. Mees on the subject of the total disappearance of silver, in case of the adoption of the standard of gold exclusively, it did not seem to be founded on a thoroughly exact appreciation of the situation. The world is divided in its monetary relation into two considerable and very distinct groups: on one side the western States, where gold tends more and more to prevail; on the other, the countries of the extreme east, where silver continues to predominate. Commerce, which develops itself more and more between Europe and those far-off countries, cannot fail to keep up on this side a considerable circulation of silver. The adoption of a single standard in Europe and the United States would not, therefore, have the consequences which M. Mees supposes, and M. Feer Herzog regards the standard of gold alone as the basis of a true monetary union.

The PRESIDENT could only connect himself to a certain extent with this manner of discovering whether the conference had come to an understanding about the complete unification of monetary types; but in default of a solution so completely satisfactory, we might arrive at a specification of coincidences more or less numerous between certain types, and to obtain this result, which would not be without value, unity of standard would not be necessary. It would suffice that all the contracting states should have a common standard.

M. Baron DE HOCK would define somewhat further the object of the discussion after having fixed the standard as being the prototype, the rule of weight, of fineness, and of the metal of the money of a country. He recollected that the conference, in declaring at the last meeting in favor of the system of the convention of 1865, had already fixed the weight and fineness of the standard it intends to propose. It now remained for it to determine upon the metal—shall it be gold or silver? M. Hock would vote for the gold standard, and as for the double standard it did not seem to him, in the same manner as to M. Herzog, susceptible of service in the formation of a monetary union.

The Count D'AVILA supported the judicious consideration developed by M. Lavenay. He did not think that countries with the silver standard could have an understanding with countries having the gold standard for the establishment of equations of their monetary types.

M. HERMANN set forth the importance of looking at the question actually under discussion from the stand-point of view of the population of states which represent, on the one hand, the standard of gold or the double standard, and on the other the standard of silver.

The PRESIDENT reminded the meeting, on this point, that if European states only were taken into account, if abstraction was made of Asia, the monetary circulation whereof could not be confounded with that of Europe, and whose population is besides compensated in a certain degree by the population of the American continent, the following results are obtained: One hundred and eighty millions of inhabitants in states which use the gold standard, or the double standard, against 60,000,000 in those which hold the silver standard. The decision could not be doubtful. The president having remarked that the United States were in the like situation with France,

Mr. RUGGLES answered that this double standard did not practically exist, and that therefore the United States did not seem to him to be in position to be comprised among the countries having a double standard.

The original act of Congress, which was passed at a time when we were less enlightened than to-day, either by study or experience, sought to establish a double standard by giving to gold coin and silver coin equal legal currency in payments, whatever might be the amount of the debt.

In 1853, in view of the considerable change which had been experienced in the respective value of the two metals, and which was then in the way of increase, the double standard was practically abolished by the reduction of about seven per cent. in the weight of the fractional pieces of the silver dollar, and by the declaration that all the divisional coins which should subsequently be struck should be a legal tender only for the payment of debts not exceeding five dollars. It is true that the silver dollar is still retained as lawful money for debts of any amount, but of a total silver coinage of 136,351,512 dollars, 4,366,340 only are in dollars, while \$131,925,472 consist of subdivisions of the dollar.

Almost all the divisional pieces which had been coined before the passage of the law of 1853 have disappeared, in obedience to the fundamental and inexorable law of demand and supply, which sets at naught all attempts made to fix by legislation the relative values of the two metals. The legislators and the people of the United States have sufficiently learned, if not by study, at least by experience, that the system of a double standard is not only a fallacy, but an impossibility, in assuming a fixed relation between the values of two different products, gold and silver. The value of each of these depends upon the quantity produced, and this quantity is beyond the power of legislation. A diminution of value is, and ever will be, the inevitable result of the increase of supply.

During the 56 years which immediately preceded the year 1850, the United States coined in gold \$85,588,038, and in silver \$75,322,969, which represents a supply of about 1  $\frac{1}{10}$  of gold to one dollar of silver. From 1850 to 1866, inclusive, the coinage of gold has been \$759,648,453, and of silver, \$59,027,843, which represents about \$12 50 in gold to one dollar of silver.

Admonished by so great a change in the relative supply of the two metals, the United

States now share, without reserve, the conviction, more and more extended through the civilized world, that it is impossible to establish a double standard, which must presuppose a fixed relation between the values of the two metals.

M. FORTAMPS recollected that in the conferences of 1865 he had already had occasion to declare that the Belgian government, after having been the partisan of the silver standard, considered, in view of the effects which took place in the monetary circulation of Europe, the standard of gold as the only one that ought to be adopted. M. Fortamps renewed to-day that declaration.

M. MEINECKE would not adopt either the second question, or the fourth, fifth, sixth, or seventh questions. He would vote for the third, that is, for the adoption of the gold standard exclusively; but must add that, for countries which, like Prussia, have the standard of silver exclusively, it would be necessary to prepare the change from one standard to the other by measures of transition. What should they be? M. Meinecke, not being furnished with any instructions, does not choose to anticipate them.

The PRESIDENT took note of the very important declaration which has just been made by the delegate from Prussia. He added that the eventual fitness of the adoption of measures of transition was provided for in the "questionnaire."

M. MEINECKE explained that he would fear that if the terms of questions five and six should be adopted without reserve, certain states could not keep up the double standard. It would therefore be proper to restrict expressly to the period of transition the time during which the silver standard might be maintained simultaneously with the gold standard.

M. WALLENBERG stated the situation and the views of Sweden. Formerly that country had two standards—the ducat in gold, the rix thaler in silver. The value of the ducat was precisely the equivalent of two rix thalers. As for the rix thaler it was composed of  $\frac{800}{100}$  fine silver, and corresponded with the rix thaler of Hamburg. Nine and a quarter rix thalers weighed a pound of Cologne. Each rix thaler was divided into 48 shillings, and the shilling into 12 runestycken. In consequence of the general disturbances at the beginning of the century, gold and silver disappeared, and were replaced by notes of the state bank, having compulsory circulation. When, in 1830, the state bank resumed payment in silver, it was wished to base the coin on the weights of the country. One law decided that silver should be coined at  $\frac{75}{100}$  fineness, and that 25 rix thalers should weigh two pound Swedish. It provided at the same time that the ducat should contain  $\frac{3}{8}$  of fine gold, and that 125 ducats should weigh one pound Swedish. It resulted from the new law that the intrinsic value of the rix thaler became a little higher than before. Formerly the pound of Cologne was equal to  $9\frac{1}{2}$  rix thalers; it became only equal to  $9\frac{1}{2}$  rix thalers. This difference, although slight, was not the less prejudicial to Sweden, considering that it has never been observed in the trade with Germany and Denmark. In this respect M. Wallenberg observed that England would take great interest in reducing the sovereign to 25 francs, as has been indicated to the conference, for the pound sterling is given in considerable quantities as the equivalent of 25 francs. Returning to the legislation of Sweden M. Wallenberg added that, from 1847 to 1854, it had been sought to introduce the metric system into the weights and measures of the kingdom, and that this had not been entirely successful in consequence of the resistance of the clerical order and of the agricultural interest; but the decimal system had been admitted, maintaining at the same time the ancient unities. Thus, as to coins, a law of 1855 had decided that the rix thaler rixmynt should be coined of  $\frac{100}{100}$  fineness, should weigh  $\frac{1}{100}$  of the Swedish pound, and should be divided into 200 ores. At the end of eight years, 1863, this reform was accomplished.

In brief, there exist in Sweden two standards without fixed relative values—the rix thaler for domestic use and with neighboring countries, the ducat for international money. M. Wallenberg expressed the opinion that monetary unifications could only be established on the basis of the gold standard exclusively, that metal offering the best qualities for circulation; the silver standard should not be preserved except during a time of transition in countries which have it at present, as Sweden has. In the opinion of the Swedish delegate, the unit of international coinage should be a piece of gold of the value of 10 francs, at  $\frac{9}{10}$  fineness, giving 310 pieces per kilogram, and represented in its lowest subdivision by the thousandth part, that is to say, the centime.

M. JACOBI would think proper to admit among the measures of transition to be adopted, that debtors might make their payments in one or the other metal without distinction, at the rate of the day.

The PRESIDENT replied that this would disavow the legal money, and would reduce the two coinages to the grade of commercial interchanges, which would not be tolerated by the population, especially in France, where they would never consent to receive money the value of which would vary every day.

Mr. VROLIK thought the solution of the difficulties which are the actual subject of discussion might be found in the examination of the sixth question.

The PRESIDENT proposed a vote on the third question, proposing the adoption of the silver standard exclusively. The conference decided unanimously in the negative.

The discussion then opened on the third question, relative to the adoption of the gold standard exclusively.

M. FEER HERZOG mentioned M. Meinecke's vote on the second question as being par-

ticularly important. Prussia was, in fact, the most important of the states that have the silver standard, and to vote for the adoption of an exclusive gold standard, as the delegate from that country had just done, was a declaration of very significant importance. M. Wallenberg, of Sweden, had voted in the same way. A great difficulty had thus disappeared, and now preferences can be openly declared for the exclusive gold standard. The monetary system of Switzerland was necessarily subordinate to that of the larger neighboring states, particularly France; yet the minutes of the conference of 1865 showed that, even at that time, all the sympathies of the federal government were for the single gold standard. A similar declaration was also made at the same time by Belgium and Italy. The Swiss government had not altered its opinion since then, and it was now ready to renew the declaration, though bound by the convention of 1865. Therefore it proposed to decide the third question affirmatively. M. Feer Herzog added, that in an assembly composed of well-instructed men, like the members of this conference, he would not produce the customary arguments in favor of a gold standard, but would point out the absolute necessity of adopting the metal that constitutes the mass of the monetary reserve as the general standard.

Baron DE HOCK said he would vote with M. Feer Herzog in the affirmative on question third. The reason he gave for his opinion was that men of merit have written in favor of the double standard. It was particularly asserted that the system would diminish the monetary crises, in tending to establish a sort of equilibrium between the two metals. But it is the sum total of money in circulation that influences the value of things sold, and not the relative proportion of the metals. If the amount in circulation increases, prices fall. With the double standard it is like opium—it is a useful medicine in some cases, yet nobody would use it every day, because it would then become a poison. The double standard might be very useful in financial crises, but it would be very inconvenient in general use, on account of the daily changes in the relative value of the two metals. It exercises an evil influence on the Bourse, for the fall in stocks is always greater in countries where the double standard exists than in those where the single standard prevails. While voting for the single gold standard, M. de Hock admits that in countries where a different system has hitherto prevailed, it might be necessary to continue the double standard, for a specified time, to be determined in advance.

The PRESIDENT remarked that M. Feer Herzog's and Baron de Hock's observations have been very pertinent to the question. The situation of the states of the convention of 1865 is not now in question, but that of Prussia, Sweden, and the Netherlands, that have the silver standard. Their situation is delicate, and we must attend to them. Should the transition period be of one or many years? If one year was fixed upon, and it was decided that debts should be paid at such a rate after that time, silver would fall and gold rise exorbitantly; therefore a year would be too short. Perhaps it would be better to leave each state, as M. Vrolik proposes, to decide upon the time when they thought proper to modify their monetary systems, and when they could do it without disturbance, that is, after gold had nearly driven silver out of circulation.

M. MEINECKE thought it would be well to introduce a reserve in question third, in order to give the silver standard countries the chance of adopting the double standard temporarily, in case of an affirmative vote for the exclusive gold standard.

The PRESIDENT thought it essential to fix the measures of transition at once, if possible, and agreed with M. Meinecke that it is impossible to pass to the single gold standard without going through the double standard. The same opinion was expressed by Lieutenant General Mansfield, on the subject of the monetary system in India, where the silver standard prevails, which should be supplied by the double standard till the exclusive gold standard could be reached. M. Parieu added, moreover, that the best way to substitute gold for silver in general circulation, would be to fix a certain relation between the two metals, which is the subject of question seven.

M. MEES proposed to substitute the word *temporarily* for *simultaneously*, in question six.

M. MEINECKE said the words at *this time*, in question two, caused his reservations.

M. LAVENAY believed the general opinion of the conference to be already in favor of gold as the only standard. Admitting this, the only remaining difficulty is the transitory measures, and question third might now be decided affirmatively: and adding, "saving arrangements necessary to carry it into effect."

M. BROCH thought gold ought to be the only standard, and that the free coinage of silver ought to be prohibited in countries where that standard prevails. In some countries any person can take bar silver to the mint and have it coined at a small cost. Individuals ought to be deprived of this right; the state alone should have the privilege of coinage, and ought to limit the quantity of coin issued to so much per head. This provision ought to be made now for the five francs of the convention of 1865. If such a precaution is not taken, and a sudden revolution rendered silver more abundant than gold in Europe, the same difficulties that now exist from the expulsion of silver would then happen inversely. So, private individuals ought only to be allowed to coin their gold.

The PRESIDENT thought there was an agreement upon the question of a single standard—differences only existing in regard to the mode of transition; so, to conciliate divergent opinions, he proposed the fusion of questions three and six.

M. MEES, adhering to what he said at the first of the sitting, would not vote for the adoption

of question three, nor for the proposed fusion. He considered it inconvenient to adopt the gold standard everywhere, because it would reduce silver to change-money, and consequently gold would rise in value. He thought it not desirable to choose between the two metals at present. Moreover, M. Mees thought a monetary union not very certain to be adopted, and that the labor of the conference, to use a figure of M. Parieu, "is only a seed sown, the germination of which cannot be foreseen."

The PRESIDENT then proposed to decide question six in the affirmative, completing it by limiting the value between the two metals, as provided for in question seven.

M. JACOBI thought the question of standard not sufficiently investigated. Supposing two standards, how long would the fixed relative value between them exist? The proportion is essentially variable in theory, and there are perpetual changes in the reciprocal value of the two metals.

The PRESIDENT thought the result of the variations in value of the two metals, when both are circulating, will be to drive out the more precious metal, in certain proportion, equivalent to the change in value. Even when the relation is changed, theoretically speaking, monetary circulation is not so much affected as is supposed, on account of bank deposits and private savings. There is always a certain quantity of specie in every small place, that only circulates among its inhabitants, and never gets out of a certain circle. Great masses must be operated upon to find a profit in the exchange of metals, and the change of metals takes place slowly by successive movements.

For these reasons the general circulation is neither suddenly nor sensibly affected by changes in the relative value of metals. for France has always had much silver in circulation, even when that metal was largely exported.

M. JACOBI thought if the gold standard alone were adopted, the silver in banks would be put into circulation, gold would take its place and rise in value. He said there is scarcely any gold in Prussia, and he asked M. Meinecke if the Frederic price of gold is very variable in the Berlin market.

M. MEINECKE said there are but few gold Frederics in circulation; none have been coined since 1831, except those much worn by use, and since 1857 none have been coined. It has a fixed legal circulation, so that there is no profit in recoinning it.

M. VROLIK thought the transition from one system to the other would be slow; that equations and identities would have to be created between the coins; and the right granted to each state to fix the current value of the coins, as is done with the Frederics.

M. FEER HERZOG said that would not be forming a monetary union, but would be maintaining what now exists in Germany in regard to the Napoleon.

M. VROLIK thought the Napoleon would be received in banks, and not have a legal circulation.

The PRESIDENT said that would be going back to the double system. He then put question three to the vote.

M. LAVENAY repeated M. Meinecke's observations tending to a fusion of numbers three and six.

Baron DE HOCK thought the privilege of preserving the double standard for an indefinite time should not be left to any state; question three ought to be settled at once, by fixing a period of transition, as was done with question two.

M. ARTOM proposed to add these words to question three, "with the reservation of transitory measures."

M. HERMANN insisted that each state shall have the right to adopt any transitory measures it thinks convenient.

M. HOCK thought the states should not have the choice of these measures.

M. HERMANN insisting upon his opinion, Count AVILA proposed to add these words to question three: "Leaving each state the liberty of keeping the silver standard temporarily." As gold would drive out silver whenever they circulated together, this amendment should meet with no practical objection, and the temporary maintenance of the silver standard together with gold would not last long from the force of circumstances.

M. KERN would not continue the debate, but must insist on reading the instructions from his government: "If the question of the gold standard, which was rejected in the conference of 1855, is brought up, the delegates will vote as they were instructed in 1865; that Switzerland prefers the gold standard, but will be governed by the other states signing the convention of 1865." He added, that he did not know what conclusion France will come to, which made his situation delicate; but he thought the gold system cannot be adopted immediately; a transition period is necessary, and therefore he thought it better to complete question three with these words, "with the reserve of transitory measures," already proposed by M. Artom, than to adopt the less general proposition of Count Avila.

Count AVILA said, if the conference adopts Mr. Kern's proposal, he is disposed to second it. He is not much interested in the transitory measures now discussed by the conference. As a representative of a country with the exclusive gold standard, he will vote in favor of question three.

The amendment he proposed was to bring the states with a silver standard to an affirmative vote on question three. In granting the silver standard for a certain time, a general understanding would be arrived at, and a great advance would be made in monetary unif-

cation by accepting gold coins at a legal rate. For the silver standard countries that **accepted** the double standard would make gold the chief currency thereby, as is now the case in the states that accept the convention of 1865. In fact, in those countries the double standard exists only nominally; silver coins have become the change money, and the five-franc piece, the sole representative of the silver standard, has only a nominal existence.

The **PRESIDENT** preferred Count Avila's proposal to M. Kern's. As transitory measures in silver standard countries are in question, we must not omit the most important of them, the provisional maintenance of the silver standard by the side of the gold standard.

Mr. **GRAHAM** accepted Count Avila's amendment, substituting the word *transitorily* for *simultaneously*, in the last part of question six, annexed to question three.

Messrs. **KERN, HOCK, and ARTOM** supported Count d'Avila in this substitution of terms.

After remarking that question six is suppressed, the **PRESIDENT** put question three, thus modified, to the vote:

"On the contrary, is this result attainable on the basis and condition of adopting the exclusive gold standard, leaving each state the liberty to keep its silver standard temporarily?"

The vote was unanimous in the affirmative, with the exception of the Netherlands.

M. **VROLIK**, invited by the President, explained that he voted against it because the modification goes beyond question six, where the word *transitory* is not found in the first draught.

This expression seemed to him to imply a time fixed in advance, and beyond which the silver standard is to give place to the gold standard. He would have voted with the other members of the conference if each state had been left the judge of the time it should keep the double standard. If the states joining Holland come to a mutual understanding, then Holland will be forced to imitate their example.

The **PRESIDENT** proposed to continue the discussion of question seven, questions four, five, and six having been solved negatively by the adoption of the affirmative on question three.

At the suggestion of Baron **DE HOCK**, the conference decided to meet next day, Friday, at 10 a. m., for the continuation of the debate.

The sitting adjourned at half-past 5.

**PARIEU,**  
*Vice-President of the Conference.*

**CLAVERY, Secretary.**  
**ROUX, Secretary adjunct.**

#### INTERNATIONAL MONETARY CONFERENCE—FOURTH SITTING.

FRIDAY, June 21, 1867.

M. **PARIEU** presiding. The sitting opened at 10 o'clock. Present, the delegates of the preceding sitting and Count Moltke Hvitfeldt, with the exception of Baron Schweizer.

Count **MOLTKE** said he voted with the majority on questions two and three, which were decided during his absence, with this reserve, however, that he does not pretend to oppose the monetary system of Denmark to that of the neighboring countries with which it has most business.

Baron **DE HOCK** asked permission to state why he voted for Count Avila's amendment on the wording of question three, to which he objected at the last sitting.

As decidedly in favor of the adoption of the exclusive gold standard, he would not have hesitated to vote for question three as originally drawn up; but modifying it by M. de Avila's amendment, and then putting it to vote, forced him either to accept a form he did not approve of, or to vote against the gold standard; therefore he did not hesitate to vote in the affirmative. He laid aside personal preference, so as to put no obstacle to the acceptance of the principle of the exclusive gold standard by states having the silver standard, and determined to regulate the transitory measures for its abolition, as M. Meinecke and M. Hermann say they will. M. de Hock, moreover, thought that if the new wording of article three is defective, the practical consequences will be lessened by special conventions between the states. Stipulations of a nature to limit the action of each government in regard to transitory measures might be introduced, and in discussing question seven the too general meaning of the amendment to question three might be restricted.

The **PRESIDENT** said the decision at the last sitting would be no impediment to certain transitory measures suggested by the conference, such as fixing a minimum limit to the relations between gold and silver, which is the subject of question seven.

Viscount **VILLA-MAJOR** thought, before examining this question, it would be better to begin by determining what present coin could be adopted as a general unity of the monetary system, and he thought it would be very well for the delegates of each state to draw up a plan of equations between their present coins and the monetary unity they would like to see adopted. These equations might serve as a basis for the proposed unification. Portugal would willingly adopt the five-franc piece as a unity, as it already has the *reis* at the foundation of its monetary system, and if its minuteness renders it defective, it has the advantage of representing with tolerable precision the thousandth part of the five-franc piece. Therefore he thought some preliminary discussion of question eight should be entertained.

The **PRESIDENT** recalled the incidental decision of the conference in favor of reducing the

dollar to five francs, and the sovereign to 25 francs. The question did not concern the florin and dollar countries, and therefore M. Villa-Major's proposal would suit them. The conference could do nothing better than to agree unanimously upon the adoption of a single monetary unity, and M. Pariou believed no better piece than five francs, or one of its multiples, could be selected.

M. WALLENBERG mentioned in the preceding sitting that the gold piece of 10 francs seemed to present peculiar advantages. Divide it by 1,000 and you have the centime, which is an excellent small monetary subdivision, while the five-franc piece divided by 100 gives five centimes, a too great fraction for small payments. In large transactions the 10-franc piece forms a good medium coin, a unity neither too high nor too low.

The PRESIDENT liked M. Wallenberg's opinion; in fact, the piece of 10 francs, taken as a monetary unity, would be very convenient for France, as in accounts it would only be necessary to change the comma to express new unities. Formerly the 10-franc piece had a universal circulation under the name of *ducat*, a piece that was nearly of the same value. It was also the smallest gold piece till the five-franc piece was coined to supply the place of the silver five-franc piece, which was driven out of circulation.

M. MEINECKE would not discuss the question; he thought the principal coins ought to be brought together by simple equations, each state remaining free to adopt the unity it pleases, provided its coins are easily changed to coins of other states. The principal unities would thus be assimilated, and therefore he was not authorized to pronounce in favor of fixing a monetary unity.

The PRESIDENT agreed with M. Meinecke that the coins should be easily exchanged; but there must also be a common denomination for them, and the smallest that could be conveniently adopted for gold seems to be the five-franc piece.

M. MEINECKE suggested a smaller unity, two francs 50 centimes, for instance.

M. JACOBI preferred five francs, because it has whole numbers for multiples, as 10, 15, 20, 25, &c., whereas the unity of 2.50 would require fractional multiples.

M. HERBET remarked that the unity of 2.50 in gold would be inconvenient to coin; and he instanced the 1.25 pieces that were issued at one time in Turkey, and found too soft and too small.

M. STAS thought the remarks about monetary unity would come in better with the discussion of question eight, and added that the 2.50 unity suggested by M. Meinecke would have the disadvantage of creating too many gold coins, and it would be difficult to tell them apart.

M. KERN agreed with M. Stas, and the conference determined to postpone it till question eight is discussed.

The PRESIDENT then read question seven:

In case of an affirmative vote on one of the two preceding questions, would the internationality of the common standard coins be a sufficient guarantee of their circulation in each state; or would it be necessary to stipulate a certain limit in the relative value of gold and silver, or make provision for the case where the international metal might be expelled from circulation in any of the contracting states?

The PRESIDENT remarked that this question regards the organization of the transitory situation of the states that have not the gold standard. Its principal aim is to harmonize the transition measures without affecting the decision of the conference in favor of the gold standard. It is necessary to make a correct estimate of the relations between gold and silver, and if the rate of gold in Prussia and Holland were known exactly, mediums of exchange could be established that would gradually introduce gold, and expel silver from circulation, in the countries where it has served as a standard, without a financial convulsion.

M. MEES said, in Holland, if the rate of exchange continues the same as it has been for the few last years, the florin would be worth 2 francs 13 or 14 centimes, and the Napoleon 9 florins 35, or  $\frac{1}{4}$ . But it is hard to say how long the present rate of exchange will be kept up. In late years the value of gold has been sustained by its great demand in France, and the proportionate expulsion of silver. At present there is no more silver in France, and gold has taken its place in circulation. The same want of gold is not felt now, and its value may diminish, particularly if it continues to be produced in considerable quantities. In such a case silver would rise; and knowing this, a state like Holland, that wishes to keep its silver circulation, would find some difficulty in fixing a definite relation between the two metals. Nevertheless, in the border provinces, the Napoleon might be rated at  $9\frac{1}{2}$  florins, and 4 thalers at 15 francs or 7 florins of Holland, this last being equivalent to the florin of south Germany, though it has a value less than seven-thousandths. This par equality between the two florins in the Netherlands is caused by the large exportation of silver to India, the silver diminishing so fast it is necessary to coin it continually.

M. MEES added, that if the gold standard were generally adopted and became the principal agent of general circulation, the difficulty in fixing a rate between the two metals would no longer exist, because, so far from diminishing in value, gold would rise, and then there would be no danger in an approximate rate.

The PRESIDENT. It would be useful for the conference to examine these questions of relations between the two metals; for, if a preferred currency were given to one of them in a country, it would not only affect the circulation in that state but in the adjacent countries. There are great differences in Europe between these relations in countries where the double

standard exists and where these relations are fixed. Thus in Russia the relation is 1 to 15, he believes.

M. JACOBI said the relation in Russia is 1 to 15.45; it was 1 to 15 when the half-imperial was worth exactly five rubles, but it was fixed at 15.45 after the half-imperial rose to five rubles and 15 kopecs. He asked if the gold coins are to be reckoned according to their intrinsic value.

The PRESIDENT said the fineness must be balanced against fineness, and adds that in Russia the relation between gold and silver is 1 to 15.45; in Spain from 1 to 15.48; in France 1 to 15.50; and in the United States about 1 to 16. Gold is the principal currency in this country.

M. FORTAMPS remarked that if the Napoleon were rated 9½ florins, as M. Mees mentions, it would produce an infinitesimal fraction. In the old Netherlands the florin was worth 2 11.64 francs; since its reduction in Holland it is worth 2.10 francs, and reckoning from the value of this florin, the Napoleon would be reduced to 19 francs 60 centimes, thus losing 40 centimes. Under such circumstances gold would never circulate in Holland. What M. Mees says about the par of Holland and German florins, despite their difference in value, is true commercially but not theoretically. Now, for international coins, we must consider their intrinsic value, and not the laws of exchange.

The PRESIDENT thought that the valuation of the Napoleon at 9½ florins, making the relation 15.19, is small, and that the minimum ought to be between 15.25 and 15.30. The particular position of Holland ought to be considered on account of its East India colonies.

M. MEES said, in Mr. Leon's work, published in 1860, the relation is less than he proposed; it is 15.17. The kilogram of gold being worth at that time 3,460 francs, and the kilogram of silver 228 francs, we find the relation is 1 to 15.175.

M. FEER HERZOG thought that is a mistake. The lowest relation was in 1859; it was then 15.21. At London, in 1860, it was 15.27, and by present quotations in Paris it is 15.46.

M. MEES answered, the relation in 1859 was an average for the whole year, and therefore M. Leon's figures are right.

M. FORTAMPS thought it well to arrive at a minimum relation. That proposed by M. Pariet, 15.25, is too low. It ought to be fixed at 15.45, so that a gold circulation could be established in the silver standard states. Moreover, the gold standard countries would never consent to fix the rate of silver coins, as they would thereby suffer a loss without compensation.

Baron DE HOCK thought that in discussing question seven we ought to fix upon something permanent. If the convention enters into the discussion of transitory measures he thought it would be best to leave them to be settled by special conventions hereafter; no inconvenience could result from that in monetary unification, for it is evident that the silver standard countries could not establish relations between the two metals so as to exclude gold from circulation without contradicting the vote given by the conference in favor of gold. Therefore he thought the establishment of these relations ought to be left to special conventions, and then each state could act as it thought best.

The PRESIDENT said the sub-committee proposed question seven in anticipation of the adoption of the double standard, leaving each state to continue it as long as it pleased. The conference went still further in its vote on question three, by deciding that the double standard should be transient, and ought to cease at a certain time fixed in advance. Consequently, a greater sanction is necessary to introduce gold into circulation in those states, and the opinion adopted by the conference ought to be consecrated in its consequences as in its principle. It should be declared that the relations between gold and silver ought not to be fixed below a certain minimum, to be determined by the conference. Special conventions could do it, but would not the situation of the countries concluding those treaties be better if they could rely upon a decision of the conference? To take Holland, for example, it would be easier to induce its plenipotentiaries to give up the proposed relation of 15.19 offered by M. Mees, if the conference had previously decided that the minimum relation should be 15.25 or 15.30.

M. FEER HERZOG thought the question put erroneously, and that there is antagonism between the establishment of a system of equations and the fixing of a relation. For instance, four thalers being worth 15 francs, if, with the fictitious gold thaler (3.75 cents,) the old silver thaler, which is somewhat less, is allowed to circulate, the relation will be between the weight of gold in the 15-franc piece and the weight of silver in the thaler.

M. ARTOM thought a relation between gold and silver may be established in two ways, namely, by equation and tariffication; but he thought it easier to proceed by equation.

M. LAVENAY asked if the question of relation between the two metals is not more properly an internal than an international question. It would be international if two universal moneys were to be created, one of gold and the other of silver. In that case a relation would have to be established. But gold has been selected as the international coin, and silver will be a temporary legal currency in the states with a legal standard and a double standard. In that case all international negotiations would be transacted in gold; and whether dollars, Napoleons, sovereigns, or four-thaler pieces are received, payments will always be made in the terms and provisions of the convention. Therefore it does not seem necessary to stipulate a relation between gold and silver; for if one state establishes a bad tariffication,

gold will not come there, and it will keep the more inconvenient circulation of silver much longer, and the individual interest of the state would incline it to receive gold, but there would be no international interest.

The PRESIDENT replied that an international money ought to have the qualities required for a serious circulation; it must circulate in the country; the advantage of internationality does not guarantee it.

M. PARIEU, referring to M. Feer Herzog's observation on equations of gold and silver coins, said it is not necessary to have a fixed relation, for, in the example quoted, four thalers equalling 15 francs, the equation embraces the idea of the existence of a relation of 15.30. It would be the same in the states of south Germany if seven florins were equal to four thalers or 15 francs. But it would not be so with Holland, where the florin is not so easily equalized, and for which a relation would have to be established.

M. FEER HERZOG did not mean what M. Parieu thinks. He meant that in giving a legal circulation to the 15-franc piece at four thalers, the two-thaler gold and silver pieces, the one of 3.754, the other 3.71, must have the same value in the interior, and then the equation would be established between the gold and silver coins, although the treaty only established the equation between gold coins.

The PRESIDENT. If an agreement were made with Prussia that 15 francs should be worth four thalers, it would be introducing the international standard, and its silver thaler would not be altered, as it would be rated at 15.30. The circulation of gold would no longer be prohibited, and no doubt would become of great importance. So in Bavaria, if the 15-franc gold piece circulated there for seven florins, it would be the same as fixing a relation.

M. LAVENAY thought it is not of international interest to fix a minimum of relation between the two metals. What would be the use of it? It would only be introducing gold in circulation in the silver standard states. But if a legal circulation is given to gold in those states, that metal will assume the ascendancy, and silver will have to circulate at its market value.

On such conditions, those states would soon discover that the best way to bring gold into circulation would be to treat it more favorably. As gold is more portable and convenient for money, it is the interest of nations to encourage its circulation both at home and abroad.

The PRESIDENT doubted if it is the interest of every state to encourage the circulation of gold within its limits. Holland, for instance, though its standard is different from that of its two neighbors, and its currency is different from all its neighbors, yet has a flourishing commerce, and its prosperity may continue a long time yet.

M. JACOBI thought with M. Lavenay that the best way to get a money for general circulation is to leave each state to settle the relation between the two metals. There would certainly be great differences at first, but particular tariffs would soon give way to a general tariff.

The PRESIDENT said it is not necessary to have a complete tariff now, but only to fix a minimum for the relation.

Mr. STAS observed that different meanings are given to the word *equation* in this debate, and he thought that in voting affirmatively on question three, in which the conference has decided to fix the relation at 1 to 15½, that relation ought to serve as a basis for equations.

The PRESIDENT said the affirmative vote on question three did not carry with it the idea of equation between gold and silver coins, but only between the different gold coins, and then the vote was only on partial coincidences, and not on equations. It has, moreover, been decided that the double standard was necessary for silver standard countries as a medium of transition to reach the gold standard. Now as the relation between the two metals is different in different countries, and as gold comes in more readily when the coefficient of silver is higher, ought not a minimum to be fixed if gold is wished to be introduced? It would be vain to decide upon an international money, without fixing a relation for it with the silver money in states where the double standard was transitory. There must be some system in circulation of coin to make it permanent. The Holland ducat, so useful in travelling, only disappeared because it had no fixed relation with silver in any country, and so its existence was ephemeral: This must not be the case with the new international money.

Mr. HAINDL thought the greatest difficulty for states having the double standard, or that are to have it temporarily, would be to find the exact proportion between gold and silver during the period of transition. Steps would have to be taken for one metal to drive out the other, but care should be taken not to cause a crisis by driving out silver too suddenly. These steps can be taken only at the moment of operation, so that no limited minimum could now be fixed. If the relation is 15.19 in Holland, as M. Mees says it is, it is 15.58 in Germany at present. So each state must be left to fix that relation, which would offer no danger, as its object would be to draw gold into circulation and join the monetary union proposed by the conference as soon as silver disappeared from circulation.

M. BROCH agreed with M. Parieu that a limited minimum is necessary for the transition period. Without such a provision, gold could not be introduced into a country that had fixed a limit too low. Thus there may be a doubt about the equation of 15 francs to four thalers, permitting gold to enter Prussia, as four thalers would have an intrinsic value below three pieces of five francs each.

The PRESIDENT observed that within the limits of states, sentiments wholly apart from



economy often have an influence on opinions in money matters. A reform of this kind encounters certain ideas of routine against it, certain exaggerated fears of any innovation, a singular love for certain coins. Therefore the conference should endeavor to establish rules to realize, as far as possible, the desires it has expressed in favor of the gold standard.

M. MEINECKE said that as question seven is in respect to transient measures, which he cannot discuss, he and his colleague must refrain from voting.

M. VROLIK, though he agreed with M. Pariou, thought with M. Lavenay that it is better in practice to leave each state to fix its own relations. An average in exchange would soon be established between the two metals by the force of circumstances alone.

In Holland, the Napoleon would be received at 9 florins 35, which, as M. Fortamps observes, would give a relation of 15.19. Germany, as well as Holland, could receive the 15-franc pieces at 4 thalers, or 7 Bavarian florins. The 15-franc piece would then have a great circulation; it would be the connecting point between the German and French monetary systems. On the contrary, if a limited minimum relation of 15.25 or 15.30 were admitted, as M. Pariou proposes, it would be creating difficulties to a monetary unity; it is therefore better to fix nothing.

Baron DE HOCK, with Messrs. Lavenay, Meinecke, Haindl, Mees, and Vrolik, thought article seven might be passed over. Though he agreed with M. Pariou in having some principle for transitory measures, he thought it difficult to fix a limited minimum relation between the two metals for the states with the silver standard. In his opinion, that would depend entirely upon their value at the time of the international conventions. In fact, if it is remarked that gold has continued to decrease in value for the last dozen years; that during the next two years it rose; we may ask if it will continue to rise, or will fall again?

This would cause serious discussion. Some men think gold will continue to rise, because its extraction is daily becoming more expensive, and because of its great dispersion by its introduction into the monetary system of India. Among others, Mr. Soetbeer, of Hamburg, whose writings have given him a name in Germany, thinks gold has an abnormal circulation now, and that it must fall in future.

In presence of such different opinions it is difficult to fix a limited minimum of relation that would satisfy the aims of the conference. Perhaps it is better to adhere to a certain generality, and for that reason M. Hock proposed this substitute for article seven:

"The advantage of internationality which coins would acquire from the metal adopted as a common standard would not be a sufficient guarantee for keeping them in circulation in each state, but it would be necessary to stipulate also, in countries that have had the silver standard up to this time, as well as in those of the double standard, that the relation between the value of gold and silver should not be established at a rate too low to permit the serious introduction of gold."

The PRESIDENT said he would willingly adopt M. Hock's proposal for countries of a silver standard, but he doubted if it would suit countries with the double standard. The last have long had a legal relation between gold and silver, and it would be difficult to suppose they would modify their metallic relations on adopting the gold standard, so as to drive gold out of circulation.

What M. de Hock's amendment contains, referring to countries of a double standard, might then be rescinded without inconvenience. The present debate is not on a minimum relation, but upon M. de Hock's general proposal, that can be voted for affirmatively by the members of the conference who have not contrary instructions from their governments, without settling the question of a minimum.

M. HERBERT remarked that the question will come up in the special conventions, and can then be decided by the delegates, that are qualified to do so.

On invitation of the president, M. FORTAMPS said, in his private opinion, a minimum relation less than 15.40 ought not to be adopted.

The PRESIDENT is disposed to put Baron Hock's proposition to vote.

Mr. RUGGLES asks that the vote be postponed till the next sitting, because he does not clearly see the effect of the amendment.

The PRESIDENT proposed to put the question to vote, and remarked that those members not prepared for the proposition, as Mr. Ruggles, who seems, however, to be alone, can withhold their vote at present and give their adhesion or refusal some other time.

M. KERN thought the debate has been long enough to give every member of the conference sufficient time to form an opinion, and says he is not disposed to go further than Baron de Hock. When such important and diverse interests are at stake, long reflection is necessary before a positive decision can be rendered. Baron de Hock's proposition is less binding in its general terms than if it was made out in figures, as M. Pariou's primitive idea was. It is a happy compromise of diverging opinions tending to the same end, and differing only in comprehensiveness. The vote, then, should not be deferred, as no better solution could be reached in all probability. For the good of the conference the vote ought to take place immediately.

Mr. RUGGLES excused himself from voting because he does not understand the question. The United States would not consent to accept any fixed relation between gold and silver. The double standard is abolished when this relation no longer exists.

The PRESIDENT reminded Mr. Ruggles that the double standard still exists in the United States, and of course the relation between silver and gold, which is 1 to 16.

Mr. RUGGLES answered that though the double standard still exists legislatively in the United States, it is virtually abolished in practice, and hence the United States has the gold standard alone.

The PRESIDENT. Reasoning in that way, as France coins a less number of five-franc pieces than America does dollars, we might say, like Mr. Ruggles, that France has the gold standard alone, and that is what nobody would assert.

M. JACOBI remarked that the United States cannot be considered as having the single gold standard any more than France, unless a new law is passed to prohibit the coinage of silver dollars.

M. FORTAMPS regretted that the vote is not to fix a limited minimum of tariff, and says no country with the gold standard can be forced to admit a tariff of silver coins of other countries where the silver standard is preserved.

M. de Hock's proposal was put to vote and adopted unanimously, except by Prussia, the member from that country declaring that he cannot vote, and the member from the United States deferring his vote.

M. de Hock's proposition having been adopted, question seven was expunged, and would not be voted on.

The discussion of article eight was deferred till the next meeting, fixed for Saturday, at 10 o'clock.

The sitting adjourned at half-past 12 o'clock, noon.

#### INTERNATIONAL MONETARY CONFERENCE—FIFTH SITTING.

WEDNESDAY, June 26, 1867.

Prince NAPOLEON (JEROME) presiding. Present the delegates that attended the last meeting, and M. Delyannis, with the exception of M. Mees, who went to Amsterdam on urgent business, and could no longer take part in the labors of the conference, to his great regret.

In consequence of a report presented to the Emperor by the minister of foreign affairs, published in the *Moniteur* of the 26th June, his Majesty intrusted the presidency of the commission to his Highness Prince NAPOLEON, who opened the sitting with these words:

"Gentlemen: Appointed by the Emperor to preside over the International Conference for the unification of moneys, I have gladly accepted the mission. It is not becoming for me to say why I have received this appointment; the reason is kindly given in the report of the minister of foreign affairs. But I assure you it would be a vain presumption in me to think that I could bring much knowledge or furnish much information upon the subject in question, to an assembly of men so eminent as yourselves.

"I feel my incompetency, particularly after the wise direction that my friend and colleague M. de Parieu has given to your labors; and I hope he will aid me with his counsel and advice. I am aware of the difficulty I shall have in interpreting our good intentions by practical results; and the reading of the minutes of your sittings has proved to me how much you are moved by the spirit of conciliation so necessary to arrive at a monetary unity, which is the desire of all, and the great and many difficulties of all kinds that we shall have to encounter in our labors. But the greater the difficulties, so much greater the glory for the governments here represented. You all know the intelligence of public opinion in the present age, how prompt and exacting it is in its ardor; and we must endeavor to gratify it without disguising the obstacles we shall have to surmount.

"I beg you, therefore, gentlemen, to keep constantly before your eyes the object we are pursuing. Let us remember that the public expects a result from our conference, and let us show why many former committees and conferences were unsuccessful. Let us so act that our assembly may not result in a fine report alone, or a good argument in favor of the unity of moneys; but let it end in a useful result.

"Let us continue our labors so well begun. I think this is the proper order for our deliberations: We will continue the discussion of the numbered questions; when that is done I will state what I think the best way, in a general or particular manner, for each state to hasten the period of germination for the seeds you have sown," as M. de Parieu has justly and eloquently expressed it.

"I bring you all that I can, which is an energetic good-will and a strong desire to effect a monetary unity. Allow me, gentlemen, to rely on your kind assistance."

M. DE PARIEU replied to this speech of his imperial highness, for himself and the conference, in the following terms:

"Monseigneur: It is a great gratification to me to be the interpreter of the conference, by expressing the sentiments we all feel at the honor conferred upon this assembly by the presidency of your imperial highness. Permit us to hope that this honor will carry strength with it. Your financial knowledge, and the experience derived from your extensive travels, will serve to guide you in the direction of our arduous deliberations.

"Your imperial highness approves of the progress we have already made, and that approbation is of value to us all, and to me especially.

"Allow me to congratulate you, monseigneur, on the sympathy which you have just expressed for progressive ideas. The pursuit of useful innovations, over obstacles and through necessary delays, is a school of patience and justice; and it is also a career of honor, worth entering, and in which we will march together at your side."

After this response of M. Pariou, in which all the members of the conference concurred, Count D'AVILA submitted two propositions to his colleagues:

1st. The conference will express its profound gratitude to the Emperor for the honor he has conferred by appointing his imperial highness Prince Napoleon to preside over it. The address will be presented to the Emperor by a deputation from the conference, or, if there is no objection, by the entire conference.

2d. The conference will give a vote of thanks to M. Pariou, its vice president, for the able and impartial manner in which he presided over their former sittings.

These propositions received the approval of the entire conference, and the first, relating to his imperial highness, was sent to the vice-president for transmission.

His IMPERIAL HIGHNESS then handed a letter from his excellency Djemil Pacha to the conference, excusing himself for not attending, on account of the Sultan's arrival.

The minutes of the third and fourth sittings were read and adopted.

M. DELYANNIS regretted that he could not attend the last meeting. He said that he can vote on principal questions, but not on subordinate ones, as his government has adopted the system of the convention of 1865. Not being authorized to vote up to this time, he thinks it his duty to make reservations upon some points settled by the conference.

His IMPERIAL HIGHNESS opened the discussion for question eight:

"Is it necessary, for the success of monetary unity, to constitute a unity at present, identical everywhere in metallic composition, weight, and denomination; and, in this case, what bases are to be assigned to it?"

"Or is it sufficient to constitute common types, having a common denominator of medium amount, as multiples of five francs for the gold coins?"

Mr. RIVERS WILSON read the following declaration:

"Before recommending the discussion of the list of questions, the English delegates deem it their duty to the government they represent, to the members of the conference, and particularly to the government of the Emperor, by whose invitation they are present, and to prevent any misunderstanding, to indicate their delicate and exceptional situation. They are convinced of the necessity of this declaration from the serious and practical turn the discussion has borne to this time, and particularly from the high signification that must attach in public opinion to the presidency of his imperial highness Prince Napoleon, and to the labors that must result from it.

"The English government was obliged to accept the cordial invitation from the government of the Emperor to participate in this conference, because a refusal would have shown a want of courtesy, and would have made it liable to accusations of prejudices upon this very important question.

"Indeed, the English nation is in a position much more independent upon this question than most continental nations.

"So long as public opinion has not decided in favor of a change of the present system, which offers no serious inconveniences, either in wholesale or retail trade, and until it shall be incontestably demonstrated that a new system offers advantages sufficiently commanding to justify the abandonment of that which is approved by experience and rooted in the habits of the people, the English government could not believe it to be its duty to take the initiative in assimilating its coinage with those of the countries of the continent.

"But the English government will be always ready to aid any attempt to enlighten and guide public opinion in the appreciation of the question, and facilitate the discussion of the means by which such an assimilation, so advantageous in theory, may be effected.

"Thus, while consenting to be represented in this conference, the English government has found it necessary to place the most careful restrictions upon its delegates; their part is simply to listen to the different arguments, to study the situation as developed in discussion, and to report to their government. Thus far they have found no difficulty in voting in favor of all the propositions adopted by the conference, because their principles agreed with the system now in force in England. But they cannot vote for any question tending to bind their government, or express any opinion to induce the belief that Great Britain would adopt the convention of 1865."

M. HERBET informs the conference that the reserves just mentioned by Mr. Rivers Wilson are found in Lord Stanley's despatch to the French ambassador in London, announcing participation of England in the monetary conference.

His IMPERIAL HIGHNESS expressed the opinion that the labors of the conference are essentially theoretical, that practical results must be effected in future international conventions, and therefore the English delegates need not fear to express their opinion on any question, since it cannot bind their government, any more than the opinions of other members.

M. MEINCKE thought it not to be necessary for the success of monetary unification to

form a unity identical in weight and denomination, nor to constitute common types; a unity of metallic composition is sufficient, with the conversion of the coins of the union, that may vary in the different states by a simple equation.

For instance, let France take its 20-franc piece, and Austria its 10-florin piece, for union money; then the 20-franc piece would pass in Austria for eight florins, and the 10-florin piece in France for 25 francs.

Each state might be left to subdivide its union money as it pleased, according to the needs and customs of its people. For example, Austria might coin five-florin pieces, equivalent to 12½ francs, that France would not be obliged to receive in its public banks, yet this small change ought to be of the same metallic composition as the larger principal coins.

M. MEINECKE thinks that crowns coined by the treaty of 1857, and gold coins by the convention of 1865, of the standard of nine-tenths fineness, would be the best form for this currency. But he cannot say what union money would be best suited for Prussia. What he has said is only intended as a principle. For these reasons he can only approve of the part of question eight that concerns the unity of metallic composition, which he would like to see fixed at nine-tenths fineness. He would vote against the other parts of that question, and could not vote at all on question nine.

His IMPERIAL HIGHNESS pointed out the importance of the question of fineness, to which M. MEINECKE alludes, and thought it not expressed with sufficient precision in the list.

M. LAVENAY thought the first part of the question definite enough, but he thought these words should be added to the latter part: "having a common denominator and a similar fineness."

M. HERMANN said Bavaria is bound by the monetary convention of 1857, and cannot accept a currency not received by the Zollverein.

Baron SCHWEIZER said the same of the grand duchy of Baden.

Count D'AVILA thought the principal object of the conference is to prepare for the future, and he had always believed that the convention of 1865 was the best for that purpose; but we should find out the best means to hasten the result. For this purpose it would be well to adopt the gold coins as international money, leaving each state the right to coin its silver in its own way. The gold piece of five francs should be adopted as the basis of a monetary unity. The result of this adoption would be to substitute gold for silver in countries where the last is the standard, as in France, where gold is the actual standard, though legislation establishes the double standard.

Though he is not authorized to decide this question, he thinks he can safely say that Portugal would not object to lessen the fineness of its coins from 916 to 900 thousandths; but England would have to set the example. The effect of this would be slight in Portugal, as sovereigns form the chief gold currency there, and the Portuguese gold coins being few, their recoinage would not cost much, particularly as the diminution would offer a compensation.

Count D'AVILA added that he was aware of the difficulties in a change of system for the English currency, but in theory it does not explain the reserve of the delegates from Great Britain. In theory it would be necessary to change the sovereign, as the United States intend to change their dollar, and in case England followed the example of the United States, Portugal would naturally come in next, particularly as the pound sterling is a legal tender there.

His IMPERIAL HIGHNESS thought that all the members of the conference should agree first upon the fineness of the international coins, and afterwards discuss the monetary unity on the concordance of coins among themselves. For, even if the sovereign were reduced to 25 francs, the English piece would not be equivalent to the French, on account of the difference in alloy.

Count D'AVILA observed that the question has already been discussed in another assembly where it was thought that England would agree to an equation between the sovereign and the 25-franc piece. The fineness of nine-tenths, the most common in Europe, ought to be adopted; but England must modify the alloy of the sovereign, or at least allow it to circulate for a time as 25 francs, without altering its fineness.

M. DE LAVENAY thought the question of fineness of minor importance to England, as the sovereign might contain just as much gold as the French 25-franc piece. The weight would not be the same, as the quantity of copper would be different for the same amount of gold, as nine-tenths to eleven-twelfths.

The chief obstacle would be the intrinsic value of the piece, as that would be reduced, and it might cause a commotion among the people. But if England, inspired by the ideas thrown out by Mr. Ruggles on behalf of the United States, would consent to this recoinage, it would have the same interest in nine-tenths as in eleven twelfths, with difference of weight and alloy. Why, then, should not nine-tenths be adopted? Unity of fineness has in fact an international value, for if all coins were of the same fineness nothing would be easier than to ascertain their intrinsic value. The two different pieces would be equal in weight as well as in fineness, thus furnishing a test of value in everybody's reach. If, on the contrary, unity of alloy is rejected, their weight would be dissimilar and the test destroyed. Therefore, a gold coin having the same fineness and denominator should be adopted, and the second paragraph of article eight could be modified to suit it.

M. LAVENAY apprehended that the English delegates exaggerate the powers of the other commissioners. The business of the conference is to find out the best way, in theory, to provide for a monetary unity, but no member binds his government by his acts. As the English delegates are in the same position, they should not refuse to enlighten the conference with their experience, but should give their opinions freely in the debate on succeeding questions.

Baron SODEN, of Wurtemberg, agreed with the representatives of Bavaria and the North Confederation, and felt the necessity of a change in the monetary system of Wurtemberg and South Germany. For that reason the proposal of France for a conference to assimilate the different monetary systems was gladly accepted in Wurtemberg. But, as the Monetary and Customs Union bind Germany together by reciprocal duties, the decisions of this conference ought to leave the German states at full liberty to act in concert. Their unanimous agreement to adopt the gold standard led us to hope there will be no difficulty in the adoption of an international currency when the question of an international treaty comes up in the convention.

With these reservations Baron Soden approved of the declarations made by the delegates from Prussia and Bavaria.

Baron DE HOCK thought that when the conference adopted the French monetary system as a centre for the proposed unification, it thereby settled the fineness at nine-tenths, and therefore there was no occasion for a new discussion of that point. He thought, with M. de Lavenay, that the question of unity of fineness is of great importance. In fact, without identity of fineness monetary unification is impossible, because identity of value cannot then be ascertained by weight; and as it is impossible to coin pieces of exactly the same weight and alloy, which gave rise to limits of tolerance, how can one know when these limits of tolerance are exceeded?

M. FEER HERZOG disagreed with Baron de Hock in thinking that the adoption of the French system implies an adoption of its alloy. The system was merely suggested as a basis of unification, with the modifications the conference might choose to introduce; but, personally, he thought nine-tenths the best alloy. He said the convention of 1865 is too often called up in discussion; nothing in that is binding on us. The duty of this conference is more extensive; it not only has to study the international merits of the convention of 1865, but has to fix a basis for monetary unification. The frequent mention of that convention has misled the English delegates and induced them to declare they could not vote for its adoption by Great Britain. The resolutions of this conference do not adopt the convention of 1865; they only seek through its proceedings a better solution of the monetary question. With this understanding the delegates can express their personal opinions without speaking for their governments, and it is to be regretted that M. Meinecke has shown so much reserve in speaking of the mark of Cologne and Stuttgart in this discussion of a monetary unity.

Count D'AVILA remarked that he did not mean that fineness was a secondary consideration, as M. de Lavenay supposes; he merely meant that France and England might agree in bringing the sovereign down in value to the 25-franc piece without altering its fineness. The simple question is whether England would give the sovereign a legal circulation at 25 francs with its actual alloy, or reduce it to nine-tenths by melting. Contrary to M. Feer Herzog, he thought the convention of 1865 ought to be adopted as a practical basis in discussion. He did not propose its complete adoption, but only in reference to gold coins, without alluding to silver or copper currency.

M. DE PARIEU thought that the question of fineness, though important, may be considered as secondary; the chief point is identity of fineness, in the coins. The banks could distinguish the differences of fineness in case of necessity, and a sufficient medium of control might be arrived at to ascertain the value of coins in circulation without resort to single weight. If the English pound sterling contained the same quantity of fine gold as the French 25-franc gold piece, an understanding could be easily arrived at. The superior fineness of the sovereign is rather in its favor; for, if reduced to nine-tenths fine, the additional copper alloy would increase its weight, and thus compensate for its loss in gold. But the chief difficulty might be the modification of contracts and the conversion of debts if the sovereign were thus reduced.

According to Baron de Hock the question had been already settled by adopting the first question. Though this is not exactly the fact, yet the question is predecided by admitting the advantages of the money of the convention of 1865 in a metric and decimal point of view, for the alloy of nine-tenths offers this decimal character by itself. The members of the conference are therefore almost agreed upon question eight, particularly if these words were expunged from the second part, "for instance, by multiples of five francs," that decide beforehand the common denominator of the international coins.

All the delegates are of opinion that a common denominator ought to be fixed upon for all gold coins of certain importance. In neglecting this last condition, we might say that denominator exists already; thus a common denominator of one-tenth is found for the sovereign, rated at 25 francs 20 centimes, and the Napoleon. But we do not want such a small denominator for the reciprocal conversion of monetary values. That of 2 francs 50 centimes, proposed by M. Meinecke, is even too small; for the comparison between the

pieces of 10 francs, 12 francs 50 centimes, and 7 francs 50 centimes, would be very difficult.

In the material fabrication of these gold coins there should be a minimum difference of five francs, so as to make an apparent distinction in the form of these pieces. Such was M. Pelouze's opinion. He thought the coinage of a 25-franc piece very practicable, because it would differ greatly in size from the Napoleon of 20 francs.

In a scientific point of view, the delegates might therefore negative the first paragraph of question eight, and affirm the second paragraph modified by M. Lavenay's proposition, in discussing the utility of common types "for the weight and fineness of the gold coin."

M. ESCHER, considered the question of similar fineness for the international coins as of great importance. Without this unity it would be very difficult to ascertain the true value of the pieces. It is their weight that gives the measure of their value. We must, therefore, have a unity of fineness, and the best for that is nine-tenths, on account of its decimal character. In a metrical point of view it would have been better if the convention of 1865 had adopted the fineness of eight-tenths instead of  $\frac{835}{1000}$  for the small coins.

M. STAS hoped that his single vote for an entire new system at the beginning of the conference, as offering the best chances for a monetary unity, will not influence his present observations on question eight. He thought with Baron de Hock that the adoption of the first question implies an adoption of the French system, and that it is indispensable for its monetary types. Unity of fineness must be admitted, because the real value of a piece is most conveniently ascertained by weighing it. Nobody has a true test always about him to ascertain whether his money is of a fineness within the limits of tolerance. The fineness of all coins must therefore be similar, and they must be of the metrical system.

The fineness of nine-tenths has this quality, and its prevalence in France, Italy, Germany, and the United States recommends it to those countries that have preserved the fineness of  $\frac{11}{12}$ , like England and Portugal.

After the question of fineness comes the common denominator, as five francs. The multiples of five francs would be 10, 15, 20, 25 francs, the correlative coinage of which would be very difficult. For instance, in the present pieces of 5, 10, and 20 francs, the diameters are 17, 19, and 21 millimetres. Now, if a 15-franc piece is coined, its diameter must be between 19 and 21 millimetres, and there would be but one millimetre difference between the pieces. It would be very easy to mistake these coins, particularly when we see 10 and 20 franc pieces so often mistaken. Why, then, make a piece between them in size?

M. STAS did not hesitate to say, that in presence of so many practical difficulties, besides the inconvenience of a system with so many gold coins, it would be necessary to raise the common denominator from five to 10 francs and supply the five-franc gold piece, which is so inconvenient it is often refused in Belgium, by an alloyed silver piece of the same value.

He thought Austria was wrong to make a 10-florin and four-florin piece, of 25 and 10 francs, because 10 has to be divided by four, which makes a system essentially defective in a scientific point of view. On the whole, he was for unity of fineness, and thought it ought to be nine-tenths, with the lowest types of 10 and 20 francs. The five-franc piece should be alloyed with silver, so as to make it more convenient in size, and no 15 or 25-franc pieces should be struck, because they are not scientific, and their practical utility is uncertain.

M. HAINDL, as director of a mint, protested against Baron de Hock's interpretation of the limits of tolerance. Certain tolerances are agreed upon, not to lessen pieces in weight and fineness, as Baron de Hock says, but solely on account of the impossibility of giving the exact weight and fineness that the coins ought to have. The tolerances above and below ought to compensate for the general wear on all coins.

M. JACOBI remarked that the question of tolerance explains itself. He thought a common fineness and tolerance should be adopted in coining the pieces. He said the second paragraph of question eight is not properly worded, and the labors of the conference will be vain, unless identity of weight and fineness is inserted in the first line.

His IMPERIAL HIGHNESS, in answer to M. Jacobi and other members, proposed to substitute the following phrase for the paragraph in question:

"Is it necessary to constitute common types for the weight and fineness of gold coins?"

This new formula is open to debate.

Baron DE HOCK preferred the original form; as the last mingles two distinct questions, namely, of weight and fineness. It is probable that all the members of the conference will vote for identity of fineness, and few for correlative identity in weight; for, with this double identity of weight and fineness, identical coins are produced, and there would be no need to establish partial coincidences between the coins of different countries, as mentioned in the first question.

Baron DE HOCK favored common types with identity of fineness, but opposed identity of weights, as that would cause identity of coins. M. Parieu's wording, where the two elements are distinct, is therefore preferable.

As to common types, it would be best to let each state make its own gold coins as it chose, provided it had one gold piece in common with the others. The same distinction might be made in these coins as in the union coins and territorial money of the convention of 1865.

Baron DE HOCK concluded by referring to Mr. Haindl's remarks, certainly caused by a

misunderstanding, as he regarded the question of tolerance precisely in the same light as his honorable colleague.

M. MEINECKE did not think it necessary to adopt an identical coin, but that a distinct concordant coin would be sufficient. It would be best to divide the question as proposed by his Imperial Highness, as he would vote for identity of fineness, even at nine-tenths but against identity of weight. He did not know if the four-thaler piece, so often mentioned in this discussion, could be struck in Prussia.

M. JACOBI thought that the adoption of coins of different weight and fineness, but equal in value, would remove present difficulties, and the money would be carried inland.

On the contrary, would not identity of fineness without identity of weight force each state to receive all foreign money that comes in, as is the case at present? Therefore identity of weight and fineness ought to be adopted.

M. VROLIK thought weight and fineness go together and ought not to be separated, so there is no cause to divide the question put by his Imperial Highness. What ought to be the common denominator of the common types, the 5 or 10-franc piece? M. Vrolik preferred the five-franc piece, because he believed in the necessity of the 15-franc piece for Prussia, south Germany, and Holland, which would certainly circulate extensively in central Europe. As M. Stas says, this 15-franc piece might be mistaken sometimes for the 20 or 30-franc piece, but to reach a monetary uniformity we must overlook some difficulties.

His IMPERIAL HIGHNESS thought the difficulty of fabrication not insurmountable, and the difference of five francs could easily be perceived. So thought M. Pelouze. The 15-franc piece might, therefore, be coined.

Mr. RUGGLES considered unity of fineness as essential. He will vote for the question as put by his Imperial Highness because the United States desire unification of fineness and weight.

M. ARTOM was of opinion that, as the conference is agreed upon identity of fineness, that part of the question might be voted on separately.

M. DE LAVENAY said, by identity of weight is meant correlative weight, and the adoption of the question as proposed does not force the adoption of identical coins. A piece of 15 francs and one of 10 francs, both of nine-tenths, have correlative weights. Identity of weight is the present question.

His IMPERIAL HIGHNESS said there can be no international money without identity of fineness and weight. There is no necessity, then, to modify the first paragraph of article eight as it now reads, namely:

"Is it necessary to constitute common types in weight and fineness for gold coins?"

M. WALLENBERG thought that as the conference is agreed on identity of title, that part of the question ought to be put to vote. He asked that the standard be fixed at nine-tenths, as Sweden has agreed, after many essays, that it is the best. These experiments were made when the metrical system was first attempted to be introduced, and which failed on account of the opposition of the clergy and country people.

His IMPERIAL HIGHNESS thought it best not to fix a fineness at present, till the vote becomes unanimous.

M. DE PARIEU said there is no absolute necessity for agreement of weights and fineness. For instance, an assimilation might be effected between the French monetary system and the English, if the sovereign were reduced to 25 francs, and it would not be necessary to reduce the fineness for that purpose. It would be a great advance without identity of weight and fineness.

On the other hand, there might be types of a common denominator without identity; for example, if the English should reduce their sovereign to 25 francs without our striking any coins of that value.

His IMPERIAL HIGHNESS said that would not be an international coin.

M. DE PARIEU replied that international money does not mean identical coins, but coins easily changed. Thus, the simple relation of 20 francs and 25 francs would constitute a sort of international community of a certain utility.

M. STAS was of opinion that, with equal value, weight is inseparable from fineness.

M. JACOBI agreed with M. Parieu. He thought unity will remain ideal in certain states, but that is of no importance; it is sufficient for coins to have simple relations.

Baron DE HOCK, who advocated common coins, admitted identity of fineness and identity of weight in coins of the same value. He would also like to see identity of diameter in these equal value coins. Yet to decide this more easily, he thought the two parts of the question should be voted on separately. One of the two might be decided unanimously.

His IMPERIAL HIGHNESS proposed M. de Parieu's reading in two forms:

"Should there be types with a common denominator for the weight and fineness in gold coins?" Or this:

"Should there be types with a common denominator for weight in gold coins of identical fineness?"

M. KERN seconded M. Parieu's motion for the term denominator, which may be theoretical, without obligation of coinage.

Several members expressed their preference for M. de Parieu's second reading, and his Imperial Highness put it to the vote. It was unanimously adopted.

His IMPERIAL HIGHNESS also proposed to vote on the question of international fineness, and suggests nine-tenths, which was unanimously adopted.

Mr. GRAHAM said he voted for nine-tenths only in case of an eventual recoinage.

His IMPERIAL HIGHNESS then put the question of a common denominator; but at the request of several members, the discussion was put off till the next sitting, which was fixed for Friday, 28th June, at 9 o'clock a. m.

The sitting closed at a quarter to 1 o'clock.

NAPOLEON, (JEROME,)  
Prince President of the Conference.

CLAVERY, *Secretary of the Conference.*

ROUX, *Secretary Adjunct.*

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INTERNATIONAL MONETARY CONFERENCE—SIXTH SITTING.

FRIDAY, June 28, 1867.

Prince NAPOLEON presiding. The sitting opened at 9 o'clock. Present, the delegates that attended the preceding meeting, except M. Fortamps, who was obliged to return to Brussels.

His IMPERIAL HIGHNESS announced that Señor José Polo, the representative of Spain in the conference, had to attend the Cortes in Madrid, and the Spanish government had appointed Count Nava de Tajo, sub-director in the department of foreign affairs, to take his place.

Count Nava de Tajo immediately took his place among the members of the conference.

The minutes of the fifth sitting were read and adopted.

His IMPERIAL HIGHNESS remarked that the conference adopted the first paragraph of question eight at the last meeting, under this form:

“Should there be types with a common denominator for weight in gold coins of identical fineness?”

The conference also adopted the fineness of nine-tenths.

Now it remains to fix a common denominator, as expressed in paragraph second of question eight, in these terms:

“What should be the common denominator? Must it be five francs?”

The debate being opened, M. DE LAVENAY advocated the advantages of the five-franc piece as a common denominator. With its multiples it coincides with many other coins; it nearly corresponds to the dollar and the sovereign; and it exists in the convention of 1865. The United States are ready to adopt it, and cannot make use of a higher unity without modifying their entire system.

In some countries, as in Belgium, as M. Stas remarks, if the mould or die of five francs is thought to be too small for convenient coinage and ready circulation, those states might be dispensed from coining it.

His IMPERIAL HIGHNESS said, Mr. Leone Levi declared at the conference instituted by the committee of weights, measures, and coins at the Universal Exposition, over which he presided yesterday, that the 10-franc piece, divisible into 100 pence, would be preferred in England.

Mr. WILSON, speaking for Mr. Graham, says, in his private opinion the 10-franc piece would have the advantage over five francs by giving a higher unity, which would be desirable for England in offering a more simple relation with the ordinary system of the franc.

Count D'AVILA would vote for five francs as a denominator, and agreed with M. de Lavenay that certain states may not be obliged to coin it, but they must receive it.

M. STAS insisted that the five-franc piece is too small for convenient coinage, and that it must be enlarged by silver alloy.

M. DUTILLEUL said that in France the five-franc gold piece is even yet a coin met only in cities, and but very little in the country.

Count D'AVILA adduced the example of Portugal, Spain, and the United States, where there is no complaint of the milreis, the 20 real, and the one-dollar piece, all which approximate the five-francs of the monetary union of 1865.

M. WALLENBERG repeated what he said on a former occasion in regard to the adoption of the denominator of the 10-franc piece, which agrees perfectly with the decimal system, whereas the 5-franc gold piece neither agrees with the decimal system nor with the system of the franc; 5 francs divided by 100 leaves the 5-centime piece entirely too small, while the 10-franc piece divided by 1,000 gives the centime, forming a good subdivision to the last degree of the monetary scale. He said it should be decided that all the states should coin the 10-franc piece, but be left at liberty to coin whatever other pieces they might choose. The United States might coin two-dollar pieces; that would be much more convenient than the one-dollar piece.

M. HERBET did not agree with M. Stas in thinking the Belgians so much opposed to the 5-franc gold piece.

Baron DE HOCK favored the 5-franc common denominator, as the lowest possible to be convenient.



M. VROLIK also preferred it, as it will allow the coinage of 15-franc pieces, and will suit the silver standard countries that have the thaler and florin.

M. MEINECKE could not say at present what gold coin would be best suited to Prussia and the German states, if they hereafter decide to change the silver for the gold standard; nor could he say that they would readily adopt any coin easily convertible into French gold pieces, as it might be against the interests and opinions of the people. They might adopt the crown of the convention of 1857, nine of which contain 310 francs in gold.

M. MEINECKE gave these reasons for not voting on the question of a denominator.

M. JACOBI approved of adopting the five-franc piece as a denominator, but inquired why a five-franc platina piece could not be coined with a weight of five grams, or 1,000 francs per kilogram. This was suggested by M. Stas's remarks.

His IMPERIAL HIGHNESS replied that the platina would have to be purchased from Russia, in the first place, and moreover that the experiments that have already been tried have failed. In any event, the platina piece would be considered as "*billon*," and the conference is not concerned with that particular kind of coinage.

M. JACOBI replied that platina could be coined now under more favorable circumstances than formerly, considering the improved treatment of that metal, thanks to the labors of Messrs. Henri, Saint Clair Deville, and Debray. He adds that Russia is not the only country where that metal has been found; it has been discovered in considerable quantities in various parts of South America.

M. FEER HERZOG was surprised at M. Stas's objections to the five-franc gold piece; it passes readily in Switzerland, it represents the piastre of many countries, which was the universal currency for a long time, and when brought into America by the Spaniards gave rise to the dollar. M. Jacobi's suggestion could not be adopted, as it would be dangerous to introduce a new metal, and platinum is too hard to take the place of gold and silver for money.

M. JACOBI replies that from his own experiments and others platina is easily coined, and is predestined by its nature to become the universal metal for money, when it shall be found in sufficient abundance.

Mr. RUGGLES said the gold dollar, notwithstanding its dimensions, is well liked in the United States.

His IMPERIAL HIGHNESS proposed to put to vote the second paragraph of the new question eight; by adding to five francs the words, *or its multiples*, so as to allow Sweden to vote in the affirmative.

M. ARTOM thought the reduction too great, as there should be but one common denominator.

Mr. GRAHAM remarked that if five francs is adopted as a denominator, all accounts in England must be kept in dollars.

M. DE PARIEU thought the denominator should be certain; he proposed to vote on five francs as a denominator, leaving out "*or its multiples*," because a single figure is best for a denominator.

His IMPERIAL HIGHNESS put the question to vote, and it was adopted by 13 to 2. England and Sweden voted no; Prussia, Bavaria, the grand duchy of Baden, Wurtemberg, and Belgium did not vote.

The ninth question was next opened for discussion:

"In case gold is adopted as the international metal, would it be expedient for the types of the coins determined by the monetary convention of the 23d December, 1865, for the sake of unification and reciprocity, to be completed by new types; for instance, by pieces of 15 and 25 francs? In this case, what should be their dimensions?"

On motion of his IMPERIAL HIGHNESS, the second part of the question was left out, because details, such as the dimensions of the coins, would be more properly discussed when the governments shall agree upon executive measures.

Baron DE HOCK thought we should first agree upon common coins, that is, money that would be a legal tender in all the states.

M. DE PARIEU replied that, laying aside the question of legal tender, the proposal of common types has been accepted by the fact of the adoption of the affirmative on the preceding question. With a common denominator, it is evident there will be pieces and common types, practically, if not from absolute necessity. The interest, then, in question nine is reduced to technical explanations on the coinage of 15 and 25 francs solicited by the directors of mints, and the discussion of obstacles to the decimal system.

Viscount VILLA MAJOR thought it sufficient to admit 5, 10, 20, and 25 franc pieces.

Mr. RUGGLES particularly insisted upon the interest felt by the United States in obtaining the consent of France to coin pieces of 25 francs, thereby revising the convention of 1865. The American half-eagle and the English sovereign would readily circulate side by side with the French 25-franc piece, on conditions of perfect equality.

Copies of his written argument, presenting the considerations in favor of the measure, were distributed among the members. This document, containing many statistics, is annexed to the present minutes.

His IMPERIAL HIGHNESS informed Mr. Ruggles that France does not object to his proposition; but the convention of 1865 being in force, the French government must have an

understanding with its associates; but that the revision of that diplomatic act, on the point in question, would undoubtedly meet with no difficulty.

M. ARTOM thought the Italian government would not object to receive the 25-franc pieces, provided it was not required to coin them.

M. BROCH wanted the types of the universal coins to be as few as possible. He thought the states should not be required to coin, or even to receive, the 5 and 15 franc pieces. One is too small, and hard to preserve of exact weight, as M. Stas remarks; the other is useless, as it would only suit Germany, where they are disposed to coin the *marc*, twenty of which would equal 25 francs.

Baron SODEN remarked that the 15-franc piece would suit the south German states. As the differences of opinion seem to be confined to the 15-franc piece, his Imperial Highness proposed to vote first on the adoption of the 25-franc piece.

M. HERMANN, taking up Baron de Hock's proposition, insisted that the conference first vote to know whether only one coin is to have legal currency in all the contracting states.

Baron DE HOCK said, in fact, the conference has not yet declared that the coins of one state should be received by all the others. Without such reciprocal reception there would be no monetary community. After the committee has decided this general question, M. Hermann's might be next examined, namely: "Whether this acceptance is to apply to all the coins of the monetary system, or only to some of them?"

M. DE PARIEU, in reply to Baron de Hock, put this question: "Are the five-franc gold coins to be received in the public banks of the states that are bound by the monetary convention?"

M. STAS proposed to substitute the words *legal circulation*, for *received in the public banks*. He said, as the convention of 1865 only contained this last stipulation, the Bank of France, without giving reasons, refused to receive 155,000 francs in Belgian gold. If it feared a surfeit of that kind of money, it might rest quietly, as only 4,800,000 francs in gold have been coined in Belgium since the convention.

M. FEER HERZOG said it is true the contracting states only obliged the public banks to receive the union money in 1865, because they did not wish to force their citizens to accept foreign money; but it was officially declared at that time by the board of directors of the public funds, that when the public banks in France received the union money their example would be followed by all the other large credit establishments.

M. DE PARIEU feared it might cause some trouble in remote localities if the union currency were now made a legal tender among private individuals, instead of only being receivable in public banks. Tax collectors might readily recognize the different dies of the gold pieces with the denominator of five francs; but individuals would be puzzled by the foreign effigies on the coins imposed upon them.

M. DE LAVENAY thought that inconvenience might result if small change, with intrinsic value below the nominal, were forced into circulation; but we are now speaking of coins of a real value equal to their legal value.

Mr. RIVERS WILSON had doubts about the words "legal circulation;" he asked what would be the result of a limitation to the amount receivable in payment, as in the case of silver small change?

His IMPERIAL HIGHNESS said the question was not about coins with a limited circulation; he approved of the words "legal circulation," because they mean that the international money must not be refused, and the people will then accept it willingly.

He proposed this new wording: "Shall the gold coins with the common denominator of five francs have legal circulation in the states that are mutually bound by the monetary convention?"

On M. Stas's proposition, the word "coins" was substituted in place of the words "the coins," as being more restrictive, and expressing certain coins.

The question thus put was adopted unanimously.

The delegates from England, Prussia, Wurtemberg, and the grand duchy of Baden did not vote.

His IMPERIAL HIGHNESS recalled the discussion of the 25-franc piece.

Mr. RUGGLES wished it to be well understood that the United States particularly desire the adoption of the 25-franc piece as a type.

Mr. GRAHAM thought there should not be so many different pieces. The introduction of the 15 and 25-franc pieces into the French system would be a defect; it would be better to stop at the 20-franc piece. He inquired if France really intended to coin 25-franc pieces.

His IMPERIAL HIGHNESS replied that certainly, if France consulted only its own convenience, she would see no necessity for issuing this new coin; but to facilitate the work of unification, the object of the labors of the conference, it would make the concession requested by the United States. It also appeared that the coinage of the 25-franc piece would equally accommodate both England and Austria.

Count NAVA DE TAJO said that the coin would also accommodate Spain.

M. STAS agreed with Mr. Graham in believing if a new system is not to be adopted we ought to adopt the French system, without change, and not multiply subdivisions.

His IMPERIAL HIGHNESS thought the bases of the convention of 1865 ought to be enlarged, in order to effect assimilations that it has not yet offered the means of realizing.

M. STAS thought the bases of the convention of 1865 were too large already, and that the five-franc piece ought not to remain in it.

M. JACOBI said if experience shows the five-franc piece to be too small for convenient circulation, it will soon disappear.

The question on the 25-franc piece being put to vote it was unanimously adopted. Prussia, the grand duchy of Baden, and Wurtemberg abstained from voting.

His IMPERIAL HIGHNESS then proposed the opening of debate on the 15-franc piece.

M. VROLIK insisted on the admission of the 15-franc piece in the universal monetary circulation.

M. DE PARIEU seconded the motion, because he thought it would prove acceptable to many densely populated states.

Baron SODEN answered for Wurtemberg in accepting M. Vrolik's proposition.

Baron DE HOCK thought there was no present necessity for adopting the 15-franc piece, because Holland has not yet come into the monetary union, and the coin in his opinion would be of no use in the German states.

M. VROLIK replied, that without speaking for his government, he indicated the 15-franc piece as a means of inducing a certain number of states to join the monetary union.

M. DE PARIEU did not see why Austria objected to the 15-franc piece when it was demanded by Holland, and suited south Germany. The Austrian commission of April last adopted the 10 and 25-franc pieces. By adding a 15-franc piece to the 10-franc piece, Austria would have the two elements composing the piece of 25 francs in gold.

M. ARTOM demanded that, in any event, it be laid down that the states should be bound to accept the 25-franc piece, but not to coin it.

M. MEINECKE regretted that he could not vote on this question any more than he could on the other; but to come to a decision it will be necessary to know what Prussia wants. Now there is no fixed opinion in that country, but a monetary uniformity is certainly desired. All he can do is to vote for the gold standard, but in minor questions he can take no part. He has no idea of their effect, for he does not know when or how Prussia will pass from the silver to the gold standard. It could not be done now without producing a monetary crisis in Prussia, which is not in the same situation as France in that particular. The latter would not have so many sacrifices to make as the former in the transition to the proposed monetary unification.

M. KERN came to the conference intending to vote personally and without committing his government for all propositions that would contribute to the formation of a monetary union more extensive than that of 1865, but resting always upon the same basis. He did not speak for his government. Without regard to preference to the country he represents, in a spirit of conciliation, he voted for the 25-franc piece because the delegates from Austria and the United States made this concession, and he believed England would do the same. But he was surprised to hear the delegate from Great Britain say the 25-franc piece did not appear to him to be useful.

M. KERN did not see the convenience of adopting the 15-franc piece so long as the states particularly interested, and especially Prussia, have not pronounced in its favor.

Mr. RIVERS WILSON, speaking for Mr. Graham, said the delegate from Great Britain placed himself in a purely theoretical point of view when speaking of the acceptability of the 25-franc piece. It would be rather injurious than useful to the general economy of the French system, but it would not be so in a monetary union between England and France.

His IMPERIAL HIGHNESS sincerely regretted this disagreement. If the discussion of the members is theoretical, it is only in the sense that it does not bind their governments, as if they had plenary powers; but this conference is not here for speculative studies; its aims are definite and practical, to which it is the duty of all its members to direct their efforts.

Mr. RIVERS WILSON replied that England could not but appreciate the intention with which it has been proposed to introduce the 25-franc piece.

M. DE PARIEU remarked that the words *by reason of reciprocity* were designedly inserted in question nine, now under discussion. They are always understood, and with this reserve M. de Parieu saw no inconvenience in coining and circulating 15-franc pieces. To repeat the lively remark of his Imperial Highness in respect to the 25-franc piece, it would be an *invitation* to the states that think they are not yet prepared to decide.

M. HAINDL, while confessing that the 15-franc piece would suit the German states, remarked that there would be a difference between it and the seven florin or four-thaler piece of  $1\frac{1}{2}$  per cent. in favor of the former. It would therefore be necessary to increase the value of the thaler or florin, which is their present monetary unity. That, perhaps, explains the hesitation of the German states.

Baron SODEN said that while favoring the 15-franc piece, he did not forget that the treaty of 1857 still binds Wurtemberg and the states that have signed it, with the exception of Austria.

M. DE PARIEU observed there is no other gold piece but the 15-franc piece that can bring Prussia, south Germany, and Holland into the monetary union. Now what ought the conference to propose? It ought to prepare a common ground and point out all possible communications between the existing systems.

Count d'AVILA approved of this, and said the conference ought to decide at once, either for or against the admission of the 15-franc piece, so that the decision might serve hereafter as a point of departure in further governmental resolutions.

M. KERN, for reasons already given, thought the states interested ought to wait for more precise declarations than have been given.

M. ARTOM, not wanting to see the 15-franc piece positively rejected, proposed to decide by vote if the question should not be reserved.

His IMPERIAL HIGHNESS consulted the delegates to know if any state wished to exclude the 15-franc gold piece from the monetary union.

The conference replied negatively to the question, with the exception of Sweden and Norway.

His IMPERIAL HIGHNESS then put the question: "Shall the 15-franc piece be mentioned in question nine, or shall it be reserved?"

Seven states voted for the mention, seven against it, and six did not vote.

Those in favor were: France, Spain, the United States, Greece, the Netherlands, Portugal, and Russia.

Those against were: Austria, the Grand Duchy of Baden, Switzerland, Italy, Denmark, Sweden and Norway.

These states did not vote: Bavaria, Belgium, Great Britain, Prussia, Turkey, and Wurtemberg.

Question ten, in relation to silver or alloyed coins, was next read. The conference decided that the question could not be settled then.

The proposal of Baron de Hock and M. Jacobi, relative to the principle involved in question 11, concerning the control to be exercised in the coinage of the common types of the international money, was approved by a unanimous vote. As to measures of verification and control, they will be specified in the arrangements between the states, and the negotiators may refer to the conventions of 1857 and 1865.

M. DE PARIET, observing that the Baron de Hock had prepared a note upon the question, it was voted that the note be annexed to the minutes.

The VICE-PRESIDENT of the conference said the 12th question was proposed in case the delegates did not agree on any of the principles laid down in the first part of the list. As this did not happen, and the question of a standard was unanimously agreed upon, the conference decided that the 12th question be suppressed.

On motion of his Imperial Highness, the conference adjourned till Tuesday, the 2d of July, in order to come to an understanding upon the best means to realize the desires of the conference.

The sitting closed at half past 12, noon.

NAPOLEON, (JEROME),  
Prince President of the Convention.

CLAVERY, Secretary of the Conference.

ROUX, Secretary Adjunct.

FIRST APPENDIX TO THE MINUTES OF THE SIXTH SITTING.

*Note, or written argument, presented by Mr Ruggles, delegate from the United States of America, at the sixth sitting, on the 28th of June, 1867.*

The delegate from the United States of America proposes that France shall issue a 25-franc gold piece.

If it be objected that such a piece, not containing an even number of grams, would impair the symmetry of the metric system, it need only be stated that France has not, and never has had, a gold coin containing an even number of grams. The relation in value between silver and gold having been fixed by law at  $15\frac{1}{2}$  to 1, it became impossible to establish a decimal relation between the two metals: or, in other words, between the number of francs which represent only silver, and the number of grams in the coins of gold. This legal relation of  $15\frac{1}{2}$  to 1 is itself fractional, and must be doubled and carried to  $3\frac{1}{2}$  to make even numbers.

The frank is simply a monetary word, which expresses 5 grams of silver nine-tenths fine. It is the French monetary unity. Gold having a value of  $15\frac{1}{2}$  times greater than silver, it requires  $15\frac{1}{2}$  francs each of 5 grams of silver (say  $5 + 15\frac{1}{2} = 77\frac{1}{2}$  grams) to buy 5 grams of gold, or 155 grams of silver to buy 10 grams of gold. As 31 is the smallest even number of this relation, 31 is the smallest number of francs which can be represented by a piece of gold having an even weight of grams. No enlightened government would consent to confine its gold coinage to pieces of 31 francs and its multiples. We therefore perceive that France has made complete abstraction of metrical weight in its gold coins, not one of which weighs an even number of grams.

The gold piece of 5 francs weighs.....	1.6125	grams.
" " 10 " .....	3.2250	"
" " 20 " .....	6.4500	"
" " 50 " .....	16.1250	"
" " 100 " .....	32.2500	"

The proposed 25-franc piece would weigh 8 grams .0625, and, in fact, would more nearly approach an even metrical weight than any French gold piece now existing.

This relation of  $15\frac{1}{2}$  to 1 is practically prescribed by the French law, which enacts that 155 (5 + 31) pieces of 20 francs, being 3,100 francs, shall weigh 1,000 grams, or one kilogram; but the same ratio would exist between 124 (4 + 31) gold pieces of 25 francs, which would also contain 3,100 francs, and would also weigh one kilogram.

The United States have never attempted to fix a decimal weight for their gold coins, although they were among the first to adopt a decimal monetary system. The present gold dollar weighs 25.8 grains troy, which is about equal to 1.671 milligrams, and exceeds the metrical weight of the French 5-franc piece about  $58\frac{1}{2}$  milligrams.

A gram of gold nine-tenths fine is equivalent in round numbers to 30 pence English, or 60 cents of the United States. Consequently  $58\frac{1}{2}$  milligrams taken from the dollar would reduce it about  $3\frac{1}{2}$  cents, or 292 $\frac{1}{2}$  milligrams taken from the half eagle of five dollars would reduce it 17 $\frac{1}{2}$  cents, being about  $3\frac{1}{2}$  per cent.

It is needless to expatiate on the comparative merits of a decimal, a duodecimal, or a binary system, for the reason that the decimal system has become a fixed fact in a large portion of the civilized world, rendering any change practically impossible. In like manner the unification of the coinage of the world has become a question of a nature more practical than scientific in character, chiefly falling within the domain of commerce and finance.

The "international committee on uniform weights and measures and coins," charged with the preliminary study of the question, took into consideration not only what is theoretically and abstractedly possible, but what is commercially and financially practicable. The subsequent duty of fixing a common coin as the monetary unit required an international conference, composed of representatives duly accredited, from the various nations, and vested with diplomatic powers.

If the labors of the international committee were to prepare the subject for a diplomatic conference, it might well state that so large a reduction as  $3\frac{1}{2}$  per cent. in the gold coin of the United States would seriously affect existing contracts, and that such a change would only be sanctioned by the government and the people of the United States in order to assure to mankind the greater and more important benefit of a common currency throughout the globe. As the expense of recoinage would be considerable, and will increase in proportion to the production of gold in the United States, the change must be made immediately if made at all. It should be remembered that the population of the United States, now near 40 millions, will probably exceed 100 millions at the close of the present century, in the short space of thirty-four years.

Long before that time the annual product of gold and silver in the United States will be greatly facilitated and increased by the completion of the Pacific railroad across the continent, and now in rapid progress, which will open outlets to both of the oceans for our wide-spread metallic interior, now so difficult of access. Its annual product, now nearly 100 millions of dollars, may eventually reach 300 or 400 millions. The money of the world must be unified now or never.

It is fortunate that the gold sovereign of Great Britain, around which the prejudices of the English people naturally cluster, only requires to be reduced to the value of 25 francs, a diminution of 64 milligrams in weight of fine gold, being a reduction in value of only 2 pence English, or 4 cents of the United States. In truth, the reduction to be made by Great Britain is less than one-fourth of that required from the United States.

The great and inevitable injury that must result from undue delay in unification in an epoch like the present, when the product and coinage of gold is so rapidly increasing, will more clearly appear from the following gold statistics of the three largest coining nations.

I. The United States of America, in the fifty-seven years from 1792 to 1849, next preceding the great discoveries of gold in California, coined in gold only \$85,588,038; being in francs, at five to the dollar..... 427,940,190  
From June 30, 1849, to June 30, 1851, the two first years of the auriferous era, the issue was \$94,596,230; or in francs..... 472,981,150  
In the fifteen succeeding years, ending June 30, 1866, it was \$665,352,323; or in francs..... 3,326,761,615

Total in dollars, \$845,836,591; or in francs..... 4,227,682,955

(Of this amount, \$146,923,622 was stamped in bars.)

II. The present gold coinage of Great Britain dates from 1816, the year of its reform. From 1816 to 1851, thirty-five years, there was coined in gold £96,021,151; being in dollars, at five to the pound, \$480,105,755; in francs..... 2,400,528,775

In the fifteen years from 1851 to 1866, £91,047,139; being in dollars, \$455,233,695; or in francs..... 2,276,178,475

Total dollars, \$935,341,450; or in francs..... 4,676,707,250

III. In the the 58 years from 1793 to 1851. inclusive, France coined in gold \$324,492,516; or in francs.....	1,622,462,580
(Of this amount only \$107,605,088, or 538,024,440 francs, was coined by Napoleon I.)	
During the 15 years from 1851 to 1866 there was coined by Napoleon III, \$987,728,298; or in francs.....	4,938,641,490
Total coinage of gold by France, \$1,312,220,814; or in francs.....	<u>6,561,104,070</u>

*Summary for the three nations.*

Before 1851, by the United States.....	\$180,184,268	
by Great Britain.....	480,105,755	
by France.....	324,492,516	
		\$984,782,639
From 1851 to 1866, by the United States.....	665,352,323	
by Great Britain.....	455,225,695	
by France.....	987,728,298	
		<u>2,108,356,316</u>
Total gold coinage of the three nations.....		<u>3,093,098,855</u>
or 15,465,494,275 francs		

If we add to this enormous sum the gold coinage of Prussia, Russia, Austria, and other important countries of Europe, we can judge of the importance of a monetary unification that would give the same circulation, the same character, and the same value to this entire mass, and of the sums which would be saved, now needlessly expended in recoinage, brokerage, and exchange.

Of the gold of these three nations, we see that France furnishes \$1,312,220,814 which would not require recoinage; while a considerable portion of the residue, (\$1,780,878,041,) furnished by Great Britain and the United States, would need to be recoined to unify the money of the civilized world. From the latter amount we must deduct—

1st. What has been already recoined by France, deducting the French gold recoined by Great Britain or the United States.

2d. What has been lost or used in the arts.

3d. Coins so much worn as to be reduced to the weight of the number of francs they should represent. This last reservation will apply almost exclusively to the coins of Great Britain, many of which have worn off the one per cent. of the required reduction, while very few of the coins of the United States have lost their excess of three and a half per cent.

It is, moreover, to be considered that the United States and Great Britain may continue to add, for many successive periods of 15 years, the gold to be produced in America and Australia, which will, probably, fall little short for each period of \$655,352,323 for the United States, and \$455,235,695 for Great Britain—the amounts respectively coined during the 15 years just elapsed. We will not dwell upon what cannot be forgotten, the possibility of a still more enormous product that would result from the more extensive developments and discoveries in the vast auriferous interior of the United States, a field as yet only partially explored.

Without going too far in measuring the gigantic monetary future in reserve for the world, we simply say that the work of unification cannot begin too soon.

It is by no fault of France, but her good fortune, that the burden and inconvenience of the recoinage and the modification of contracts will be almost exclusively borne by the United States and Great Britain, while France, with her six milliards of gold in circulation, will share without cost in the general advantage and the honor of having unified the money of the world.

It is under these circumstances that it is asked, in the name of the United States, that France, in a spirit of wise liberality, will effectually contribute, as she easily may, to the great work of practical unification by adding the 25-franc gold piece to her present coins.

Such a coin will circulate side by side everywhere, and in perfect equality, with the half-eagle of the United States and the sovereign of Great Britain.

The three gold coins, types of the three great commercial nations, fraternally united and differing only in emblems, will go hand in hand around the globe, freely circulating through both hemispheres without recoinage, brokerage, or other impediment. This opportune concession of France to the spirit of unity will complete the work of civilization she has so much at heart, and will inaugurate that new monetary era, the lofty object of the international conference and the noblest aim of a concourse of nations, as yet without a parallel in the history of the world.

## SECOND ANNEX—BARON DE HOCK'S OBSERVATIONS ON THE MEANS OF CONTROL.

*Eleventh question.*

It is necessary to fix the following principles :

1st. The money shall be coined of its full standard and weight, without abatement for coinage or any remedy ; in no case must there be connected any particular interest, in view of any profit, with the fabrication of money.

2d. The kilogram shall be established as a weight for the common coins ; the weights used by the mints must be made after a common normal weight.

3d. Common methods of assay and equal limits of tolerance for standard and weight of the common coins must be agreed upon.

4th. Coins of the same value must have the same diameter ; they shall bear the date of the year when they were coined.

5th. When many pieces coined in the same year are found to be defective, by a process to be agreed upon, the government in default shall call in all the pieces issued in that year.

6th. An understanding shall be had as to the method of withdrawing from circulation all clipped coins, those diminished in weight beyond the limits of tolerance, or those on which the inscriptions have become illegible.

7th. It shall be held as a principle that each state shall punish violations of the monetary laws of the other states, as well as infractions of their own laws, and on this principle a monetary cartel shall be agreed upon.

## INTERNATIONAL MONETARY CONFERENCE—SEVENTH SITTING.

TUESDAY, July 2, 1867.

Prince Napoleon presiding. The sitting opened at half past 8. Present, the delegates that attended the preceding meeting and M. Fortamps, with the exception of M. Delyannis. The minutes of the sixth sitting were adopted.

M. DUTILLEUL regretted that the conference decided at its last meeting in favor of the legal currency of gold coins of five francs in the states uniting in a monetary convention. He preferred to declare those coins receivable in the public banks, and wished this opinion of his to be inserted in the minutes of the present sitting.

M. JACOBI asked an explanation of the words *cartel monétaire*, used in Baron de Hock's seventh observation, inserted at the end of the sixth report.

M. PARIEU replied that it was an arrangement between states to punish counterfeiters. He added, that in France the penal code furnished all the arms necessary to reach counterfeiters.

Chevalier ARTOM observed that all conventions of extradition contain provisions applicable to counterfeiters.

His IMPERIAL HIGHNESS then stated that the conference had reached the theoretical terminus of its deliberations. The business now is to analyze and specify the results of its labors, and then to come to an understanding about the means of arriving at a practical solution.

His IMPERIAL HIGHNESS proposed to intrust to the vice-president of the conference the care of embracing in an abridged report the facts and decisions stated in the minutes.

In regard to the means of arriving at a practical solution, they might be comprised in the three following propositions, which his Imperial Highness would submit to the conference :

1st. Ought the states to agree upon a general arrangement ?

2d. Ought the countries that wish to make separate arrangements confer with the states of the convention of 1865 ?

3d. In any event, what must be done to arrive at a practical result ? Has the time arrived for laying the question before the different governments ?

Baron DE HOCK wished an understanding between special conventions and the states of the convention of 1865, and not by separate and isolated legislative measures.

\* Chevalier ARTOM thought that, even in a theoretic point of view, a decision should at once be made by the conference in favor of M. Hock's proposition.

Count D'AVILA, while agreeing to the general mode of proceeding proposed, did not see the necessity of a special arrangement in what concerns, for instance, Spain and the United States, both having adopted the fineness of nine-tenths, for all they would have to do would be to bring their coins to the weight of the 5-franc piece or its multiples. After doing that it would be enough for them to accede to the convention of 1865.

Baron DE HOCK insisted upon the necessity of special arrangements, as he proposed. It was not only necessary to agree upon the fineness and weight to constitute a monetary unity ; the entire process, from the metallic composition to the means of control, should harmonize, and the monetary regulations in the states of the union should give assurances of stability.

M. FORTAMPS agreed with M. de Hock. When one state gives legal currency to the coins of another state, it is essential that the fineness, weight, tolerance, control, &c., should be

similar on both sides. Under this implied reserve the right of accession was inscribed in the convention of 1865.

M. HERBET said the reserve had already been used. The Papal States and Greece have declared themselves ready to accede to the convention of 1865. The request was considered by the French government and submitted to the three other co-signing governments.

M. FEER HERZOG thought that accession to the treaty of 1865 ought to be the subject of a formal convention to assure identity of fabrication.

Count D'AVILA agreed with MM. Hock, Fortamps, and Feer Herzog on the necessity of assuring the identity of fabrication in all coins received in the states of the proposed union: and he thought that, as soon as these conditions were complied with and were recognized by the states that signed the convention of 1865, they should have the right of accession to the convention without any new action on the subject. It should be well understood that the arrangement will only relate to gold pieces as a universal coin.

M. JACOBI thought that the arrangement of 1865 does not expressly stipulate the adoption of gold as a standard, as voted unanimously by the conference. Certain states should unite on this principle at first, and then the contracting states of 1865 could more easily join them. Other countries might come in afterwards.

His IMPERIAL HIGHNESS replied, it was not so easy for the French government to take the lead in the selection of a standard as M. Jacobi thought. The adoption of the gold standard, exclusively, would require a modification of the French law, and, of course, the subject would have to be laid before the legislature. The double standard had many staunch advocates in France, who would certainly oppose the withdrawal of silver from circulation. At least it would be very useful for the government to rely on diplomatic arrangements, already concluded, showing that the principle of the single standard is admitted both in theory and practice by many other states, when the subject is laid before the legislature. It is a simple subject for domestic consideration.

M. PARIEU thought the interest of the states alone would be sufficient to bring about a diplomatic arrangement. It may not be necessary for the conference to decide this question absolutely. In fact, the countries that think proper to revise their interior legislation at once, introducing the principles adopted by the conference, would not hesitate to solicit an accession that would insure the benefits of internationality to their new coins.

The Papal States and Greece have acted in this manner; the pontifical government, in particular, that had placed the monetary regulations of the Roman States in harmony with the convention of 1865, with some differences as to what concerned the admission of a division of 2 francs 50 centimes, soon renounced the last provision in order to accede to the convention in question.

M. KERN thought that despite the favorable dispositions shown by many countries, a general understanding upon the application of the principles admitted must take place slowly, by successive accession to the states that compose the monetary union of 1865.

Mr. RUGGLES seconded Baron Hock's motion, so far as his instructions would allow. He said that on the 27th of May last, when M. Berthemy, the French minister in Washington, invited the government of the United States to participate in the present conference, he declared that its object was to exchange views and discuss principles, but added this important clause, "to seek for a basis for further negotiations." By reason of that communication, Mr. Seward, the Secretary of State, empowered him (Mr. Ruggles) "to represent the government of the United States in the proposed conference to the extent and in the spirit of the letter of the French minister above mentioned."

Neither in terms nor spirit does that letter limit the labors of the conference to the discussion of abstract principles; on the contrary, it plainly declares the principal object of the conference to be "to seek for a basis for further negotiations."

Fortunately, this end has been attained. The conference has sought out and discovered the desired basis, not a vague, changeable, and uncertain one, but the basis of a fixed and fundamental system, the principal points of which are these:

First, a single standard of gold; second, coins of equal weights; third, coins of equal fineness; fourth, coins divided according to the decimal system; fifth, 5 francs as the unit.

The propagation of a system thus defined would practically complete the labors of the conference. The details of application could not be attended to at present; they should be regulated by some subsequent conference, or by the different states separately.

M. WALLEMBERG wished to mention a remarkable fact. By a ukase of the 11th November, 1865, the Russian government introduced a monetary system in Finland almost identical with that of the franc, the difference not exceeding the limits of toleration. Now, if the Russian government would extend these provisions to the other provinces of the empire, an important assimilation would be realized.

He added that, in his opinion, a general understanding should be had only on gold coins, upon the basis of the convention of 1865. Each state would be free to coin its silver change as it pleased.

M. PARIEU proposed this paragraph, which he thought would be acceptable to all the delegates:

"The conference expresses the hope that the measures taken by the governments of the



different states to modify their monetary system, in conformity with the basis laid down by the conference, may end in diplomatic conventions."

The paragraph was unanimously adopted.

His IMPERIAL HIGHNESS suggested the fixing of a time for the different governments to make known their decisions upon the resolutions voted for by their delegates, and the ultimate steps to be taken.

M. KERN thought it should be put off till the end of the year, or till November, so as not to hurry the governments in their decisions. After the expiration of that term, there might be no occasion to call the whole conference together; the French government could invite the states that should express a desire to enter into negotiations immediately to send delegates to a new conference.

Chevalier ARTOM and M. WALLENBERG proposed a delay of three months.

Mr. RUGGLES said the government of the United States could not give a positive answer till the subject had been submitted to Congress, which would not meet before the 1st of December next; he therefore proposed to fix the term for the 15th of May, 1868.

M. MEINECKE would report to the Prussian government as soon as the labors of the conference were closed; but he was sure the answer could not be positive unless sufficient time was granted, because his government could not decide the question without consulting the North German Confederates and the governments that signed the convention of 1857.

M. HERMANN assented, as far as Bavaria was concerned.

M. VROLIK wished the term to be more than three months, and added that Holland could not decide till it learned the intention of the German states.

Count D'AVILA said it was well to avoid every act that would embarrass the free action of the governments. Let the French government communicate the resolutions, voted by the conference, to the different states, request a prompt answer, collect the answers, and then call a new conference, if necessary; that was the best thing to be done.

M. KERN agreed to it, adding that the French government might agree beforehand about that convocation with the other states that signed the convention of 1865.

M. JACOBI was of the opinion that the states that have signed the act ought to form but one group in agreement, so as to give but a single answer.

His IMPERIAL HIGHNESS saw no objection to accepting Count d'Avila's proposition, and concurred in the remarks of M. Kern and M. Jacobi, but he still thought it well to fix a certain delay.

M. HERBERT proposed to fix upon the longest delay, with the right to anticipate it in diplomatic language, by adding, "within six months, or sooner if possible."

MM. FORTAMPS and WALLENBERG insisted that the delay should not be too long. It was not necessary to present the question to the legislatures of the different countries before the governments made known their intentions. As often happens, the negotiation could take place, then the diplomatic act in consequence could be submitted to the legislative assemblies, according to the constitutional forms of each state.

His IMPERIAL HIGHNESS asked the English delegates what time they would require.

Mr. RIVERS WILSON replied that the longer the time given, the greater chance for a satisfactory answer from his government. He feared that by hurrying the decision of the English government no good would be effected. He proposed the 1st of June. Mr. Rivers Wilson added that, on the whole, he could not promise a final decision for England at any fixed time. If the British government was disposed to adopt any measures, it would probably limit them to an inquiry to be made by a committee of the House of Commons, or by a royal commission.

Mr. RUGGLES earnestly urged the adoption of the 15th of May, 1868.

M. HERBERT thought if a state desired to treat upon the enlarged basis of the convention of 1865, before the expiration of the delay voted by the conference, no opposition should be made to its entering into immediate negotiations with one of the states signing the diplomatic act.

After discussion of the time to be fixed, his Imperial Highness put to vote this proposition of M. Parieu:

"As soon as answers shall be received from the different states to the communication officially made to them of the labors of the conference by the French government, that government, in accordance with the answers that may be received, will call a new conference, if necessary.

"It is desirable that answers should be received before the 15th of February next."

The first paragraph of the proposition was unanimously adopted. The vote on the second was as follows:

The following voted for the 15th of February, 1868: the Grand Duchy of Baden, Bavaria, Denmark, the Netherlands, Portugal, (adding, "or sooner if possible,") Prussia, Russia, (or sooner if possible,) Switzerland, Turkey, Wurtemberg.

The following voted for the 1st of October, 1867: Austria, Belgium, Italy, Sweden, and Norway.

The United States voted for the 15th of May, 1868; Great Britain, for the 1st of June, 1868.

France and Spain did not vote. Count Nava de Tajo said he did not vote because he was not instructed by his government, but he was sure that Spain would act with the majority.

The conference having decided all the questions it was called upon to discuss, his Imperial Highness thanked the delegates for their enlightened assistance.

It was then agreed that the conference should once more assemble to adopt the minutes of the present sitting, and to hear the reading of the report that M. Parieu had been kind enough to prepare.

The sitting closed at 11 o'clock.

NAPOLEON, (JEROME.)

Prince, President of the Conference.

CLAVERY, *Secretary of the Conference.*

ROUX, *Secretary Adjunct.*

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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-Maior, 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 Parieu 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 in 1855 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 unani- mously 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 15 and 25 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 10th and 11th 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 12th 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 inconstancy. 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 nine first 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 centre 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 *tira* 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 rouble, 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 units 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 their 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:

Æra debant olin: 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 doubled 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 a 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 25 francs came to the pound sterling,

the half eagle of 5 dollars, and a piece adopted by the Vienna conference to represent the value of 10 florins. This type of 25 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 15 francs, the approximate equation of 7 florins of the Netherlands and South Germany, and of 4 thalers of North Germany. But, without recommending this type, as you did that of 25 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 pleasantly 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.

Baron DE HOCK then pronounced the following address:

Monseigneur: In the name of the foreign members of the conference, I have the honor to present you their most sincere homage for the wisdom, the profound knowledge of the cause, the assiduity and the energy with which you have been pleased to direct our labors, and to thank you most respectfully for the kindness and indulgence of your highness in accepting our observations and our counsel.

Allow us also, monseigneur, to express our thanks to the honorable M. de Parieu, who presided over our first conferences, and who has since aided your highness with so much intelligence and circumspection. We reverence him as one of the authors of the convention of the 25th December, 1865, which is destined to become the basis of universal monetary unification, and as an eloquent and profound writer, whose essays have played a part so important in the propagation of the noble and luminous idea that has been the subject of our discussion, and who by his remarkable report of to-day has become the *protagoniste* of our conference.

I am also instructed to thank Messrs. Clavery and Roux, the secretaries of the conference, for the perspicacity and precision with which they have recorded our speeches in the minutes.

Your highness may be assured that the hours we have passed under your illustrious presidency will forever be precious memories for us all.

We venture to request you, monseigneur, to be the interpreter of our most devoted thanks to his Majesty the Emperor, whose name presides over all that accomplishes greatness in France.

PRINCE NAPOLEON, having expressed his personal thanks, and those of the board, for the sentiments uttered by Baron de Hock, said he would take pleasure in being interpreter for the commission with the Emperor, who has always taken a lively interest in its labors.

Finally, his Imperial Highness advised all the delegates, in pressing terms, to exercise all their influence, when they returned to their respective nations, to carry the decisions they have adopted into some practical result.

The minutes were then approved, and his Imperial Highness pronounced the close of the labors of the conference.

NAPOLEON, (JEROME,)

*Prince President of the Conference.*

CLAVERY, *Secretary of the Conference.*

ROUX, *Secretary Adjunct.*

*Mr. Ruggles to Mr. Seward.*

PARIS, July 18, 1867.

SIR: In the communication of the 30th May last which the undersigned had the honor to make to the Department of State, the proceedings of the "international committee organized by the French imperial commission of the Universal Exposition," to consider the subject of an uniform system of weights, measures, and coins, were brought down to that date. The association with the undersigned on that committee of United States Commissioners Smith, Barnard, and Kennedy was also stated, with the assignment of the undersigned and Commissioner Kennedy to the sub-commission on coins, and of Commissioners Smith and Barnard to the sub-committee on weights and measures.

A copy of the letter to the undersigned from the honorable John Sherman, (senator of the United States from Ohio,) favoring the reduction in weight and value of the five-franc coin of France, was also furnished. Full particulars were also given of the audiences on the subject had by the undersigned, successively, with the vice-president and president of the "conseil d'état," and with the Emperor of France, and especially in relation to the proposed coinage by France of a gold piece of twenty-five francs, to take its place throughout the world by the side of the "half-eagle" of the United States and the sovereign and pound sterling of Great Britain, when reduced in weight and value to twenty-five francs.

A copy of the written proposition to that effect submitted by the undersigned, with the concurrence of his colleague, Commissioner Kennedy, for the adoption of the international committee, that the government of France be requested to issue a gold coin of twenty-five francs, and that the government of the United States be requested to reduce its gold dollar in weight and value to five francs, and its other gold coins in like proportion, was also communicated to the Department of State.

The undersigned is gratified to learn, by the communication from the Department of State of the 21st of June last, that the steps thus taken for securing the uniformity of money are approved by his government; that he "is warranted in encouraging the expectation that the United States may give its adhesion to a conventional arrangement which may be susceptible of termination within a period to be specified in such arrangement," and that "the views so ably set forth" in the letter of Mr. Sherman "will be so far approved by the public sentiment, the Congress, and the Executive of the United States, as to secure a concurrence of the government in any reasonable plan for producing the desired reform."

Previously to the 23d of March last, the day when the undersigned arrived at Paris, the international committee had taken no steps to discuss the subject of uniform weights, measures and coins, their attention up to that time having been mainly given to the erection and arrangement of the pavilion in the interior garden of the Exposition for the actual exhibition and comparison of the weights, measures and coins of the respective nations represented in this universal concourse.

The subject of a uniform coin did not actually come into discussion, either in the international committee or the sub-commission on coins, until early in the month of May.

On the 17th of May the undersigned presented to the international committee the letter of Senator Sherman in a French translation, which was received with lively interest, and forthwith ordered, with the approbation of the imperial commission, to be published both in French and English. It is but due to the history of the unification of money to state that the earnest and active agitation of the subject in a practical form, on the part of the United States,

exerted its full share of influence in leading the government of France to adopt the decisive measure of inviting in diplomatic form an authoritative "conférence" of delegates, duly accredited, from all the nations of the European and American world practically accessible, to meet at Paris on the 17th of June, not merely for an exchange of views or a discussion of general principles, but "practically to seek for the basis of ulterior negotiation" between the nations.

The importance of this step had become evident at an early day to the French authorities, and especially to Monsieur Esquirou de Parieu, first vice-president of the "conseil d'état," pre-eminently distinguished by his long and well-directed labors in the cause of monetary unification, adorned by his learned and eloquent writings, replete alike with accurate knowledge and classic taste. He was one of the delegates on the part of France who successfully negotiated the quadripartite monetary treaty of the 23d of December, 1865, between France, Belgium, Switzerland, and Italy, the beneficent effects of which enlightened measure are now illuminating continental western Europe from the German ocean to the Mediterranean, carrying, in his own graphic language, "a common coin of equal value from Antwerp, across the mountains of the Oberland, to the classic coast of Brundisium."

As early as the 21st of April last the undersigned had urged upon M. de Parieu the importance which would be attached by the United States of America to the coinage by France of the gold piece of twenty-five francs, and the consequent necessity of modifying that portion of the quadripartite treaty which would prevent the issue of a coin of that denomination. The far higher importance of modifying and amplifying that treaty so as to rescue not only this emancipated portion of Europe, but all the American and European nations in both hemispheres, from the evils of their present discordant coinages, and embrace them all in one common monetary civilization, were earnestly dwelt upon. These views were repeated and re-enforced in several succeeding interviews.

On the 7th of May M. de Parieu, by note of that date, requested the undersigned to "formulate" in writing a proposition on the part of the United States to reduce its gold dollar in weight and value to the French gold piece of five francs, on condition that France should coin a gold piece of twenty-five francs, the gold coins of the two nations to be reciprocally receivable at their public treasuries; adding the expression of his personal opinion that such a combination would be a most fortunate enlargement "*un très heureux développement*" of the treaty of December 23, 1865.

The undersigned, having no diplomatic authority on the 9th of May, was obliged to answer that such a step, in advance of the discussions in the international committee, would seem to fall, if not wholly beyond his powers, at least within the range of the permanent duties of General Dix, the regular diplomatic representative of the United States; but that on due consultation with him the note of M. de Parieu would be answered more at large. Copies of the note and of its answer are herewith furnished, (Nos. 1 and 2.)

On the 31st of May the undersigned was informed by M. de Parieu that diplomatic invitations had been issued by direction of the Marquis de Moustier, the French minister of foreign affairs, to most if not all of the nations represented in the international committee, requesting them respectively to appoint special delegates to an international monetary conference, to assemble at Paris on the 17th of June, at the "hotel" of the Ministère des Affaires Etrangères, and probably under the presidency of M. de Parieu.

On the 17th of June the invited nations (nineteen in number) responded to the call by delegates duly accredited. The credentials of the undersigned from the Department of State reached him at Paris on the 14th of June.

It was evident that such a conference, for all practical purposes, would take the place of the international committee so far as a uniform coin was con-

cerned. It was thought, however, by that committee, embracing many members of experience and eminently scientific attainments, that their examinations and discussions of the subject had so far advanced that it was advisable to complete them, and to report the result as a preliminary study, to aid in the performance of the more practical duties of the conference, and more especially as several of the delegates in the conference were also members of the international committee.

The examination of the subject, mainly confined to general principles in the international committee, and dealing but little with the various existing systems of coinage, was completed by the 17th of June. The result of their deliberations appears in a series of propositions mainly of a general nature, but embracing a specific recommendation of the five-franc piece as a common point of contact for the coinages of the different nations. They were reduced to form, after the subject had been partially discussed, by Commissioner Kennedy, whose well-considered action on the committee has been eminently serviceable and creditable to the United States. With several amendments and modifications they were finally adopted by the sub-commission, and subsequently by the whole international committee. A copy of the propositions, as perfected, is herewith furnished, (No. 3.) They will also be found divided in heads, or portions, in the extended and able report prepared and submitted after their adoption by the Baron de Hock, an eminent financial writer, one of the delegates from Austria in the international committee, and the sole representative of that power in the international monetary conference. A copy of his report is herewith transmitted, (No. 4.)

These documents possess a permanent historical interest in showing that the intelligent labors of the international committee, especially in establishing general principles, had anticipated several of the important results which were subsequently reached by the international monetary conference.

It will be seen that the general propositions adopted by the international committee do not include the special and specific proposition submitted by the undersigned on the 30th of May for the coinage by France of the 25-franc gold piece, it having been regarded as more proper for a separate negotiation with France, or a special clause in a general monetary treaty. It is, however, generally and fully understood that the French government will be ready at once to add that piece to its gold coinage whenever the United States shall reduce the weight and value of their gold dollar to that of the gold five francs, and their other coins in like proportion. The matter can be readily and fully secured and settled in ulterior negotiations, or, if necessary, by concurrent legislation.

For the purpose of showing the magnitude of the monetary interests and consequences, present and future, involved in the proposed unification, it became necessary to accurately exhibit in statistical form the comparative coinage, past and present, of the three principal coining nations, France, Great Britain, and the United States, with a general reference to the world-wide saving by the proposed reform, in needless recoinage, brokerage, and exchange.

It will be seen that the written argument, (here called a "Note,") a copy of which is now transmitted to the Department of State, in which the undersigned sought in behalf of the United States to present these cardinal facts, commences with a brief explanation which became necessary to meet an arithmetical and metrical objection which had been interposed by one of the international committee, (somewhat extreme in his devotion to the metric system,) that the proposed coin of 25 francs would not contain an even or round number of metric grams, and would therefore conflict with the metric system. Strange to say, some of the most distinguished economists in France are found to concur in this merely theoretical objection. The answer was, however, readily found, not only in the fact that none of the existing coins of gold in France, some of them as old as the century, contain an even or round number of grams, but more



conclusively in its absolute necessity in the arithmetical relation between the legal value of gold and of silver fixed by the French law of 7 *Germinal*, An xi, (1803,) at  $15\frac{1}{2}$  to 1. That ratio not being even or decimal, but uneven and fractional, is wholly at variance, and must forever remain in conflict with the decimal features of the metric system.

A silver franc contains five even metric grams; but a gram of gold being as one to fifteen and a half of silver, can only be arithmetically represented in francs by the uneven and imperfect decimal, 0.32258. That decimal multiplied by fifteen and a half will practically produce the five even grams of the silver franc. The multiplier itself being fractional, must be doubled to gain the even number 31, which sum multiplying the fractional gold decimal 0.32258, will produce the even number of ten grams of gold. No even multiplier smaller than 31 will produce an even number of gold grams. Any number of francs less than 31 will represent a fractional number of grams, and any number of grams less than 10 will represent a fractional number of francs.

It therefore follows, that if the extravagant requirement of exact metric coincidence of francs and grams should prevail, no monetary gold unit could be found smaller than 31 francs, equivalent in the gold currency of the United States, when unified, to six dollars and twenty cents, (\$6 20.)

Such a unit, so inconvenient and incongruous, the legitimate offspring of the fractional rates of  $15\frac{1}{2}$  to 1, is, moreover, wholly incapable of division into even parts exceeding a single franc, and consequently has no even multiples short of 62, 93, 124, and so on in succession.

Being widely at variance with all existing denominations of coin, its adoption would necessitate the calling in and recoinage of all the gold in France, shown by official tables in the note above mentioned to be 6,561,104,070 francs, or in round numbers \$1,312,000,000, (less the portions recoined, exported, used in the arts, or lost,) not to mention the wide-spread revolution it would cause in the coinage of all the other nations. It is safe to predict, that whatever may be urged by enthusiastic theorists, no such unit will ever be adopted by any well-governed nation in Europe or America; but, on the contrary, that France, now numbering with her adjacent confederated states more than seventy millions of people, will rest fully content with the gold unit of five francs as now existing, with its necessarily fractional but well-known weight of 1,612.2 milligrammes, destined at no distant day to become the common centre around which will revolve the united monetary systems of the civilized world.

The proceedings and discussions of the international committee in respect to a uniform coin were much increased in interest by their issuing numerous invitations to the leading friends, both in France and England, of a uniform system of weights, measures, and coins, to assist at a "reunion," commencing on the 17th of June and continuing for several days, for open public examination and criticism of the reports and conclusions of the committee, including their report on uniform weights and measures.

At an adjourned meeting, held at the *Palais de l'Industrie* in the *Champs Elysées*, and over which the Prince Napoleon (Jerome) presided by desire of the Emperor, and with eminent ability, delegations from commercial bodies and international monetary associations in London and Liverpool were in attendance. On this occasion the very important question of abolishing the double standard of money, retaining only gold, was elaborately discussed, and with singular ability and ingenuity, by distinguished French economists holding opposite opinions. On putting the question to the vote of the numerous and intelligent audience, the single standard of gold was adopted by a large majority.

The question of the gold unit then coming up, the English delegates earnestly opposed the proposition of the international committee, adopting as the unit the gold five francs, and urged the substitution of ten francs in its stead,

expressing their belief that the government of Great Britain would consent to issue for the purpose a gold coin of that amount, to be denominated a "ducat." This substitution was opposed by the undersigned in behalf of the United States, on the ground that their half-eagle, when reduced to twenty-five francs, would be an even multiple of the five-franc unit, but not of the ten; that the dollar, whenever made precisely equivalent and equiponderant to the five francs, would become practically if not nominally the monetary unit, and the actual denomination in which money contracts embracing different countries or distant quarters of the globe would or might be payable; that the more important and higher issue soon would be, not between the five francs and the ten francs as the unit, but between the dollar, decimally and easily divided, and the sovereign, (or pound sterling,) not decimally but most inconveniently divided in shillings, pence and farthings, but which, by that very peculiarity, had hitherto maintained an undue predominance in the money payments of the world. The debate was closed by the Prince president submitting the question to the vote of the meeting, which resulted nearly unanimously in favor of the unit of five francs.

It is proper to add that the government of Great Britain was not represented, as such, at this reunion, nor in any discussion at any previous meeting of the international committee, but duly appeared by accredited delegates at the international monetary conference.

The advocates of a uniform coin cherish the belief that the government of the United States is not to be discouraged or discomposed by the temporary delay or hesitation of any government in Europe to participate in the widespread work of monetary unification, destined, sooner or later, to become the crowning civic achievement of modern times.

In the earlier agitation of this subject at the international statistical congress, at Berlin, in 1863, the delegate from the United States found a large and influential delegation from Great Britain zealously engaged in the great endeavor to unify the money of the world. In the present effort of the assembled nations, "not for a day but all time," the clear good sense and sterling liberality of the English people will not allow their government to lag or linger much behind. The fire but recently kindled is rapidly diffusing its light throughout the world. The far-sighted negotiators of the quadripartite monetary treaty of 1865, though seriously embarrassed by the fallacy of a double standard, now generally discarded, succeeded in establishing a uniform system, not only of gold but of silver, over a large and populous portion of Europe, since increased by the adhesion of the Pontifical States and of Greece; thus including, by a singular felicity, in this newly enlightened region of the globe, the two great seats of ancient civilization. With this wide-spread area, extending off from the British channel across Europe to the Mediterranean, and along its classic coast far into the east, the great reform may be greatly advanced by the transatlantic co-operation of the American Union—by God's great providence, undivided and indivisible. Wisely limited by its own organic law to one common coinage between the two great oceans, the world needs only the assent of our own continental republic to give to the gold dollar and its multiples a free, unchallenged circulation, meeting no money changer or other impediment through the whole breadth of Christendom. The United States may alone complete the golden chain binding in one common monetary civilization the outspread lands and waters of America and of Europe, stretching from the "Golden Gate" of the Pacific over the auriferous "Oberlands" of our wide interior, and across Christian Europe to the western bounds of the Ottoman empire. To widen and extend still further this majestic belt, to embrace in the same great measure of civilization the residue of Europe with the wide extent of Asiatic Russia, has been among the leading aims of the international monetary conference.

A detailed statement of the proceedings and conclusions of that assemblage,

and also of the action of the international committee in respect to uniform weights and measures, will be furnished in further and separate communications from the undersigned to the Department of State.

With high regard, your obedient servant,

SAMUEL B. RUGGLES,

*United States Commissioner and Delegate, &c., &c., &c.*

HON. WILLIAM H. SEWARD,

*Secretary of State, &c., &c., &c.*

No. 1.

*M. de Parieu, vice-president of the council of state, to Mr. Ruggles.*

[Translation.]

COUNCIL OF STATE, CABINET OF THE VICE-PRESIDENT,  
*Paris, May 7, 1867.*

SIR: I have been considering what you did me the honor to mention to me the day before yesterday, namely: your opinion that the United States of America might bring their gold dollar to the shape, weight, and alloyage of our five-franc coin, on the condition on our part that we would coin twenty-five franc pieces which would be current in your public offices, banking institutions and monetary transactions, and considered as five-dollar pieces, while, in return, the American dollars and their multiples would be current at the rate of five francs for the dollar in the public offices of France and its monetary confederates.

I, personally, look upon this combination as being a very happy development of the monetary convention I had the honor to sign, by authority of the Emperor, on the 23d of December, 1865.

If you would have the kindness to shape in writing the propositions you might intend to submit personally in this sense to the government of Washington, I would make use of your letter to induce the action that might be in my power with respect to fixing the opening and the course of the announced international conference.

It might even be possible that I should have the opportunity to mention the matter to the Emperor, whose views I have gathered on this point some two months since, and which were very favorable to an arrangement similar to the one of which you have given me an outline.

In case you should go to America and it should please you to deliver to Mr. McCulloch some of our publications on the subject, I would very gladly hand them to you before your departure.

Accept the assurances of my most distinguished consideration.

E. DE PARIEU,

*Vice-President of the Conseil d'Etat, member of the Institute.*

SAMUEL B. RUGGLES,

*Vice-President of the Commission of the United States of America  
to the Universal Exhibition, Paris.*

No. 2.

*Mr. Ruggles to M. de Parieu.*

PARIS, May 9, 1867.

MONSIEUR: I beg respectfully to acknowledge the receipt of your important note of the 7th instant in relation to a proposition to be transmitted to the government at Washington for a unit of money common to France and the United States.

Such a step, in advance of the conference of the special committee or commission appointed soon to meet on the subject in question, would seem to fall, if not beyond my present powers, at least within the range of the permanent duties of the diplomatic representative of the United States.

After proper consultation with General Dix I shall hasten to answer your note at more length.

Tendering you the assurances of my highest consideration, I remain, very respectfully,

SAMUEL B. RUGGLES,

*Vice-President and Commissioner to the Paris Exhibition, specially  
charged with the subject of weights, measures, and coins.*

Monsieur DE PARIEU,

*Vice-President du Conseil d'Etat, &c., &c., &c.*

## No. 3.

## UNIVERSAL EXPOSITION OF 1867.—COMMITTEE OF WEIGHTS AND MEASURES AND OF COINS.

The committee, considering that the adoption of a uniform system of coins presents advantages of convenience and economy in the regulation of international exchanges so evident, that it commends itself to every enlightened government; considering, furthermore, that such a measure cannot be realized without the sacrifice by many peoples of their old and customary instruments of trade, and their interest requires this change should be gradual and continuous, and therefore that the first steps of the transformation should be as simple as possible and disembarassed of all incidental complication, therefore submits the following propositions:

1st. The first condition to be fulfilled is the adoption of an identical unity in the issue of their gold coins by the different governments interested in the question.

2d. It is desirable that such coins should everywhere be struck at the standard of nine-tenths.

3d. It is desirable that every government should introduce among its gold coins at least one piece of the same value as a piece in use among other interested governments, so that there may be a point of common contact in all the systems, and therefore each nation should endeavor gradually to assimilate its monetary system with that which may be chosen as a uniform basis.

4th. The series of gold coins now used in France having been adopted by a large portion of the people in Europe, it is recommended as a basis of the uniform system desired.

5th. Considering that the most important of the monetary units, by a fortunate and accidental circumstance, can be adapted to the French gold piece of five francs, by slight changes, that piece would be most suitable as a basis for a monetary system; and coins struck upon that basis would become the multiples of that unity as soon as the convenience of interested nations would permit.

6th. It is desirable that the different governments determine that the coins struck by each nation, in conformity with the uniform system proposed and agreed upon, should pass as legal tenders in all those countries.

7th. It is very desirable that the system of two different monetary standards should be abolished wherever it still exists.

8th. It is very desirable that the system of decimal numeration should be universally adopted, and that the coins of all nations should be of the same standard and form.

9th. It is desirable that governments should agree to adopt common measures of control, so as to secure the integrity of coins in their issue and in their circulation.

## No. 4.

*Report of Baron de Hock.*

## UNIVERSAL EXPOSITION OF 1867.—COMMITTEE ON WEIGHTS AND MEASURES AND ON COINAGE.

*The unification of coinage.*

The inconveniences which result from the diversity of monetary systems exceed even those growing out of the diversity of the systems of weights and measures. These are confined to the trouble and loss of time occasioned by the tedious calculations required to pass from one system to the other; still, the objects which are weighed or measured continue the same, and may be made use of anywhere. In the case of coin, on the contrary, besides similar calculations of allowance which are necessary, the objects themselves—that is, the coin—lose a portion of their value in passing from one country to another.

The causes which render the diversity of coin more troublesome than that of weights and measures have as a consequence that it is more difficult to effect a unification of the former than of the latter because it is required to change not only the measure of the different coins but also the coins themselves; so that the change will involve a far more considerable expense and is likely to affect much more the habits and prejudices of the different people.

For the reasons just stated, the efforts for the unification of money were commenced at a later hour and have progressed with less vigor than those made for the unification of weights and measures. And yet the various assemblies—the different statistical conventions, international associations, the commissioners and jurors of universal exhibitions—have all pursued the double purpose, and they have made very satisfactory progress, considering the great difficulties which they had to overcome.

On the 23d December, 1865, France, Italy, Belgium, and Switzerland signed a treaty for a monetary convention for the entire extent of their different territories. Negotiations have

already been opened by the Papal States and Greece to join the convention. Austria, as well as Spain, Portugal, Roumania, and even the United States of America, are on the point of doing likewise; and, at the moment of writing this report, an international monetary commission, convened by the initiative of the imperial government, and presided over by his imperial highness the Prince Napoleon, who has also deigned to accept the presidency over our informal conferences, has terminated its labors for establishing the basis upon which is to be achieved a unification of the different coins.

The committee on the unification of weights and measures and of the coinage, appointed by the imperial commission of the Universal Exposition, had been for a long time engaged in its labors, and had concluded them by a resolution also in favor of unification, when the international monetary conference first commenced its deliberations. These two bodies acted in entire independence of each other; with the exception of three or four persons, they were each composed of different members, and yet they both arrived at the same conclusions, with a simple difference of phraseology. This circumstance certainly bears most eloquent testimony to the truth and force of the ideas advanced, and to the influence which they have already exercised over the men of science, finance, and administration of all nations.

It cannot be doubted that the universal unification of coins, by creating a common medium of circulation, constitutes one of the most effective means for the development of general commerce. Such a medium adopted by every state and individual, saves the loss of time and the trouble caused by the computation to which it is constantly necessary to resort to ascertain the precise value of the different coins; it reduces to a minimum the rate of exchange, that painful burden to commerce; it obviates the losses from exchange of money, to which the arts and manufactures and not less travellers are subject; it increases the utility of money, and thereby even its value; it diminishes the needs of circulation, and tends finally to an immediate and radical cure of the crises which spring up in commerce by the accumulation of money at one point and its absence at another.

The idea of a unification of the coins is so elevated and the purpose so useful that, whenever a favorable situation renders its adoption possible, no progressive people, desirous of entering upon the great and fruitful road of universal commerce, can remain indifferent or reject it, unless from motives of the last importance.

With a view to the unification of coins, the committee has drawn up nine propositions, which have been submitted to the discussion of the informal conferences. The following draught was almost unanimously agreed upon by the members present at the conferences:

The committee, considering that the adoption of a uniform money system presents advantages so evident, as well in point of convenience as of economy in the regulation of international exchanges; that it recommends itself to all enlightened governments; considering, further, that this measure cannot be realized unless a great number of people sacrifice their former and deeply-rooted mediums of traffic; that it is necessary to their interest that the change should be made gradually and in a continuing degree, and that, therefore, the first bases for it ought to be as simple as possible and disembarassed of all unnecessary complication, offers the following propositions:

1. The first necessary condition is the adoption, by the different governments interested in this question, of a unity in the issue of their gold coins.

2. It is desirable that these coins should be everywhere struck at the standard of nine-tenths.

3. It is desirable that each government should introduce among its gold coin at least one piece of an equal value to that of some one piece in use by the other governments interested, in order that there be between the different systems one point of common contact, from which each nation may labor toward a gradual assimilation of its system of coinage to that which might be chosen as a uniform basis.

4. The series of gold coins now in use in France, having been adopted by a large part of the population of Europe, recommends itself as a basis for the uniform system sought after.

5. Considering that, by an accidental and fortunate conjuncture, the more important of monetary units can adapt themselves to the French 5-franc gold piece, with the necessity of but slight alteration, that piece would be the most expedient as a basis for the monetary system, and the coins struck upon that basis would, as soon as the convenience of the interested nations might permit it, become the multiples of that unity.

6. It is desirable that the different governments determine that the coins struck by each nation, conformably to the uniform system proposed and agreed upon, should pass as legal tenders in their respective countries.

7. It is extremely desirable that the system of two different monetary standards should be discontinued wherever it still exists.

8. It is extremely desirable that the decimal scale of numeration be universally adopted, and that the coins of the different nations have the same standard and form.

9. It is desirable that the governments agree to adopt a common regulation for stamping, in order to preserve the integrity of the coins, as well in their making as during their currency.

We take the liberty to add to these propositions some explanations:

*Propositions 1, 2, and 3.*—There are different methods by which a unification of the coins may be effected, all, however, not having the same merit, especially when considered with a view to their practical value. For instance, the efforts might be limited to creating every-

where a coin of the same intrinsic value—that is to say, of a similar weight of fine gold or silver, without regard to a unity of the weight to be employed, to the standard of the piece, or to its form. In this manner a theoretical uniformity would doubtless be achieved, but by no means a practical one. It is by reason of weight and form that coin is received or declined in circulation. It were almost impossible to insure the reception, at the same value, of coins differing entirely in weight and form; moreover, if the coins were to have neither the same unity of weight nor the same standard, there would always exist a difference between them, especially on account of the irrational analogy between the diverse unities of gross weight. These differences would be small, no doubt, but always sufficiently considerable to prevent the limits of allowance appointed for the reception of coins which have not the full weight or standard from continuing the same, and, therefore, coins still good in one country would incur the danger of not being so in another, a circumstance which would to a certainty hinder the international circulation of coins.

Another system would consist in creating in the countries which should adhere to the monetary union, some coins based upon the same unit of weight and standard, yet wholly different in value; for instance, five, ten, and twenty-franc pieces in one country, and pieces of four, eight, and sixteen francs in another.

Of course the international circulation would then be easier than it is to-day, but the unification would not yet exist; besides the labor and the expense of recoinage remaining the same, if a more perfect coincidence or similarity is to be attained, there is no doubt that it would be preferable to obtain it at once.

Finally, an absolute unification can be admitted—that is, the identity of all coins, whether current or fractional. But no one can dispute the fact that this unification is impossible at present. The interests, customs, and prejudices of nations are too much opposed to it. The principal object of the unification of moneys is to facilitate and to increase international commerce, which requires non-fractional medium. It is from these coins that the prices of merchandise and the rates of exchange are regulated, while fractional moneys have really but a local utility.

The neighboring countries alone are interested in having identical coins of subdivisionary money, but then that identity can easily be effected by special conventions, without the participation of the universal unification. Thus, if the different nations have the same standard of fineness and weight for their money, and thereby facilitate the comparison of one coin with another, it will suffice to have but one or two identical coins between the two countries. The perfect assimilation of the systems may be reserved for the future. Such is the meaning of the three first propositions.

*Propositions 4 and 5.*—Gold coin alone can serve as international money. Gold being in fact more portable than silver, and the loss in exchange very small, it is owing to these advantages that it is better adapted than silver for business transactions, and transmission from one country to another, securing protection on that account against a monetary crisis, and permitting the reduction of exchange to a minimum. Among the gold coins of the different nations, those only of France will be taken as a basis for the desired system; inasmuch as having been already adopted by 70,000,000 of persons, and perhaps in the present year will be accepted by 100,000,000, as much on account of their decimal standard as for the relation, though a little complicated, existing between them and the metrical units, (there being actually 155 pieces of 20 francs in a kilogram.) They also correspond to the system of weights and measures recommended for universal adoption by so many authorities.

In the committee, as well as in the informal conferences, there have been some persons, it is true, who proposed to adopt a monetary system entirely new, re-establishing for the gold coins the simple and immediate relation to the metrical units established by organic laws for silver coins. It is their idea that a gold coin of five grams weight, and of nine-tenths fineness, should be the monetary unit.

Without overlooking the scientific merits, in some respects, of such a system, the committee and the conference have not hesitated for an instant to decline giving it their adhesion. Only a system already adopted by a great majority could have any chance of being generally received. The proof of this can be seen in the monetary convention of December 23, 1865, in the recent adhesions to that convention, and in the vote of the international monetary conference.

An entirely new system could not be accepted by nations already possessing the French system, with greater chance than the present for adoption by other nations.

Moreover, the present having small units, such as five and ten francs, could easily be substituted for those of other nations, as, for instance, the English sovereign, the American dollar, the Austrian florin, &c., which differ but little from one or the other of these French units. That advantage would not exist with the proposed coin of five gold grams of nine-tenths fineness. That coin really would have a value of 15 francs 50 centimes, which has no analogy whatever with the values of present coins, and which would be a common factor too great to arrive at an equation.

The same reason has also induced the committee and the conference to select as a common factor the five-franc piece, thus intimating that all the contracting governments will coin no other gold pieces than those of five francs or its multiples. To avoid misunderstandings, it

must be added that the committee never desired to require the coinage by the governments of pieces of five francs rather than of ten francs or any other multiple of five francs.

The committee thinks that these observations will serve as an explanation to the propositions 4 and 5.

*Proposition 6.*—Should the preceding propositions be universally adopted, there nevertheless would not be a complete community of moneys among the different nations. In order to reach this end of unification, it would still be necessary that the coins struck by any nation according to the uniform system should be a legal tender among all the other nations of the union. This requirement is set forth in proposition 6. Perhaps it would not be judicious in the beginning to recognize as common coins all which are struck by the different nations, but only some of them; perhaps, also, it will be sufficient to accept their admission in the depositories of public moneys, without imposing the legal and compulsory tender.

The committee, however, has deemed it proper to propose what would be most favorable to the development of international commerce.

*Proposition 7.*—The community and identity which the committee endeavors to establish are limited to coins of gold. From this the conclusion might be drawn that from the opinion of the committee the states in the union would have the right to maintain silver coins by the side of those of gold, and equally a legal tender; in other words, that they will be able to preserve or introduce the double standard. The seventh proposition is intended to avoid that inference.

The object of the monetary union is not only to induce the different nations to strike identical coins, but it is also necessary that these should enter into universal circulation, and that their intrinsic value should be scrupulously preserved. This could not occur under the system of the double standard of gold and silver—that is to say, in giving the same unlimited right of tender to coins both of gold and silver.

These two standards can be admitted without difficulty when one of these two kinds of coins is the principal and the only one having a legal and unlimited currency, while the other is simply fractional, (change money,) having a legal currency only for small payments, or when it is optional or accepted by the agreement of the party, and at the price fixed by the rate of the money market. In that case the two kinds of money are not in opposition; on the contrary, they may exist at the same time, and even benefit the circulation.

By giving legal currency both to gold and silver coins there would be constant fear of displacing one or the other. What is still less admissible is to establish a permanent and invariable ratio between gold and silver, as has taken place in France, in the United States, and in some of the South American republics.

The relative value of gold to that of silver fluctuates and varies from one market to the other in accordance with the demand and supply. Sometimes one, sometimes the other, of these two metals—that of which the market value is higher than the legal rate—will necessarily disappear from the circulation, to be exported or recoined, and thus the coins of the depreciated metal alone remain. It moreover follows that the coins of the better alloy and of the greater intrinsic value first disappear, and the others which are below the standard or the legal weight remain in circulation.

These are not idle or theoretical fears: the experience of France and in all the countries having the double standard has demonstrated their reality. Before the discovery of the rich mines in California, in Australia, in the northwest of the United States, and in the British North American possessions, gold having a higher market price than the legal rate, the coins of that metal disappeared from circulation, and could only be obtained at a premium.

After these discoveries, on the contrary, gold having depreciated below the legal rate, it was then the turn of silver to disappear. All the masses of silver which the Bank of France had sought to accumulate at a great expense to obviate that result were soon exhausted. The retail business suffered very much, and finally no other remedy was found but that of coining gold pieces of five francs, and silver change of .835 fine.

In the South American republics, which had retained the double standard of the Spanish system, the uneasiness occasioned by the influx of gold was still greater. Silver rapidly disappeared, and was replaced only with coins more alloyed or by a depreciated paper currency.

The monetary union would be only apparent if every nation were able to replace at any time the coins of the union by others, or to diminish the weight agreed upon by the union, and that would certainly happen under the system of the double standard.

Moreover, speculations in coins, which the unification seeks forever to prevent, would never cease, and would increase in proportion to the extent of the union. Therefore the proposition seven declares that the monetary system of the double standard must be abandoned where it exists.

*Proposition 8.*—The proposition eight requests anew that the coins of every nation should have the same standard, but it adds that they must also have the same form. The form is given by the dimensions and by the stamp. As all the actual coins are round, and as from the preceding propositions the coins of the same value must be of the same weight, the identity of the dimension is given by that of the diameter.

As for the stamp, the various governments will always be at liberty to issue their coins with the effigies, emblems, and denominations they most prefer; but it would be useful to

add upon the piece the relation existing between its value and the five-franc piece accepted as the basis of the system. Perhaps the appellation of "money (or coin) of the union" might be engraved upon it.

The proposition eight recommends also the decimal enumeration for the same reasons which induced its adoption for weights and measures.

*Proposition 9.*—Nevertheless, the monetary union would not prove to be a benefit, but rather a misfortune, if by any vicious or careless process in the coining or in the issue, coins having neither the exact weight nor fineness should be introduced into commerce. An active speculation in the coins, and a corruption of the whole system, would inevitably follow. To prevent such a misfortune, the governments must agree upon some common measures of control and precaution to guarantee the integrity of the coins. It is that object which the ninth and last proposition of the committee seeks to establish.

If the committee has not entered into more detail in respect to these measures of control, it is owing to its desire carefully to abstain from interfering with matters of mere regulation between the governments which may adhere to the monetary union.

The committee, in perfect accord with the conference to which the propositions were submitted, thinks that it has proved sufficiently the utility and the necessity of the universal monetary union, and established the principles upon which it should be founded.

L. MATHIEU,

*President of the Committee, Member of the French  
Institute, and of the Bureau of Longitudes.*

CH. BARON DE HOCK,

*President of the Sub-Commission on Coins, Reporter, Private  
Councillor to his Majesty the Emperor of Austria,  
and Member of the House of Lords.*

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*M. Berthemy to Mr. Seward.*

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,

*Washington, August 28, 1867.*

SIR: The international monetary conference, which assembled at Paris on the 17th June last, has recently ended its labors. It was not formed, as you know, with a view to concluding a diplomatic arrangement, but it was to take note of the difficulties which the unification of the monetary systems would encounter, then to seek the means for smoothing them away, and in some sort lay down bases for ulterior negotiations.

The delegates of twenty states represented at the conference have come to an understanding on the essential elements of a solution of the problem confided to their investigation. Judging the adoption of an entirely new system to be impracticable, they have indicated the convention of the 23d December, 1865, between France, Belgium, Italy, and Switzerland, saving some modifications, as adapted to serve as a point of approximation; they have decided, with reserve of some measures of transitory nature, in favor of an exclusive standard of gold; they have recommended the standard of fineness at nine-tenths, and the five-franc piece as the common denominator of coin in universal use; they have, in fine, pointed out the necessity of securing perfect sameness of coinage by some controlling measures, as well as the propriety of proceeding by means of diplomatic conventions to the projected unification.

These declarations borrow special importance from the very composition of the conference and from their unanimity.

The governments now have to appreciate them and to make known the decisions which they shall believe they ought to make on the subject of the resolutions suggested by their delegates.

It has been understood in this respect, at the seventh sitting, that the government of the Emperor, representing the group of states signers of the convention of the 23d December, 1865, would notify the wishes of the international commission to the different cabinets; would collect their replies, and would again



call together, if there should be ground for it, those of them that should appear disposed to apply the principles which they should have approved.

In conformity with this arrangement, the government of the Emperor has already sent to the federal government, through the medium of its representative at Paris, the collection of the minutes of proceedings of the conference, and invites me to-day to call your attention to the wishes which are expressed in these protocols, and to set forth to you the desire it must have to learn the result of the investigation to which the labors of the conference will have been submitted, without ignoring, nevertheless, the fact that the cabinet of Washington will not be in a position to express officially its opinions without having submitted the question to Congress.

Declarations so remarkable for their clearness, as for their conciliating and liberal character, as those put forth by Mr. Samuel B. Ruggles, in the interest of the unification which it is proposed to realize, have been highly appreciated by the government of the Emperor, and if, as I have ground to hope, the government of the United States should ratify the votes of its delegate, the example given by so great a country will certainly be followed by other states.

Accept, Mr. Secretary of State, the assurances of my high consideration.

BERTHEMY.

HON. WILLIAM H. SEWARD, &c., &c., &c.

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*Mr. Seward to M. Berthemy.*

DEPARTMENT OF STATE,  
Washington, September 16, 1867.

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo, upon the subject of the proposed improvements in the systems of national coinage, looking to a practical international unification; and in reply to inform you that the matter will receive attentive consideration, and the views of the legislative and executive branches of this government will be communicated to that of France at the earliest practicable period.

The reports of the proceedings of the recent conferences are undergoing a careful examination by the Secretary of the Treasury, with a view to such recommendations being made to Congress as may seem called for at the next regular session of that body. The favorable impression created by the course pursued by the American delegate at the conferences above referred to is gratifying to this government.

I beg, sir, that you will accept renewed assurances of my highest consideration.

WILLIAM H. SEWARD.

M. BERTHEMY, &c., &c., &c.

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*Mr. Seward to M. Berthemy.*

DEPARTMENT OF STATE,  
Washington, September 30, 1867.

SIR: I have the honor to recur to your note of the 28th of August last, in relation to the deliberation of the international conferences which have been held at Paris recently, having in view the adoption of measures which will secure a practical unification of the coinage of the world, and I beg your attention and that of your government to the enclosed copy of a letter of the 26th

ultimo from the Hon. Hugh McCulloch, the Secretary of the Treasury, expressive of his views and intentions in relation to this interesting and important question.

Accept, sir, a renewed assurance of my highest consideration.

WILLIAM H. SEWARD.

M. BERTHEMY, &c., &c., &c.

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*Mr. McCulloch to Mr. Seward.*

TREASURY DEPARTMENT,

September 26, 1867.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, enclosing the translation of the note from M. Berthemy, the minister of France, addressed to you, embodying the result of the proceedings of the international monetary conference which assembled at Paris on the 17th June last, to discuss the subject of the unification of the different monetary systems of the different nations of the globe, and to lay down a basis for future conferences. This conference proposes by means of diplomatic conventions to secure a uniform system of coinage in value, differing only in name and superscription, of exclusive gold standard, nine hundred (.900) fine, the unit to be the weight of the five-franc piece.

I heartily congratulate the conference upon the result of its labors, and do not doubt that from its discussions will result hereafter an international system of coinage so simple that the commercial values of foreign exchange, now so complicated, will be readily understood by every citizen. A consummation so desirable has my cordial concurrence, and while at the present time expressing no opinion upon the plan proposed by the conference to which you refer, I shall take great pleasure in presenting the subject to the Congress of the United States when it shall assemble in November next.

I have the honor to be your obedient servant,

H. McCULLOCH,

*Secretary of the Treasury.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

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*Mr. Ruggles to Mr. Seward.*

[Extract.]

NEW YORK, October 4, 1867.

SIR: On the 18th of July last, the undersigned, delegate from the United States of America to the international monetary conference at Paris, transmitted to the Department of State a statement of the proceedings of the preliminary "international committee on uniform weights, measures and moneys," of which he was a member.

That communication he proposed to follow by a full report of the discussions and conclusions of the international monetary conference, which had recently adjourned.

Several weeks' delay were unavoidably experienced in the necessary revision by the officers of the conference of the "*procès verbaux*," or exact reports of their proceedings and decisions; but the undersigned is now enabled to transmit to the Department of State duplicate copies of the corrected report, printed in folio, which he has recently received, through the French consulate at New York, from M. Clavery, principal secretary of the conference.

Meanwhile the undersigned has supposed that the proof-sheets of the "*procès verbal*" of each "*séance*," or sitting of the conference, which he had expedited from Paris to the Department of State, were sufficiently full and accurate to possess the government at Washington with the plan of monetary unification agreed upon by the conference to be proposed to the nations represented, and also with the proceedings and discussions which led to its adoption.

The undersigned has duly received from the Department of State a copy of

the communication of the 28th of August last from his excellency M. Berthemey, minister plenipotentiary at Washington from the government of France, asking in its behalf to be informed of the conclusions, if any, to which the government of the United States might have arrived in respect to the plan of monetary unification proposed by the conference.

He has also received a copy of the answer of the 16th of September last, by the Secretary of State, assuring the government of France, through its minister, that the views of the legislative and executive branches of the government of the United States would be communicated at the earliest practicable period.

The despatch of the Secretary of State, of the 31st of May last, empowering the undersigned to represent the United States in the international monetary conference, directed him to add to his report of the proceedings and conclusions of the conference "such observations as might be useful." He has had the opportunity since the adjournment of the conference more carefully to collect and arrange some of the facts and considerations, historical and statistical, bearing on the subject, but not fully developed in the discussions of the conference, confined, as they necessarily were, to the proper mode of unifying the coin, without expatiating at all at large on its effects.

In view also of important movements recently made by some of the European nations for negotiating treaties on the monetary basis proposed by the conference, the undersigned will avail himself of the permission of the Department of State to submit these additional facts and considerations in a further communication, which he will transmit from Paris in sufficient season for the examination of the Secretary of State before the next meeting of Congress.

He takes the present opportunity gratefully to acknowledge the favorable notice taken in the correspondence above referred to, between the Secretary of State and the minister of France, of the course which he deemed it proper to pursue in the conference in representing the interests of the United States as connected with monetary reform.

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With high respect,

SAMUEL B. RUGGLES.

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

*Mr. Dumas to the President.*

[Translation.]

OFFICE OF THE PRESIDENT OF THE  
COMMISSION ON COINS AND MEDALS,  
*Paris, November 5, 1867.*

MR. PRESIDENT: The relations which Mr. Ruggles has held with the persons designated, during the continuance of the Universal Exposition, to consider monetary questions, have induced him to seek the means of establishing connections between the monetary systems of France and the United States. With this object he has asked me to cause to be struck at the mint of Paris pieces of an international type, corresponding to the value of 5 dollars and to that of 25 francs.

The administration of the mint has the more readily acceded to this desire, inasmuch as the 5-dollar or 25-franc piece, without introducing any change in the monetary systems of the two countries, would make the conversion of values between them more easy, and would tend to develop still more the commercial relations which it is to their reciprocal interest the more and more to extend.

Permit me, then, Mr. President, to send to you, through the medium of Mr. Ruggles, a specimen of those pieces (coins) as a proof of the wish of every enlightened man to see the exchanges made more easy between the new and the old continent, and of the natural desire with which my position inspires me to see the monetary accord established between France and the United States, which already exists between her and other countries.

I am, with profound respect, Mr. President, your most obedient servant,  
V. DUMAS.

*Senator and President of the Commission on Coins and Medals.*

His Excellency the PRESIDENT of the United States.

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*The President to Mr. Dumas.*

EXECUTIVE MANSION,  
Washington, November 27, 1867.

SIR: The letter which you addressed to me on the 5th of November, together with a specimen of the projected five-dollar gold coin, has been delivered to me by Mr. Samuel B. Ruggles. The effort to produce a common coin for the use of the nations, which has engaged the attention of the French government, commends itself to the favor of legislators and statesmen throughout the world.

With thanks for your kind attention, I am, sir, with high respect.

ANDREW JOHNSON.

V. DUMAS,

*Senator and President of Commission on Coins and Medals, Paris.*

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*Mr. Dumas to Mr. Seward.*

[Translation.]

OFFICE OF THE PRESIDENT OF THE  
COMMISSION ON COINS AND MEDALS,  
Paris, November 5, 1867.

MR. MINISTER: The relations which Mr. Ruggles held with the persons invited, during the continuance of the Universal Exposition, to engage their attention with monetary questions, have led him to investigate the means for the establishment of a connection between the monetary systems of France and the United States.

With this purpose he has asked me to cause to be coined at the mint in Paris some coins of international type, corresponding in value with 5 dollars and 25 francs.

The administration of the mint lent itself the more readily to this wish, because the coin of 5 dollars or of 25 francs, without introducing any change into the monetary systems of the two countries, will render more easy to them the conversion of values, and will tend to develop still more the commercial relations which it is their reciprocal interest to extend as far as possible.

Permit me, therefore, Mr. Minister, to send you, through Mr. Ruggles, a specimen of these pieces in testimony of the wish which every enlightened man should experience in perceiving exchanges rendered more easy between the new continent and the old, and in the natural desire, with which my position inspires me, to see established between France and the United States that monetary accord which already exists between it and other countries.

Receive, Mr. Minister, the assurance of my high consideration,

V. DUMAS,

*Senator and President of the Commission on Coins and Medals.*

The SECRETARY OF STATE of the United States.

*Mr. Seward to Mr. Dumas.*

DEPARTMENT OF STATE,  
Washington, November 27, 1867.

SIR: I have the honor to acknowledge the attention you have shown me in transmitting a specimen of the international coin which has been proposed with a view to the establishment of a common money standard throughout the world. The statements of the President of the United States and my own upon this interesting subject have already been correctly interpreted to you by our representative Mr. Samuel B. Ruggles.

With many thanks for your courtesy, I have the honor to be, with great respect, your obedient servant,

WILLIAM H. SEWARD.

His Excellency V. DUMAS,  
*Senator and President of Commission on Coins and Medals, Paris.*

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*Mr. Ruggles to Mr. Seward.*

PARIS, November 7, 1867.

SIR: On the 4th of October last, the undersigned transmitted to the Department of State duplicate copies duly corrected and verified of the *procès verbaux*, or official reports, of the eight successive *séances*, or sessions of "The International Monetary Conference," at Paris, terminating on the 6th of July last.

The government of France, at the request of the conference, undertook the duty of transmitting to the different nations, through their delegates in the conference, copies of these official reports. The general feature of the plan of monetary unification agreed to by the conference have been already reported to the Department of State. Briefly repeated, they are as follows:

1. A single standard, exclusively of gold;
2. Coins of equal weight and diameter;
3. Of equal quality (or *titre*,) nine-tenths fine;
4. The weight of the present five-franc gold piece, 1612.90 milligrams, to be the unit, with its multiples. (The weight of the present gold dollar of the United States is 1671.50 milligrams. The value of the excess over the five-franc gold piece, 58.60 milligrams, slightly exceeds 3½ cents. To encourage the reduction of the United States half-eagle and of the British sovereign to the value and weight of 25 francs, the conference unanimously recommended the issue of a new coin of that weight and value by France and the other gold-coining nations. The reduction in value of the half-eagle would slightly exceed 17½ cents; (in the sovereign, 4 cents.)

5. The coins of each nation to continue to bear the names and emblems preferred by each, but to be legal tenders, public and private, in all.

The conference further requested the government of France to invite the different nations to answer, by the 15th of February next, whether they would unite in placing their respective monetary systems on the basis indicated by the conference, as above stated; and after receiving their answers, to convene, if necessary, a new or further conference.

A further resolution of the conference recommends that the measures of unification which the nations may mutually adopt be completed, as far as practicable, by diplomatic conventions.

By these proceedings and official reports, the whole question of monetary unification is now distinctly presented for consideration and decision to the governmental authorities of the United States, executive and legislative.

The communication from the Department of State to the undersigned, of the 30th of May last, empowering him, within the limits therein stated, to represent the United States in the conference, directed him not only to report its proceedings and conclusions, but to add such "observations as might seem to be useful." He therefore respectfully submits the following additional report, mainly explanatory of the grounds taken in the conference in behalf of the United States, but embodying statements which may possibly facilitate to some extent the examination of the subject by the government.

1. All the independent sovereignties of Europe, with the possible exception of some small portions of northern Germany, were represented in the conference by delegates duly accredited. The delegates from Prussia appear on the roll as representing that power only, but from the fact of their repeatedly abstaining from voting on certain questions in the conference "without the consent of the Confederated States," they were practically considered as representing all the states and communities of northern Germany now confederated with Prussia. There were no separate delegates from the kingdom of Saxony, or either of the Hanseatic cities of Hamburg, Bremen, Lubec, or Frankfort. There were separate delegates from Baden, Wurtemberg, and Bavaria. None of the nations west of the Atlantic were represented, except the United States of America.

The nations appearing by delegates in the conference were entered alphabetically on the roll, in which order they voted. A copy of the roll is hereto subjoined. Including Sweden and Norway as one, they were nineteen in number, being—

Austria,	Italy,
Baden,	Pays Bas, (Holland,)
Bavaria,	Portugal,
Belgium,	Prussia,
Denmark,	Russia,
Espagne, (Spain,)	Sweden and Norway,
Etats Unis, (United States of America,)	Switzerland,
France,	Turkey,
Great Britain,	Wurtemberg.
Greece,	

Their aggregate population, European and American, a little exceeds three hundred and twenty millions. The population of the dependencies of these nations in Asia is estimated at one hundred and ninety millions. There were no separate delegates from any portion of the West or the East Indies, not even from Australia, which had been separately and conspicuously represented in the International Statistical Congress, at London, in 1860, and which still plays a part so important in furnishing gold to British India and other oriental countries.

It is, indeed, specially noticeable in the reported discussions of the conference how little account was made of that populous quarter of the globe in estimating the world-wide advantages of a common money; and this omission has become more worthy of remark from the circumstance that information reached Paris, soon after the adjournment of the conference, that measures were in actual progress, at Peking, for striking, for the use of the immense population of China, coins of the weight and value respectively of twenty francs, of five francs, and of one franc, bearing on their face the head of the Chinese Emperor, thereby assimilating the money of the Celestial Empire to that of Europe.

The interesting fact is stated in a historical report (recently published by a member of the British embassy) of the money of Japan, that it possesses a coinage of gold and silver in some essential features resembling that of France, particularly in a double standard, under which the ratio of silver to gold is fixed at  $13\frac{1}{2}$  to 1.

It appears that, in ignorance of the actual relative values of the two metals in our Atlantic world, (of 15 or 16 to 1,) these pagan Asiatics had fixed the

ratio at only 4 to 1, which great exaggeration of silver they were furthermore induced to continue by a treaty in 1858, under which they were rapidly despoiled of their gold in large quantities by some of the traders from Christian nations. The partial correction of the mistake in 1860, by raising the ratio to  $13\frac{1}{2}$  to 1, (if any ratio fixed by governmental regulation be admissible at all,) shows an advance of intelligence in this distant region, inspiring the hope that, in due time, at least a portion of eastern Asia may be brought within a world-embracing and world-protecting belt of monetary unification.

The British colonies in continental North America, recently consolidated by imperial authority in the "Dominion" of Canada, were represented in the conference only as a part of the British empire by the delegates from the United Kingdom. That young but rising power, though remaining in form a colonial dependency, now possesses, under the 91st section of the act of the imperial Parliament of the 29th of March, 1867, the sovereign and "exclusive legislative authority" to regulate its own "currency and coinage," already much assimilated to the decimal system of the United States. The deep interest in the success of the pending measure of unification manifested by Mr. Bouchette and other intelligent Canadian officials, who were at Paris to superintend the exhibition of the products of their country, affords ground for believing that the general conclusions, and the basis now proposed by the conference, will command the ready assent and co-operation of that active and interesting portion of the North American continent.

Of the Mohammedan nations, the Ottoman empire was represented in the conference by his excellency Djemil Pacha, its ambassador extraordinary and plenipotentiary to the court of France. With him was associated the Colonel Essad Bey, the military director of the Ottoman academy in Paris, who had moreover officially represented his government in the preliminary "international committee on uniform weights and measures and coins," in which body he had manifested a marked desire that the proposed monetary reform might include the coinage of Turkey. At a later stage of the conference his excellency Mihran-Bey-Duz, member of the Grand Council of Justice and director of the mint at Constantinople, whose early arrival had been unexpectedly retarded, appeared and took his seat as a member.

The ambassador to France from Persia, (sometimes called the "France of Asia,") a personage of singular intelligence, had also manifested a lively interest in the proposed monetary reform, but had been obliged to leave Paris on the eve of the first meeting of the conference. It is worthy of notice that the standard of the gold coin of Persia is .900 fine, being the same as that of the United States, while that of Turkey is still higher, being .915 fine. The principal gold piece of Persia is worth 22.27 francs; that of Turkey 22.48 francs.

2. There is good reason to believe that the disparity in the representation of the two continents was not occasioned by any want of consideration for the nations of Central and South America, but solely by want of time to reach them with formal invitations. The consequence was that the United States being the only transatlantic country represented, its delegate is erroneously mentioned in the official report as the "sole representative of the transatlantic countries." He begs to state that he did not profess or seek in any way to represent any nation but the United States. The conference is repeatedly mentioned in the official report as embracing "all the sovereign states of Europe and the government at Washington;" but if that implies that the United States assumed any authority to speak for any other of the nations of either of the two Americas, it was not warranted by any act of the undersigned.

Wholly disclaiming any wish to exceed the limits of his proper authority, he would nevertheless venture respectfully to suggest for the discreet consideration of the government at Washington, whether it would not be desirable for the United States, either singly or in co-operation with France, to invite the early

attention of the independent American nations of Spanish or Portuguese origin, now nine or ten in number, to the proposed plan of monetary unification, in the hope that the whole of the western hemisphere may be brought into line in this onward march of modern civilization.

The long array of states in Central and South America, which for brevity may be classed among the "Latin" nations, now embraces in the aggregate a population of more than thirty millions of inhabitants, enjoying an oceanic commerce with the United States, Great Britain, and France, (the three great coining nations,) exceeding yearly two hundred millions of dollars, and, above all, possessing the larger portion of the grand trunk of the broad metalliferous mountain range stretching from Cape Horn to the Arctic ocean. Our own gold and silver bearing, snow-clad Sierra Nevada and Rocky mountains are only the offspring and offshoots of the Sierra Madre, itself a prolongation of the Cordilleras, first yielding up their metallic treasures to the Spanish nations planted by Cortez and Pizarro. Speaking the languages of Spain and Portugal, these "Latin" races of the two Americas approach, to say the least, in general culture and intelligence, some of the Teutonic and Slavonic races represented in the conference.

In view of the continental importance of securing the early and cordial co-operation of these neighboring nations, the government of the United States will be gratified to learn that the extensive and rapidly improving empire of Brazil, so favorably known by its well directed patronage of industry and science, although not directly represented in the conference, nevertheless enjoyed the opportunity of fully participating in the preliminary examination of the international committee on weights and measures and coins, composed largely of members selected from the commissioners from the numerous nations represented at the Universal Exposition. Of that committee Señor de Porto Allegri, the regularly commissioned representative from Brazil, was not only a member, but actually the president of the sub-commission on uniform coinage. In that capacity he carefully presided over its deliberations and united in its general resolutions, copies of which have been heretofore transmitted by the undersigned to the Department of State, and which will be found to be fully in harmony with the plan or basis proposed by the conference.

3. The clear and comprehensive vision of the far-seeing advocates in Europe of monetary unification has fully discerned the grandeur of uniting the two hemispheres in one common civilization. M. Esquiron de Parieu, vice-president of the conseil d'état of France, who presided with eminent wisdom and dignity over the conference at several of its most important meetings, declares, in one of his learned and luminous monetary essays, now lighting the path of the Older World, that "a monetary union of western Europe and the transatlantic nations would possess an incontestable importance. Above all," he adds, "it would produce a grand moral effect." As if foreseeing with the eye of prophecy a continental, if not a world-wide, "solidarity" for the "dollar," founded historically on the past, he adds, "the Americans can never regard their dollar as a merely national coin, after having borrowed it from their neighboring Spanish colonists."

As a matter of historic truth, Spain itself had borrowed the "dollar" from Austria, during their union under the common empire of Charles the Fifth. The "Joachim's thaler," first coined in the silver mines of the Bohemian valley of Saint Joachim, (or James,) is the great ancestor, in fact, of the American dollar. In purity of origin and length of lineage it must surely suffice to satisfy the most aristocratic tastes of modern Europe.

Nor is there any such diversity in the coinages of the Central and South American nations, or difference from those of Europe or the United States, as to render the task of unification seriously difficult on their part. The gold doubloon or "*doublon*," (sometimes denominated in the monetary tables the "*quad-*



*rupte pistole,*”) of New Granada, of Bolivia, and of Chili, are each .870 parts fine; that of Mexico, .870.5; that of Peru, .868. The French “*Annuaire*” reports that of Ecuador at .875. Their money values, in the existing dollars of the United States, are reported by the director of the mint of the United States as being, for new Granada, \$15 61; for Chili and Bolivia, \$15 59; for Peru, \$15 58; for Mexico, \$15 52.

The full and perfect measure of Hispano-American unification would be attained by increasing the weight of all these doubloons to 100 francs, which would render them at once equivalent to the double-eagle (or \$20) of the United States, or to four British sovereigns, (when reduced as now proposed,) and current, without recoinage, brokerage, or other impediment, throughout the world. This enlarged doubloon, divided into halves and quarters, would supply for the people of Spanish America one convenient coin, equivalent to 50 francs, or an eagle of the United States, or two British sovereigns; and another coin, equivalent to 25 francs, or a United States half-eagle, or one British sovereign. Mexico has already a gold coin of 20 *pesos*, finely executed; and Peru has a gold piece of 20 *soles*; each of them being nearly equivalent to the double-eagle.

The 20 “*mil-réis*” of Brazil, now worth \$10 85, would probably be conformed to the plan proposed for Portugal, the parent country, by the Count d’Avila, her experienced and able delegate in the conference, by the issue of a gold coin equivalent to 25 francs, with such subdivisions and multiples as convenience might require.

4. The importance of including the whole of the western hemisphere in the work of unification is still more evident when we consider its intermediate position on the globe, as a connecting link or stepping-stone between western Europe and eastern Asia, and the dominant fact that the two Americas already furnish the larger portion of the gold and silver of the world. The comparatively moderate quantities found on the eastern continent hardly suffice for the necessary consumption in the arts in the populous parts of Europe. The mines of Russia yield annually but little more than fifteen millions of rubles, (\$12,000,000,) of which more than two-thirds are painfully extracted from eastern Siberia, north of the sixtieth parallel of latitude, in ground frozen eight months of the year, and far remote from any adequate supply of food. There is no probability of any large or disturbing influx of gold into western Europe from that distant quarter of the globe.

The course of the monetary currents through middle and eastern Asia is instructively indicated by recent statistical returns from Russia, showing that of the gold and silver coin sent in 1865 from Russia overland into China, through the international *entrepôt* of Kiachta, 3,876,184 rubles were in silver, and only 327,979 rubles in gold.

Of the large gold product of Australia, exceeding in some years sixty millions of dollars, portions are sent to Calcutta, Canton, and other oriental ports, and the residue principally to London. The sovereigns of Australia, bearing the head of Queen Victoria, finely struck, have recently been made a legal tender throughout the British empire.

A portion of the gold of California and of Nevada has now begun to find its way directly to China, in the Pacific steamers, by a line shorter by at least eight thousand miles than the circuitous route hitherto pursued by the way of Panama, the Atlantic ocean, the Mediterranean, the Red sea, and the great Indian ocean. So marvellous indeed are the facility and the economy already afforded by this new line, in connection with the land and ocean telegraphs, that the London banker, with one hand, and within 36 hours, may order his correspondent at San Francisco to ship gold to Canton directly across the Pacific, requiring from 20 to 25 days, and with the other may telegraph to his correspondent in Ceylon to send to China by the mail steamer from that island, in 10 or 12 days, the necessary advices of the shipment. The “inexorable law of cheapness” will soon

render permanent this strange geographical inversion, by which the money of the Pacific slope of the western world is sent westward to find the markets of the east.

5. The proposed unification of gold will necessarily involve the expense of recoinage only by the nations not already measuring their money in francs. No recoinage will be needed in France, Belgium, Switzerland, or Italy, to which have been recently added the Pontifical States and Greece, the whole embracing a population exceeding 72 millions. Every other nation has a different coinage, no two of them being alike. It could not be reasonably proposed that these united nations, with 72 millions of people, should call in and recoïn all their gold, to conform its weight and value to the coinage of any other separate nation, with a population much inferior in number, and especially with a much smaller amount of actual coinage.

On this point it became necessary to examine the statistics, so far as the United States, Great Britain, and France, the three great coining nations, were concerned. Gathered exclusively from official documents, they will be found condensed in the "Note" or written argument in favor of the 25-franc coin, submitted by the undersigned in behalf of the United States, and printed as an appendix to the sixth "*séance*," at page 91.

For more convenient reference, the figures are now repeated, as follows:

I. The gold coinage of the United States in the 57 years from 1792 to 1849, next preceding the outburst of gold in California in 1849, was .....		\$85, 588, 038 00
In the next two years, 1849 and 1850 .....		94, 596, 230 00
In the next fifteen years, 1851 to 1866 .....		665, 352, 323 00
Total .....		845, 536, 591 00
II. The gold coinage of Great Britain in the 35 years from its reform, in 1816, to 1851, was £96,021,151, or.....		\$480, 105, 755 00
In the 15 years from 1851 to 1866, £91,047,139, or.....		455, 235, 655 00
Total .....		935, 341, 450 00
III. The gold coinage of France in 58 years, from 1793 to 1851, was, in francs, 1,622,462,580, or .....		\$324, 492, 516 00
In the 15 years, under the empire of Napoleon III, from 1851 to 1866, in francs, 4,938,641,490, or.....		987, 728, 298 00
Total .....		1, 312, 220, 814 00

## SUMMARY.

Total coinage by the three nations before 1851 :		
By the United States .....		\$180, 184, 268 00
By Great Britain .....		480, 105, 755 00
By France .....		324, 492, 516 00
Amount .....		984, 782, 639 00
From 1851 to 1866 :		
By the United States .....		\$665, 352, 323 00
By Great Britain .....		455, 225, 695 00
By France .....		987, 728, 298 00
Amount .....		2, 108, 356, 316 00

The preceding summary does not include the gold coinage of Australia, full statistics of which the undersigned hopes to be able soon to furnish. The value of the gold produced in the year 1865 in Australia was \$43,686,665; in New Zealand, \$11,133,370. He also proposes to add to this statement reliable statistics of the gold coinages of the other principal coining nations of Europe, and especially of Spain, Prussia, Austria, and Russia; but for the present purpose the preceding comparison of the three nations may suffice. It points clearly to the following results:

The amount coined by the United States having been \$845,536,591, if two-thirds shall be deducted for the portion recoined in Europe or used in the arts, the amount remaining which would require recoinage would not exceed, in round numbers, \$300,000,000. It is true that a portion of the coin of the United States exported to Europe is sent without recoinage to Germany and other continental nations, for the use of their people emigrating to the United States. But if we allow \$200 *per capita* (which, including women and children, would be a large estimate) for 150,000 emigrants, it would amount only to \$30,000,000. In view, moreover, of our large importations of foreign merchandise, with our temporary disuse of gold for domestic purposes, even the estimate of \$300,000,000 may be too large. The recoinage, however, of the whole amount would cost, at one-fifth of one per cent., (the rate ascertained by experience,) only \$600,000.

The amount of gold now in actual circulation in France, Belgium, and Italy, is estimated by M. de Parieu, and other distinguished economists of Europe, at 7,000,000,000 of francs, or \$1,400,000,000. The amount in circulation in the residue of continental Europe would probably carry the total to \$1,800,000,000. To suppose that the 17 nations, from the Atlantic to the Volga, would or could unite in recoinage such an amount, and in abandoning every vestige of the monetary portion of the metric system, merely to adopt the existing coinage of the United States, with only \$300,000,000 outstanding, would be preposterous indeed.

The proportion of the total amount of British gold coinage (\$935,331,450 in 50 years) now in circulation, is variously estimated from £80,000,000 (\$400,000,000) to £100,000,000, (\$500,000,000,) mainly in sovereigns, many of which are now so much worn as to be reduced in actual value to 25 francs. A considerable amount of British gold must have been imported into France, to enable her to coin the \$987,728,298 in the 15 years from 1851 to 1866. If \$500,000,000 yet remains outstanding in Great Britain, the cost of its recoinage at one-fifth of one per cent., to effect the proposed unification, would be covered by a million of dollars.

It will be borne in mind that this expense of recoinage by the several nations is to be incurred but once for all, while the incessant remeltings and recoinages under the present system by the mints of different nations are a constant and needless diminution of the monetary wealth of the world. The burden principally falls on the nations, like the United States, which export gold needing to be recoined, the value of which abroad is reduced precisely by the cost of its recoinage.

If the total expense of the necessary recoinage throughout the world to accomplish the proposed unification were even to reach \$2,000,000, it would be speedily reimbursed in the saving of further recoinages, brokerages and exchange. Without attempting at the present time accurately to estimate these savings in detail, (more properly the duty of an experienced commercial committee,) we may safely assume that they would amount yearly to several millions of dollars.

It is stated by an eminent and experienced banker in Europe, that there are now scattered through its different nations and along their frontiers at least 5,000 money changers, (including their employés,) who gain their living by exchanging the gold of the various countries of the world. If there are but

2,000, earning yearly an average of \$1,000 each, it would amount to \$2,000,000 yearly, which the world ought to save and would save by the proposed unification, not to mention the vexatious loss of time in calculating fictitious rates of exchange, and the large additional saving in the future product of gold.

The estimate of \$1,400,000,000 as the gold circulation of France, Italy, and Belgium, will not be regarded as exaggerated when we consider the heavy drain of silver from France during the last fifteen years, in connection with the fact that its silver coinage from 1795 to 1851 had amounted to 4,457,595,345 francs, or \$891,519,069. Of this large amount, at least \$750,000,000 are said to have been exported within the last fifteen years, principally to the East Indies, leaving the amount of silver now in circulation, in France, not exceeding \$150,000,000.

The coinage of silver at the royal mint of Great Britain in the ten years from 1857 to 1866, both inclusive, was only £3,677,182, or \$18,385,910. The total coinage of silver in France during the reign of the present Emperor, in the fifteen years from 1851 to 1866, was only 215,561,101 francs, or \$43,112,180. The silver coinage of France, Great Britain, and the United States, from 1851 to 1866, was, in round numbers, only \$117,000,000, against a gold coinage, in the same period, of \$2,108,000,000.

So severe, indeed, had become the destitution of small silver coin in 1865, that the treaty of the 23d of December, of that year, authorizing the issue of silver of denominations less than five francs, reduced its standard about seven per cent., (from .900 fine to .835 fine,) to prevent its further disappearance. At the same time, it limited the amount to be coined in France to 239,000,000 francs, or \$47,800,000.

Fortunately for France and the commercial world, the surplus gold of the United States was at hand during these fifteen years, ready to be recoined. Steadily filling the immense vacuum caused by this great export of silver, it now invigorates every branch of industry in France.

The monetary movement in these fifteen years on the waters of the globe significantly illustrates the power of the oceans not to divide but to unite the continents in a common "solidarity." Subdued by steam to the use of man, they are now incessantly ministering to the wide-spread monetary necessities of the human race. It needs but a glimpse of their statistics to map out the great oceanic monetary currents. Within that brief period, only the dawn of the opening auriferous era, we discern a mass of gold, in the aggregate exceeding \$500,000,000, moving across the Atlantic from the United States; another and still larger volume of \$833,000,000 pouring out from Australia upon the surrounding oriental waters, and at least one-half finding its way to London over the Indian ocean, the Mediterranean, and the Atlantic; another golden mass of \$620,000,000 crossing the British channel into France, while the great countercurrent of \$565,000,000 of silver, largely derived from France, is seen flowing out of England and up the Mediterranean on its way to the ever-absorbing East.

6. While we see the gold of the United States largely diminished by export to other nations, it should be considered, that its present product may rapidly and largely increase under the stimulating influence of the Pacific railway and its branches, (the main line being now in vigorous progress,) penetrating our metalliferous interior and greatly facilitating and encouraging our mining industry by the cheap and expeditious carriage, not only of machinery, but of food in large quantities, both from the Pacific slope and the fertile valley of the Mississippi. With these superadded facilities, our rate of product of gold for the next fifteen years, to say the least, can hardly diminish. At only \$60,000,000 yearly, (the average rate for the last fifteen years,) our product in the next fifteen years will add to the gold of the world \$900,000,000. It certainly is not impossible, nor very improbable, that this amount may be considerably exceeded.

It was in view of the large and inevitable addition to our gold product, that the undersigned deemed it necessary to insist in the conference, in behalf of the United States, that the work of monetary unification, with its consequent recoinage, must be accomplished "now or never."

The interesting theme of the future development of the trade and power of the two Americas on the Pacific, an ocean as yet almost unoccupied, would open a field of view quite too large for exploration on the present occasion. Confining our examination to their mining industry, it is enough to say, that by the natural increase of their population, incessantly swelled by immigration from overcrowded Europe, at least 130,000,000 of inhabitants, under governments more or less united or confederated, will be found, at the end of the next fifty years, in possession of the whole line of the gold and silver-bearing Cordilleras and their branches from Behring's straits to the confines of Patagonia. Their incalculable masses of treasure, now comparatively dormant, but then brought actively out to light, will be counted indifferently by dollars and by francs. We need but to look calmly and clearly ahead to perceive and to feel, that it has already become, not only the privilege, but the solemn duty of the United States and of all the nations of the western hemisphere, custodians, under the irresistible logic of events, of so large a portion of the money of the world, to secure the uniformity of its coinage, for no narrow "inch of time," but for the unnumbered ages yet to come.

Above all, let us never forget that the two Americas are Christian members of the great family of nations, and that the unification of money may be close akin to other and higher objects of Christian concord. We cannot wisely or rightfully remain in continental isolation. Integral portions of the mighty organism of modern civilization, let us ever fraternally and promptly take our part in the world-wide works of peace.

7. The present heterogeneous condition of the coinages of Europe was originally and primarily caused by the downfall of the Roman empire. The widespread rule of Augustus and his successors embraced a population of various races, estimated at its zenith at one hundred and twenty millions. His vigorous arm suppressed the private coinages of the leading Roman families under the republic. The coin of his government bore "the image and superscription of Cæsar" throughout the wide extent of the empire. Authoritative alike on the Jordan and the Thames, the far-reaching imperial edict regulated the money of Judea, and restrained the rude coinage of the barbarous tribes of Britain.

It is true that the imperial money, subject, like all human things, to the fundamental law of demand and supply, largely fluctuated in value during the first four centuries, but its coinage remained directly or indirectly subject to the central authority until the final wreck and disintegration of the empire.

By that momentous event, western Europe was strewn with fragments from the Mediterranean to the Baltic, and the wall of Britain. The monetary fabric, once so firmly united, shared the fate of the empire. Petty chieftains, seizing the political *débris*, built up petty states, lay and ecclesiastic, by hundreds on hundreds, each of them claiming, and most of them exercising, the sovereign power of coining money. Pre-eminently was this the case in that portion of Europe now called "Germany," which bears even yet on its motley political surface, and still more strikingly on its diversified coinage, the marks of the great disintegration. Even the most powerful of the German emperors seemed unaware of the necessity of centralizing and regulating the coinage of money. In 910 we find Otho the Second, of the great and then dominant Saxon line, granting licenses to the Archbishop of Strasburg and the bishops in its vicinity, to exercise this high function of sovereignty.

Nor was this mingling of God and mammon confined to Germany. Before the extinction of the heptarchy, similar powers had been vested in the Archbishops of Canterbury and York, while France was annoyed for centuries with the

varying coinages, not only of petty feudal sovereigns, but of abbots and other ecclesiastics of high and low degree, perhaps quite as fit for the trust as the ignorant princes at their side. The cabinets of coins in Europe are filled with the heterogeneous issues of mediæval France and modern Germany.

There may now be seen at the mint of the United States, in Philadelphia, specimens of the coinages, not only of the royal houses of Germany, but of the secondary dukedoms and minor principalities of Brunswick, Nassau, Hesse Cassel, Mecklenburg, Anhalt, Bernburg, Oldenburg, Reuss, Lippe, Saxe Weimar, Saxe Gotha, Saxe Coburg, Saxe Meiningen, Schwartzburg, Hohenlohe, Hohenzollern, and Waldeck; some of them ruling populations of less than one hundred thousand souls.

8. For this fragmentary state of things there could be but one remedy. The disintegrated political and monetary world must be reintegrated; and this has been the tedious task of the last ten or twelve centuries. During this long interval of reconstruction, the scattered members of the once united monetary organism have been slowly coming together. Hundreds of petty sovereignties have been already extinguished or consolidated, giving place to large and efficient nations.

The fusion of the seven little kingdoms of the heptarchy in the undivided realm of England; the conjunction, in Spain, of the crowns of Castile and Arragon; the consolidation of the provinces of France, and consequent extinction of feudal rule and feudal coinage; the union of the three kingdoms in the British islands;—all becoming centres of monetary reform, in which discordant coinages have been melted into unity; the recent conjunction of the fragmentary portions of the Italian peninsula, incoherent and jarring for centuries; the unifying operations now in vigorous progress in northern Germany; and, above all, the advent and progress of the great empire of Russia, emerging from Asia and steadily moving into eastern Europe, have all converged to one grand monetary result—the diminution in number of the coining nations enabling them all at last to meet face to face in general and friendly conference, as they have just done for the first time in the history of man.

It is true that a cluster of smaller principalities with mimic sovereignties may yet remain in Germany, portions of a more numerous group, whose multifarious and multitudinous silver coinages had been so long the annoyance and pest of every traveller through central Europe; but recent events give reason for hope that a confederation, if not the political unity, of their intelligent populations, which may utter a common voice for a common money, will not be much longer postponed.

9. From this hasty sketch of the coinages of Europe, we may point with just satisfaction to the historical contrast furnished by the United States of America.

The thirteen colonies which first occupied that portion of the North American continent extending southwardly from the great chain of lakes nearly to the Gulf of Mexico, brought with them, or soon adopted, the "pound" as their unit of money. The twenty silver shillings which they coined, being reduced in weight, were not equal in value to the pound sterling of the parent country. The pound of some of the colonies was not worth in silver more than three dollars and thirty-three cents, measured in the present money of the United States. In others it was worth only two dollars and fifty cents. The natural attachment of the colonists to the traditions of the parent country, nevertheless induced them to retain the inconvenient and absurd subdivisions of shillings, pence, and farthings, with their three differing divisors.

Several of the colonies coined silver money of small denominations, with subdivisions in copper, until the restoration of Charles the Second to the throne of England. A royal order issued by his authority, about the year 1660, strictly prohibited any further coinage by the colonies, as the usurpation of a sovereign power. Their coinages consequently ceased or greatly diminished until the out-

break of the American Revolution, in 1775, after which various coins were issued by the several "States" claiming to be sovereign, until the final adoption of the dollar as the coin of the United States. To comprehend clearly that important event, we must briefly revert to the history of the "pound."

The money pound of England is of French origin. Charlemagne, crowned "Charles Augustus, Emperor of the West," in the year 800, sought, like his imperial predecessor, the first Augustus, to unify the money of his empire. With that view he ordained that the French livre, or pound weight of silver, should constitute the monetary livre, or pound of money. This livre, carried across the channel into England by William of Normandy, was imposed by him as Conqueror on the English people. The "Tower pound," actually containing a pound weight of silver, bears date in 1066, the year of the Conquest. The word, however, failed long ago to possess any truthful significance, for the money pound has been steadily dwindling in weight for the last eight centuries, until the twenty shillings into which it is now divided actually contain less than one-quarter of a pound of pure silver.

On the recognition by England, in 1783; of the political independence of the United States, their then existing political organization, "The Congress of the Confederation," deemed it proper, also, to throw off the monetary yoke of pounds, shillings, pence, and farthings. On the 6th of July, 1785, this continental Congress unanimously passed the memorable monetary ordinance reported by the "grand committee of thirteen," of which Rufus King, one of the wisest and most far-seeing of the statesmen of America, was a member. Not only did it omit in any way to recognize the pound, but it distinctly brought in and established the dollar, as the permanent monetary unit of the United States. Its precise weight was fixed by a subsequent ordinance, passed on the 8th of August, 1786, which further provided for the issue of a gold coin of ten dollars, to bear the impress of the eagle, which imperial emblem had been selected in 1782, in view of the national sovereignty then clearly discerned in the future. What was far more important, the ordinance expressly provided that the dollar should be decimally divided.

This cardinal monetary reform preceded, by at least six years, the establishment of the "metric system" of France, with the consequent decimalization of its coin in 1792, under which the ancient "livre" of Charlemagne, dwarfed and shrunk in its long life through the vicissitudes of ten centuries, disappeared from the world.

The government of the United States has lost no opportunity of commending the metric system to the admiration of its people and of the civilized world. By a recent act of Congress, passed on the excellent report of Mr. Kasson, in the House of Representatives, supported with learning and ability by Mr. Sumner, in the Senate, its use has been actually legalized throughout the American Union. But the dominant historic fact will forever remain, that the previous step, among the first if not the earliest of the authoritative measures for decimalizing the money of the world, was taken by our young republic, just emerging from its cradle.

Nor did the services and the example of the United States in the cause of monetary unification stop with the ordinance of 1786. A further and far more comprehensive measure was adopted in 1789, in substituting, in place of a loose political confederation, a nation, with a government throwing the mantle of a common sovereignty over the States and the peoples then united, with the transcendent and exclusive power to establish one uniform coinage for the whole. The great monetary clause in the national Constitution—the most important act of political conjunction which history records—with a sublime forecast of the geographical expansion of the nation then brought into being, is condensed and crystallized in the few brief words, "NO STATE SHALL COIN MONEY," firmly and

forever establishing the monetary unity and the monetary sovereignty of the continental republic, from ocean to ocean.

10. The first Napoleon, looking down on the world from the rock of St. Helena, declared that what Europe most needed was "a common law, a common measure, and a common money." This solemn utterance was a legacy not alone to Europe, but to the whole family of nations. It was in 1821, the very year of his disappearance from the world, that the American Secretary of State, John Quincy Adams, submitted to the Congress of the United States his celebrated report, pointing out the incalculable advantages of a common measure and a common money, "to overspread the globe," in his own comprehensive language, "from the equator to the poles." With clear political sagacity, he saw and said that the object could only be accomplished "by a general convention of nations, to which the world shall be parties," and "in which the energies of opinion must precede those of legislation." It certainly was the first official proposition for a general monetary convention, known in civil history.

More than forty years elapsed before that memorable proposition was carried in any way into practical effect. It is true that some of the states of Germany had met in a monetary convention in January, 1857, which fixed the values (for purposes of their local Zollverein) of the gold crown, the silver thaler, and the silver florin; but no general assembly of nations, by delegates duly accredited, was ever held, in which the question of general monetary unification was openly discussed, until the International Statistical Congress at Berlin, in September, 1863. To that body, composed largely of representatives from governments, an elaborate report was presented by a committee of delegates from fourteen nations, mainly prepared by Mr. Samuel Brown and Professor Leone Levi, of London, both favorably known by their valuable labors in the "International Decimal Association." It recommended the decimalization of the pound sterling, but proposed to retain the pound itself as the monetary unit. It further proposed, that "in respect to silver coins, the dollar reduced in value to five francs, the florin made equal in value to two and one-half francs, and the franc itself, should also be retained as units; and that all of them should be decimally divided."

It is gratifying to add, that a large and influential party in England, embracing many of its most eminent and intelligent merchants and bankers, (and especially the late Sir William Brown, of Liverpool,) have strongly advocated, for several years, the decimalization of the pound sterling.

The above-mentioned report coming up for discussion in the congress at Berlin, the undersigned, as the delegate from the United States, objected to the adoption of the four units; and expressly on the ground, among others, that it would tend to preserve the double standard of gold and silver, and thus prolong the vain attempt to fix by legislative enactment the values of two different metals in their nature necessarily mutable, and governed only by the fundamental law of demand and supply.

In the course of the discussion, a suggestion was made by Dr. Farr, registrar general of the United Kingdom, and one of the most distinguished of the British delegates, that the gold dollar of the United States should be made equal to one-fifth of the British sovereign; to which it was answered, in behalf of the United States, that both the British sovereign and the United States half-eagle of five dollars should be reduced to the value of twenty-five francs, and thereby unify at once the gold coinage of the three nations. The difference of opinion on this point between the delegates of Great Britain and those of the United States and of other nations, led the congress to adjourn without deciding the question.

It would not be just to leave this portion of the subject without acknowledging the valuable aid rendered by delegates from other countries in sustaining the proposition for unifying at once the gold of the three nations, and pre-eminently



by the Count d'Avila, the well-known financier and delegate from Portugal (now minister at Madrid,) who ably supported, at the Berlin congress of 1863 the plan of triple unification, and with still greater efficiency in the recent conference, the proposition of the United States for the issue by France of the new gold coin of twenty-five francs.

As a part of the history of monetary unification it is proper also to add, that the present Chief Justice of the United States, while Secretary of the Treasury, practically proposed, in his annual report to Congress in 1862, to unify the coinage of the English races by reducing the value of the half-eagle of the United States to that of the British sovereign, which would have required a reduction in the half-eagle of  $13\frac{1}{2}$  cents. His forcible exposition of the advantages of such a step is still more applicable to the wider measure of unification now proposed by the international monetary conference, requiring a further reduction of only four cents.

It must, however, be evident that such a conjunction of the coinages of the United Kingdom and of the United States, embracing a population in Europe and America not exceeding seventy millions, would have brought the conjoined monetary system of the two nations into perpetual antagonism with the system or systems of the European continent, now embracing a population of two hundred and fifty millions—not to mention the possibility, not very far remote, of ultimately bringing the populous nations of eastern Asia, with their four or five hundred millions, into one common world-embracing system, to remain united until while modern civilization shall endure.

11. On the 23d of December, 1865, the governments of France, Belgium, Switzerland, and Italy, made the quadripartite monetary treaty, the text of which is given in full, as an appendix to the second *séance* of the conference, at page 27. A translation is herewith transmitted.

With profound respect for the distinguished negotiators of the treaty, several of whom were also members of the conference, we may, nevertheless, assert that its principal value is geographical, in fusing into a single mass, for monetary purposes, the large and important portion of Europe embraced within the boundaries of the four nations, since enlarged by the adhesion of the Pontifical States and of Greece. By this brilliant and masterly consolidation, the gold of Europe is already unified throughout one broad, unbroken belt from the Atlantic ocean to the eastern limits of the Grecian archipelago, constituting an extensive and attractive nucleus, around which the coin of the remaining nations of Europe may readily cluster. Opening wide an unobstructed path through Europe for American coin, it now needs only a brief law of Congress, fixing the weight of the gold dollar at 1.612.90 milligrams—to establish a permanent line of monetary unity spanning the Christian world from San Francisco to the confines of Constantinople.

The treaty is, moreover, of primary importance in prescribing and defining, with scientific precision, the weight, diameter, quality, and "tolerance" of the coin thus unified. On the other hand, it contains provisions which are wholly inadmissible in a general basis of monetary unification for the nations of the world. They are the following :

1. In including silver in the coin to be unified, thereby rendering it necessary to fix a permanent ratio between the values of gold and of silver.
2. In limiting the amount of silver coin, of denominations less than five francs, to six francs, *per capita*, for the population of each nation.

3. In prohibiting the issue of any gold coin of an intermediate denomination between ten francs and twenty francs, or between twenty francs and fifty francs, a prohibition which would prevent the issue not only for the twenty-five franc coin required by the interests of the United States and other nations, but of a fifteen-franc gold coin, which may soon become necessary in unifying the coinages of Germany and, perhaps, of Holland. It is enough to add that the conference,

in view of these provisions, did not adopt the treaty as the fundamental basis of their plan of unification.

12. The double standard was legally established in France by the well-known law of *7th Germinal*, an XI, (March 28, 1803,) which fixed, or, more properly speaking, sought to fix the ratio of silver to gold at  $15\frac{1}{2}$  grams of silver to 1 gram of gold. The power of a legislative body thus to fix a ratio of values has been for the last seventy years the cherished belief of many economists of France. It was probably in deference to their opinions that the recent act of the *Corps Legislatif*, ratifying the treaty of December, 1865, studiously declared that the law of *7th Germinal* "was not repealed," and this in face of the treaty itself, which authorized the issue in France alone of 239,000,000 of silver francs, at a standard reduced from .900 fine to .835, about seven per cent., and that, too, for the very reason that silver had actually become more valuable by seven per cent. than the rate of  $15\frac{1}{2}$  to 1 fixed by the law of *7th Germinal*.

The practical reduction of the ratio directed by the treaty was, in fact, a distinct and most instructive admission, in the most solemn form known to nations, that any act of mere legislation, seeking to fix a "double" standard, is, alike in its nature and in its very terms, fallacious, illogical and impossible. No formal legislative act was needed for repealing the law of *7th Germinal*, for it had been already effectually repealed in fact, by the natural and irresistible increase in the value of silver, in obedience to the superior and overruling law of demand and supply.

The vital element in the double standard is the legal right which it gives to a debtor to pay his debt, at his option, in either of the two metals; in other words, rendering both "a legal tender." In view of this, the treaty of 1865, permitting this large silver coinage of reduced standard, declared it not to be a legal tender between individuals for sums exceeding fifty francs, and so far repudiated the theory of a double standard.

The Congress of the United State have also virtually abandoned the ratio which it had sought to fix by legislation. The act of 1853 directs all subdivisions of the dollar thereafter to be coined to be reduced (not in standard, as in the four nations, but) in weight, about seven per cent.; and also declares such subdivisions not to be a legal tender for any sum exceeding five dollars.

The total coinage of silver dollars by the United States in the last seventy years falls short of five millions of dollars, nearly all of which have disappeared from circulation. But the total coinage of the subdivisions has exceeded \$131,000,000, of which nearly the whole of the portion coined before 1853 has also disappeared. In view of these facts, submitted by the undersigned to the conference, (3d "*séance*," page 37,) he felt justified in claiming and insisting that the double standard now existed in the United States only in form, and not in fact.

The establishment of the single standard exclusively of gold, is in truth the cardinal, if not the all-important feature of the plan proposed by the conference, relieving the whole subject, by a single stroke of the pen, from the perplexity, and indeed the impossibility, of permanently unifying the multiplicity of silver coins scattered through the various nations of Europe. It is a matter of world-wide congratulation, that on this vital point the delegates from the nineteen nations represented in the conference were unanimous—not excepting France itself, so strongly wedded by its national traditions to a double standard.

13. It will be seen by the report of the discussions (6th "*séance*," pages 79 to 82) that the subject of the "common denominator," or unit of gold, elicited a considerable difference of opinion. A denominator or unit equivalent to and equiponderant with the existing gold five-franc coin of France was actively supported by the United States, and by Austria, Russia, Switzerland, Portugal,

and other nations. The delegates from Great Britain and from Sweden urged, in preference, a denominator or unit of ten francs.

The question was finally decided by a formal vote by ayes and noes, on a roll-call of the nations, which resulted in a large majority in favor of the denominator or unit of five francs—thirteen (13) nations voting in its favor, and two, (2.) Great Britain and Sweden, in favor of the ten francs. The delegates from Prussia, Baden, Bavaria, and Wurtemberg, abstained from voting, mainly in view of existing stipulations in local monetary conventions, which temporarily embarrassed their action.

On all these questions, the interests of monetary unification were materially advanced by the publication at Paris of the concise but admirable letter from the Hon. John Sherman, senator in Congress from the State of Ohio, a copy of which has been already communicated to the Department of State, but which for more convenient reference is now transmitted herewith in duplicate, with its French translation.

His opinions are unmistakably expressed in the following extracts :

“As the gold 5-franc piece is now in use by over sixty millions of people of several different nationalities, and is of convenient form and size, it may well be adopted by other nations as the common standard of value, leaving to each nation to regulate the divisions of this unit in silver coin or tokens.

“If this is done, France will surely abandon the impossible effort of making two standards of value. Gold coins will answer all the purposes of European commerce. A common gold standard will regulate silver coinage.

“In England, many persons of influence, and different chambers, are earnestly in favor of the proposed change in the coinage. The change is so slight with them, that an enlightened self-interest will soon induce them to make it; especially if we make the greater change in our coinage.

“We can easily adjust the reduction with the public creditors in the payment or conversion of their securities, while private creditors might be authorized to recover upon the old standard.”

In connection with the propositions so clearly stated, it should be borne in mind that the change proposed in the weight of the dollar might be made, if necessary, so far prospective as to permit most of the private contracts now existing to mature. In point of fact, no practical inconvenience was experienced from the act of Congress of 1834, which reduced the weight of the gold dollar more than five per cent.

14. It is due to the British delegates, Mr. Thomas Graham, master of the royal mint, and Mr. Rivers Wilson, of the British treasury, to acknowledge their personal intelligence and liberality in the conference. They voted in favor of the single standard, and other important propositions, but were compelled, under the strictly limited instructions from their government, formally to state to the conference, (5th “*séance*,” page 64,) that “until it should be incontestably demonstrated that the adoption of a new system offered superior advantages justifying the abandonment of that which was approved by experience, and rooted in the habits of the people, the British government could not take the initiative in assimilating its money with that of the nations of the continent.”

The plan proposed by the conference has been formally transmitted to the British government, and will probably be referred, for careful consideration and report, either to a royal commission or a parliamentary committee. This will afford sufficient time, on the one hand, for the advocates of the existing system of pounds, shillings, pence, and farthings, and, on the other, for the friends of decimalization and the slight reduction assimilating the sovereign to the continental systems of Europe and America, to take the necessary measures to develop and render effective the matured opinion of the British people. We surely may indulge the hope, that the practical and clear-headed Anglo-Saxon

race, now so widely diffused through different quarters of the globe, abandoning narrow prejudices and worn-out traditions, may be found cordially agreeing on a common money for the use of civilized man.

15. The efforts made in behalf of the United States, in the necessary interviews with the imperial authorities, including the Emperor in person, to induce the government of France to issue a gold coin of 25 francs, to "go hand-in-hand throughout the civilized world, in perfect equality with the half-eagle of the United States and the sovereign of Great Britain," have been fully reported to the Department of State in former communications. There was some reason to fear that such a coin might be regarded as approaching too nearly in size the existing "Napoleon," or 20-franc coin. If that were so, it would enhance only the more the sense which must be entertained of the liberal and conciliatory course actually pursued by the imperial government.

At the 5th meeting of the conference, the Prince Napoleon, (Jerome,) at the special instance of the Emperor, and to mark his lively interest in the proposed monetary unification, entered upon the duties of the presidency, which had been discharged with signal ability by M. de Parieu. At the next meeting the question of the coinage of the 25-franc gold piece became the subject of serious discussion, during which Mr. Graham, of the British delegation, after expressing his opinion that a coin either of 25 francs or of 15 francs would inconveniently approach in size the existing coin of 20 francs, inquired whether the government of France "really proposed to issue a coin of 25 francs;" to which it was answered by the prince president, with the courtesy which peculiarly and uniformly characterized his conduct of the presidency, that "if France consulted only her individual convenience, she would see no necessity for issuing the new coin; but for the purpose of facilitating the work of unification, she would make the concession requested by the United States;" adding, moreover, that "the new coin would also promote the convenience both of England and of Austria." The delegate from Spain, the Count Nava de Tajo, thereupon stated that it would also accommodate Spain. The question was then put formally to vote, on which the issue of the 25-franc coin was unanimously recommended. Prussia, Baden, and Wurtemberg abstained from voting, mainly for the local and temporary reasons above referred to.

It is proper to add, that in the repeated interviews on the subject of this important concession by France with Monsieur Rouher, the chief minister of state, he uniformly manifested his cordial and respectful regard for the government and the people of the United States, and his earnest desire to harmonize the monetary systems of the two nations.

16. To prevent any misapprehension on either side of the Atlantic, it should be distinctly understood that the conference do not propose, nor was any proposition or suggestion made in that body, or elsewhere, to the knowledge of the undersigned, to abandon the use in any way of the word "dollar," or "sovereign," or "thaler," or "florin," or "ruble," for any other local denomination of money, or in any way to substitute the word "franc" for any or either of them. By the proposed unification, all those terms will be practically rendered synonymous or mutually convertible, but every nation will continue to use the names, with the local emblems, it may prefer.

That such will be the case is now fully evident from the fact that since the adjournment of the conference in July last a preliminary treaty has been signed by accredited representatives from France and Austria, providing for the issue of a gold coin of the weight and value of twenty-five francs for the international use and convenience of those two important powers, and by which the ten florins of Austria are made precisely equal in weight and value to the twenty-five francs of France, the coin of each nation to be stamped with the head of its respective Emperor.

A specimen or medal in gold, showing the weight and diameter of the pro-

posed coin, with its reverse inscribed "*Or, Essai Monétaire*," encircling "25 Francs, 10 Florins, 1867," has been already struck by order of the government of France, a duplicate of which was recently delivered at Paris to the Emperor of Austria.

A similar specimen or medal in gold has also been struck, inscribed on its reverse "5 Dollars, 25 Francs, 1867," three duplicates of which, with the proper official letters from M. Dumas, "senator of France and president of the commission on coins and medals," have been intrusted to the undersigned for delivery to the President, to the Secretary of State, and to the Secretary of the Treasury of the United States. A fourth specimen, presented to the undersigned, may be used when necessary for the further illustration of the subject.

The diameter of this international coin is 24 millimetres, exceeding a little that of the present half-eagle of the United States, and that of the sovereign of Great Britain, while the medallion of the Emperor, in bold relief, on the face of the coin to be issued in France, distinguishes it at once from the ordinary "Napoleon" of 20 francs, which is only 21 millimetres in diameter. The counterpart, when issued by the United States, will doubtless bear the proper national emblems, and especially the national monetary motto, "IN GOD WE TRUST."

Should the present effort of the nations of the earth to unify their coin be crowned with success, this specimen medal, the first-born offspring of the International Monetary Conference, bearing its conjoint inscription of "dollars and francs," with its "millésime" or date of issue, will possess an enduring historic value, in recording the commencement of the new monetary era with the precious and indissoluble union of the coinage of the eastern and the western continents.

In closing this communication, the undersigned respectfully begs leave to testify his grateful sense of the steady support in the discharge of his official duty which he has received from the Department of State, and of the cordial co-operation, at Paris, of General John A. Dix, the minister plenipotentiary of the United States.

SAMUEL B. RUGGLES.

HON. WILLIAM H. SEWARD,  
*Secretary of State, &c., &c., &c.*

#### APPENDIX No. 1.

*Roll of the delegates in the International Monetary Conference at Paris, June, 1867.—Alphabetically arranged by nations.*

For AUSTRIA: His Excellency M. le Baron de Hock, Privy Councillor, Member of the House of Lords.

For the GRAND DUCHY OF BADEN: M. le Baron de Schweizer, Envoy Extraordinary and Minister Plenipotentiary from Baden, at Paris; M. Dietz, Privy Councillor and Commissioner General of Baden at the Universal Exposition.

For BAVARIA: M. Hermann, Privy Councillor; M. de Haindl, Master of the Mint.

For BELGIUM: M. Fortamps, Director of the Bank of Belgium; M. Stas, Member of the Royal Academy and Commissioner of the Mint.

For DENMARK: M. le Count de Moltke Hvitfeldt, Envoy Extraordinary and Minister Plenipotentiary from Denmark, at Paris.

For ESPAGNE, (Spain): M. le Count of Nava de Tajo, of the Ministry of Foreign Affairs of Spain.

For les ETATS-UNIS, (United States of America): Mr. Samuel B. Ruggles, Commissioner to the Universal Exposition.

For FRANCE: His Excellency the Marquis de Moustier, Minister of Foreign Affairs, President of the Conference; M. de Parieu, Vice-President of the Council of State, Member of the Institute, and Vice-President of the Conference; M. de Lavenay, President of the Financial Section of the Council of State; M. Herbet, Minister Plenipotentiary, Director in the Ministry of Foreign Affairs; M. Dutilleul, Director in the Ministry of Finance.

For GREAT BRITAIN: Mr. Thomas Graham, Master of the Royal Mint; Mr. Rivers Wilson, of the Treasury Department.

For GREECE: M. Delyannis, Envoy Extraordinary and Minister Plenipotentiary from Greece, at Paris.

For ITALY: The Chevalier Artom, Councillor of the Italian Legation at Paris; M. Gior-dono, Inspector of the Royal Corps of Mines and Commissioner to the Universal Exposition.

For les PAYS BAS, (Holland): M. Vrolik, former Minister of Finance; M. Mees, President of the Bank of Holland.

For PORTUGAL: M. the Count d'Avila, Peer of the Realm, Envoy Extraordinary and Minister Plenipotentiary from Portugal to Spain, Commissioner General at the Universal Exposition; M. the Viscount de Villa Major, Peer of the Realm, Member of the International Jury.

For PRUSSIA: M. Meinecke, of the Superior Privy Council of Finance; M. Herzog, Privy Councillor in the Ministry of Commerce, Commissioner to the Universal Exposition.

For RUSSIA: M. de Jacobi, Privy Councillor, Member of the Imperial Academy of Sciences at St. Petersburg.

For SWEDEN AND NORWAY: M. Wallenberg, Member of the Upper Chamber of the Swedish Diet, Director of the Bank of Stockholm; Mr Broch, Member of the Norwegian Storthing, President of the Central Norwegian Commission for the Universal Exposition.

For SWITZERLAND: His Excellency M. Kern, Envoy Extraordinary and Minister Plenipotentiary from Switzerland, at Paris; M. Escher, Master of the Mint of Switzerland; M. Peer Herzog, Member of the National Council of Switzerland.

For TURKEY: His Excellency Djemil Pacha, Ambassador Extraordinary and Minister Plenipotentiary from the Sublime Porte, at Paris; the Colonel Essad Bey, Attaché of the Embassy and Director of the Ottoman Military Academy at Paris; his Excellency Mihran-Bey-Duz, Member of the Grand Council of Justice, Director of the Mint at Constantinople, and Special Delegate from the Ottoman Empire.

For WURTEMBERG: The Baron de Soden, Privy Councillor of the Legation of Wurtemberg.

M. CLAVERY, of the Ministry of Foreign Affairs at Paris, Principal Secretary.

M. ROUX, attached to the Vice-Presidency of the Council of State, Adjunct Secretary.

#### APPENDIX No. 2.

*Monetary Convention concluded December 23, 1865, between France, Belgium, Italy, and Switzerland.*

His Majesty the Emperor of the French, his Majesty the King of the Belgians, his Majesty the King of Italy, and the Swiss Confederation, equally animated by the desire to effect a more perfect harmony in their monetary legislation, and to remedy the inconvenience to trade between their respective countries resulting from the diversity of their small silver coins, and to contribute to the uniformity of weights, measures, and coins, by forming a monetary union, have therefore resolved to conclude a convention for that purpose, and have named their commissioners plenipotentiary, as follows:

For FRANCE: M. Marie Louis Pierre Felix Esquirou de Parieu and M. Theophile Jules Pelouze.

For BELGIUM: M. Frederick Fortamps and M. A. Kreglinger.

For ITALY: M. Isaac Artom and M. Valentin Pratolongo.

For SWITZERLAND: M. Kern, minister plenipotentiary, &c., and M. Feer Herzog, member of Swiss national council.

These commissioners, having interchanged their respective credentials, agreed upon the following articles:

ARTICLE 1. Belgium, France, Italy, and Switzerland unite to regulate the weight, title, form, and circulation of their gold and silver coins. No change is made for the present in legislation relative to copper coins for the four countries.

ART. 2. The high contracting parties bind themselves not to coin, or permit to be coined, any gold other than in pieces of 100, 50, 20, 10, and 5 francs in weight, standard, tolerance, and diameter, as follows: All these coins shall be of the fineness or standard of .900, with a tolerance of two thousandths above or below the legal standard. The tolerance in weight shall be for the 100 and for the 50 franc pieces, one thousandth above or below; for the 20 and 10 franc pieces, two thousandths; for the 5 franc pieces, three thousandths. The weights and diameters are these:

*Gold coins.*—100 francs, weight 32.258.06 grams, diameter 35 millimetres; 50 francs, weight 16.129.03 grams, diameter 28 millimetres; 20 francs, weight 6.451.61 grams, diameter 21 millimetres; 10 francs, weight 3.225.80 grams, diameter 19 millimetres; 5 francs, weight 1.612.90 grams, diameter 17 millimetres.

The different states will receive all the above coins when not worn to one-half per cent., or the devices effaced.

ART. 3. The contracting governments bind themselves not to coin, or permit to be coined, silver pieces of 5 francs, except in the following weight, standard, tolerance, and diameter.

The weight of each 5-franc piece shall be of 25 grams; its tolerance in weight, three thousandths; its fineness, .900; its tolerance in standard, two thousandths, and diameter 37 millimetres.

They will receive the above pieces at par, unless reduced one per cent. by wear, or the device is worn off.

ART. 4. The high contracting parties will coin hereafter pieces of two and one franc, 50 and 20 centimes, only under the following conditions of weight, standard, tolerance, and diameter. The fineness of these pieces shall be of .835; their tolerance of standard, three thousandths; their tolerance of weight, five thousandths for the first two, .007 for the 50-centime piece, and .010 for the 20-centime piece. Their weights and diameters as follows:

*Silver coins.*—Two francs, weight 10 grams, diameter 27 millimetres; one franc, weight five grams, diameter 23 millimetres; 50 centimes, weight 2.50 grams, diameter 18 millimetres; 20 centimes, weight one gram, diameter 16 millimetres.

The above pieces shall be received by the respective governments when reduced by wear, or when their devices shall have become effaced.

ART. 5. Pieces of two and one franc and of 50 and 20 centimes of a different coinage from the above shall be withdrawn from circulation by the 1st of January, 1869. This term is extended for the pieces of two and one franc, issued in Switzerland, by the law of January, 1860.

ART. 6. The silver coins authorized in article four shall be a legal tender between individuals of the states in which they are issued to the sum of fifty francs. The nation issuing them shall receive them in any amount.

ART. 7. The public banks of each of the four countries will receive the coins of article four to the sum of 100 francs in payment to said banks. The governments of Belgium, France, and Italy will receive the Swiss two and one franc pieces of 1860, under the same conditions, as equivalent to the coins of article four, and under the reservation relative to wear.

ART. 8. Each of the contracting governments binds itself, to receive from banks or individuals the small coins they have issued, and return the equivalent in current coin, (gold or five-franc silver pieces), provided the sum presented be not less than 100 francs. This obligation shall extend two years beyond the expiration of this treaty.

ART. 9. The high contracting parties agree not to issue a greater amount of these two and one franc, 50 and 20 centime pieces of article four, than six francs for each inhabitant. The amount thus fixed in accordance with the last census and the presumed increase of population is fixed at—

	Francs.
For Belgium.....	32,000,000
For France.....	239,000,00
For Italy.....	141,000,000
For Switzerland.....	17,000,000

Exclusive of the above sums the different governments can issue of coins already in circulation in the following proportions: France in 50 and 20 centime pieces, by the law of the 25th May, 1864, about 16,000,000; Italy in two and one franc, 50 and 20 centime pieces, by the law of the 24th August, 1862, about 100,000,000; Switzerland in two and one franc pieces, by the law of 31st January, 1860, about 10,500,000.

ART. 10. Hereafter the year of issue shall be stamped on all the gold and silver coins issued by the four governments.

ART. 11. The contracting governments shall annually state the quantity of their issue of gold and silver coins, and the amount collected for melting. They shall likewise give notice of important facts in regard to the reciprocal circulation of their issues.

ART. 12. Any other nation can join the present convention by accepting its obligations and adopting the monetary system of the Union in regard to gold and silver coins.

ART. 13. The execution of the reciprocal engagements contained in the present convention is left to the high contracting powers, who bind themselves to pass laws for the purpose as soon as possible.

ART. 14. The present convention shall remain in force till the 1st of January, 1880. If it be not repealed a year before the expiration of that term, it shall remain in force for an additional period of fifteen years, and so on until repealed.

ART. 15. The present convention shall be ratified, and the ratifications exchanged at Paris, within six months, or less time, if possible.

### APPENDIX No. 3.

*Mr. Ruggles to Mr. Sherman.*

PARIS, May 17, 1867.

MY DEAR SIR: You are of course aware that there is a special "International Committee" now in session at Paris, organized by the Imperial Commission of France, to sit simultaneously with the "Universal Exposition," and composed of delegates from most of the

nations therein represented. Its object, among others, is to agree, if possible, on a common unit of money for the use of the civilized world.

It is not improper to mention, that the opinion of the committee appears to be running strongly in favor of adopting as the unit the existing French five-franc piece of gold.

May I ask what, in your opinion, is the probability that the Congress of the United States of America would agree at an early period to reduce the weight and value of our American dollar, to correspond with the present weight and value of the gold five-franc piece in France, and how far such a change would commend itself to your own judgment.

I also ask the privilege of submitting your answer to the consideration of the committee.

With high respect, your obedient servant,

SAMUEL B. RUGGLES.

Hon. JOHN SHERMAN, &c., &c., &c.

#### APPENDIX No. 4.

*Mr. Sherman to Mr. Ruggles.*

HOTEL JARDIN DES TUILERIES, May 18, 1867.

MY DEAR SIR: Your note of yesterday, inquiring whether Congress would probably, in future coinage, make our gold dollar conform in value to the gold five-franc piece, has been received.

There has been so little discussion in Congress upon the subject, that I cannot base my opinion upon anything said or done there.

The subject has, however, excited the attention of several important commercial bodies in the United States, and the time is now so favorable, that I feel quite sure that Congress will adopt any practical measure that will secure to the commercial world a uniform standard of value and exchange.

The only question will be, how this can be accomplished.

The treaty of December 23, 1865, between France, Italy, Belgium, and Switzerland, and the probable acquiescence in that treaty by Prussia, has laid the foundation for such a standard. If Great Britain will reduce the value of her sovereign two pence, and the United States will reduce the value of her dollar something over three cents, we then have a coinage in the franc, dollar, and sovereign, easily computed, and which will readily pass in all countries; the dollar as five francs, and the sovereign as 25 francs.

This will put an end to the loss and intricacies of exchange and discount.

Our gold dollar is certainly as good a unit of value as the franc; and so the English think of their pound sterling. These coins are now exchangeable only at a considerable loss, and this exchange is a profit only to brokers and bankers. Surely each commercial nation should be willing to yield a little to secure a gold coin of equal value, weight, and diameter, from whatever mint it may have been issued.

As the gold five-franc piece is now in use by over 60,000,000 of people of several different nationalities, and is of convenient form and size, it may well be adopted by other nations as the common standard of value; leaving to each nation to regulate the divisions of this unit in silver coins or tokens.

If this is done, France will surely abandon the impossible effort of making two standards of value. Gold coins will answer all the purposes of European commerce. A common gold standard will regulate silver coinage, of which the United States will furnish the greater part, especially for the Chinese trade.

I have thought a good deal of how the object you propose may be most readily accomplished. It is clear that the United States cannot become a party to the treaty referred to. They could not agree upon the silver standard; nor could we limit the amount of our coinage, as proposed by the treaty. The United States is so large in extent, is so sparsely populated, and the price of labor is so much higher than in Europe, that we require more currency *per capita*. We now produce the larger part of the gold and silver of the world, and cannot limit our coinage, except by the wants of our people and the demands of commerce.

Congress alone can change the value of our coin. I see no object in negotiating with other powers on the subject. As coin is not now in general circulation with us, we can readily fix by law the size, weight, and measure of future issues. It is not worth while to negotiate about that which we can do without negotiation, and we do not wish to limit ourselves by treaty restrictions.

In England, many persons of influence and different chambers of commerce are earnestly in favor of the proposed change in their coinage. The change is so slight with them, that an enlightened self-interest will soon induce them to make it; especially if we make the greater change in our coinage. We will have some difficulty in adjusting existing contracts with the new dollar; but as contracts are now based upon the fluctuating value of paper money, even the reduced dollar in coin will be of more purchasable value than our currency.



We can easily adjust the reduction with the public creditors in the payment or conversion of their securities, while private creditors might be authorized to recover upon the old standard. All these are matters of detail to which I hope the commission will direct their attention.

And now, my dear sir, allow me to say in conclusion, that I heartily sympathize with you and others in your efforts to secure the adoption of the metrical system of weights and measures.

The tendency of the age is to break down all needless restrictions upon social and commercial intercourse. Nations are now as much akin to each other as provinces were of old. Prejudices disappear by contact. People of different nations learn to respect each other as they find that their differences are the effect of social and local custom not founded upon good reasons. I trust that the Industrial Commission will enable the world to compute the value of all productions by the same standard, to measure by the same yard or metre, and weigh by the same scales.

Such a result would be of greater value than the usual employments of diplomatists and statesmen.

I am very truly yours,

JOHN SHERMAN.

SAMUEL B. RUGGLES, Esq., &c., &c., &c.

# RUSSIA.

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*Mr. Fox to Mr. Seward.*

PORTSMOUTH, NEW HAMPSHIRE,  
December, 17, 1866.

SIR: Having returned from my visit to Russia on the 13th instant, I discharge a duty by enclosing to you herewith the following papers introductory—a memorandum of papers in Russian:

1. Autograph letter of Peter the Great.
2. A poem by Derschavin, a lyric poet of the time of Catherine II, with autographic corrections and remarks.
3. An autographic poem of Puschkin.
4. A letter of Schukowsky, Governor of Alexander II.
5. A fragment, autographic, of Gogol
6. The First Snow, a poem by Countess Rostopchine, (autographic.)
7. A *fac simile* from the Russian history of Karamzin; and,
8. An autographic remark by Schafarik.

I received these, last August, from Mr. Pogodin, a distinguished citizen of Moscow who requested me to present them to some national institute, or museum, in Washington. I ask you to acknowledge their receipt, and give such direction to them as in your judgment shall best fulfil the wishes of the donor.

I have the honor to be your obedient servant,

G. V. FOX,

*Late Assistant Secretary of the Navy.*

HON WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Seward to Mr. Fox.*

DEPARTMENT OF STATE,  
Washington, December 20, 1866.

SIR: I have received your communication of the 17th instant, and its accompaniments, which M. Pogodin, requested you to present to some national institute or museum in this city. I have placed them among the archives of the department, and I beg that you will accept my thanks for your kindness in allowing me the privilege of disposing of these interesting autographs.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

G. V. FOX, Esq.,

*Portsmouth, New Hampshire.*

*Mr. Clay to Mr. Seward.*

No. 132.]

LEGATION OF THE UNITED STATES,

*St. Petersburg, Russia, February 9, 1867.*

SIR: Captain T. Morris Chester, late of the United States volunteer army, being in St. Petersburg, coming well recommended by distinguished citizens of the United States, and being also well educated and of good address, I called upon the minister of foreign affairs and told him that I would not apply in the usual way by note to have Captain Chester, a colored American citizen, presented to his Imperial Majesty, as there was no precedent, and I did not know how his Imperial Majesty would be disposed to act; but I desired that he would approach his Imperial Majesty, in an informal way, and ascertain his wishes in this regard. The assistant minister of foreign affairs, Mr. de Westmann, acquiesced in the proposal, and in a few days wrote me that the Emperor had given orders to have Captain Chester's name put upon the list of persons for the first presentation. To-day being the occasion of a grand review of the imperial guard, the Emperor sent an invitation to Captain Chester to assist in the review, which he did, riding around with his Imperial Majesty's staff, and taking lunch at the winter palace with the staff officers and a portion of the imperial family, who accompanied the Emperor at the lunch.

I have made these facts known to you, as I regard the affair of some importance. We have four millions of colored citizens; they are with us, and of us, for good or evil. I think that it is the duty of all good citizens to try and elevate the African race in America, and inspire them with all possible self-respect; and prepare them for that ultimate influence which they must sooner or later have upon the political and economical interests of the United States. These are the views which have influenced my action in this case, which, not partisan in their character, I should hope would be satisfactory to all patriotic Americans.

Having, however, discharged my duty, as I ever do, without regard to personal considerations, I submit my action frankly to the judgment of the department.

I am, my dear sir, your most obedient servant,

C. M. CLAY.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Fox to Mr. Seward.*

WASHINGTON, D. C., *February 25, 1867.*

SIR: On the 30th September last, I submitted to you a hasty narrative of the reception which I met with in Russia, whilst executing your instructions in delivering personally to the sovereign of that country the resolution of Congress expressive of the feelings of the people of the United States in reference to his providential escape from the hand of an assassin. I have recorded in that narrative the remarks of the Emperor and the various demonstrations of the people, which manifested their gratification at the sympathy felt for them by the American people. I have endeavored in this way to comply with the wish often repeated to me by his Majesty to make known to the government and my countrymen the feelings of friendship which existed in Russia towards America. But all that I have written myself and all that was written for the press, by persons far more capable than I feel myself to be, to describe the manifestations of these feelings, fails to convey any adequate idea of the enthusiasm which pervades the people of Russia towards the United States, and their sincere wishes for the continued prosperity and power of our country. The expression

of the sympathy felt by the Emperor for this country in its great struggle for national unity, made by Prince Gortchacoff in 1861, when several of the great powers of Europe were co-operating in the effort to destroy it and taking measures to profit by its destruction, was gratefully appreciated by the government and people of the United States as a timely and effective demonstration in our behalf. But it was not until I had traversed so great a part of the Russian empire, and witnessed how cordial and widespread among all classes in that powerful country was the friendship for America, that I appreciated the practical importance of the Emperor's sympathy, in its bearings upon the course of our great contest and in its influence upon the conduct of other nations towards us.

The crowds that gathered around us at every social meeting singing the plaintive national songs; the flowers presented by the hands of beauty and innocence; the numerous presents offered upon all suitable occasions; the imperial honor granted at Kostroma of casting down their garments for us to walk upon; the deep feeling which the great mass of the people evinced whenever the name of our country was mentioned, and the very many touching incidents which such sympathies evoked, were not produced by curiosity or instigated by officials. The Russians have been familiar with royal embassies from powerful and magnificent courts for many centuries. It was a heart impulse of the people in favor of our country which occasioned these extraordinary demonstrations towards the messenger of good will, founded on their instinctive knowledge that whilst our countries were widely separated from each other on the globe and in forms of government, there was yet a community of interest on great points which identified the friendships of the people with patriotism itself.

It may serve to illustrate the prevailing feeling respecting the relations of the two countries, to state that I saw at the residence of Prince Gortchacoff, in St. Petersburg, a beautiful model in steel of one of Ericsson's monitors, a form of vessel now associated in the popular mind with American genius and power, which had been presented to the Prince as a grateful recognition of the part he had borne as his Majesty's minister of foreign affairs.

With great respect, your obedient servant,

G. V. FOX.

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

*Prince Gortchacow to Mr. de Stoeckl.*

[Translation.]

PETERHOFF, August 19-31, 1866.

SIR: The mission intrusted by the Congress of the United States of America to Mr. Fox, Under-Secretary of State, has met a reception by the imperial court, the public, and I may say, the Russian nation, which you have already been able to appreciate, from the notices in the public journals.

I need not dwell on these manifestations of the mutual sympathy between the two countries. It reveals itself in full light; it is one of the most interesting facts of our time, a consolatory fact in face of the recent complications which have just awakened in old Europe sentiments of hate, of ambition, of rivalry, bloody struggles, appeals to force, so little in harmony with the progress of humanity—a fact which sows between two great people, almost between two continents, the seeds of mutual good-will and friendship which will bear fruit, become traditional, and inaugurate between them relations founded on a real spirit of Christian civilization.

In a letter which our august master addresses to the President of the United States—and which I request you to transmit to its destination—his Imperial Majesty begs Mr. Johnson to convey to Congress the assurance of the sentiments which he has already expressed to Mr. Fox. I annex hereto a copy\* of the letter for your information.

\* For this enclosure see Diplomatic Correspondence, 1866, vol. 1, page 416.

You will, sir, express yourself to the same effect, both to the President and to the members of the federal government, as well as to other influential personages.

In face of a movement of national sympathy so spontaneous on both sides, the task of the governments is simply to fall in with the current, to promote it, and to direct it in actual practice to the good of both countries. In this aim we count upon the co-operation of the federal government, as it may count upon ours.

The Emperor has been most favorably impressed by Mr. Fox. The tact with which he has acquitted himself of his mission has been highly appreciated in our official circles, as well as by the public of all classes with which he has come in contact, and he has been ably seconded by the distinguished *personnel* who accompanied him. It would have been difficult to commit to better hands the measure of cordial courtesy prescribed by Congress.

You are directed to bear witness to this sentiment.

Receive, &c., &c.,

GORTCHACOW.

Mr. DE STOECKL, &c., &c., &c.

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*Mr. Seward to Mr. Fox.*

DEPARTMENT OF STATE,

*Washington, February 25, 1867.*

SIR: I have received your interesting letter of this date, giving an account of the manner in which you have executed the instructions of this department with reference to the presentation to the Emperor of Russia of the resolution of Congress congratulating him upon his escape from an attempted assassination. In reply, I have to inform you that your proceedings upon the occasion referred to are entirely approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

G. V. Fox, Esq.

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*Mr. Clay to Mr. Seward.*

No. 135.]

LEGATION OF THE UNITED STATES,

*St. Petersburg, Russia, March 20, 1867.*

SIR: Your despatches to 235 inclusive are received. Though I have not written you anything as yet upon the Greek or "Oriental question," I have not been an inattentive or indifferent observer of events. The published "blue books" of England and France, and the despatches of Prince Gortchacow in the *St. Petersburg Journal*, you have no doubt seen.

It only remains for me to give you my ideas of Russian policy. That there are some persons in Russia who would desire the possession of Constantinople and the straits, I doubt not. But I think the ruling minds look upon that project not as a thing to be contended for, or bought at a great price of money and blood, but acceptable, if good fortune should throw it into their power. Russia does not now desire war; neither her transition state of labor, nor her rail-walls, nor finances generally, make it now desirable. She does not desire, however, nor would she permit in my opinion, any great power to take Constantinople without a great war. She can carry on a great war even with all her backsets if the nation was much in earnest with it, and such a war would be that, ostensibly at least, for the protection of the Slave and the Greek Christian. What Russia now attempts is to secure the permanent good will of the Greeks and Slaves, to make herself their patron and protector; and if a Greek empire should have the good fortune once more to be established on the Hellespont and Black sea, Russia hopes to find in it a permanent and grateful ally, and not a jealous enemy. And this may be the ultimate and peaceable solution of the

eastern problem. First the gradual autonomy of the Slave and Greek provinces, till the Turkish rule ceases; and then the straits in the hands of a petty power, protected by all the great rivals, or ultimately a respectable Greek empire or kingdom, absorbing all the Greek and Slave subjects now belonging to Turkey. Such a power would give protection and peace to the Greek peoples, and not be a menace or danger to any one. Such I think are the events to which Russia is looking and shaping her policy. In the mean time she advances in Asia; and should her Teyars ever court the direct possession of the Sultan's capital, they will "flank" it by a march from Asia, and not through Europe, I think.

I am, sir, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Seward to Mr. Clay.*

No. 239.]

DEPARTMENT OF STATE,  
*Washington, March 28, 1867.*

SIR: I give you herewith a copy of a correspondence which has taken place between this department and the Western Union Telegraph Company, in relation to the suspension of the important enterprise of connecting the two continents by telegraph through Behring's Straits. You will please present a copy of the correspondence to Prince Gortchacow. You will assure him that while I regret the untoward fact which is thus announced, I cannot withhold an acknowledgment that the Western Telegraph Company has acted throughout in entire good faith, and has succumbed, after much reluctance, to a necessity which it did not anticipate and which it had not the ability to remove.

Certain negotiations between Russia and the United States, with regard to Russian America, which are pending here, may have a result which would necessarily modify the measure which ought to be adopted in regard to the telegraphic undertaking in the present emergency. I do not, for this reason, make any suggestion in regard to such measures, but I shall be happy to be assured that the subject engages the attention of the Emperor.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

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*Western Union Telegraph Company to Mr. Seward.*

EXECUTIVE OFFICE, WESTERN UNION TELEGRAPH COMPANY,  
*New York, March 25, 1867.*

SIR: This company having, after a careful examination of all the facts in the case, determined to suspend work on the construction of the Russian American (Collins's Overland) telegraph, deem it due alike to our own honor and to the services you have so generously and intelligently rendered us in this international undertaking, frankly and fully to state the causes which have led us to such a decision.

This seems the more demanded of us, since, in the primary arrangements for prosecuting this vast work, this company has, to some extent, appeared to stand in the place of the American government, in the reception of grants, concessions and courtesies from other nations; and which your commendation of the enterprise to national and governmental approbation has largely served to secure.

Of all the initiatory arrangements connected with the Russian telegraph, you are fully informed. The grants of the British and Russian governments were complete and satisfactory. A general and thorough examination of the entire route, chiefly by the inspection of

the company's agents, was made. The aid of governmental surveys, the records of explorers, the testimony of the government officers in the regions to be traversed, had established the absence of physical obstacles to its construction, and the work was commenced with everything to indicate success.

Acting upon all the information thus obtained, and satisfied of the public need of connection with Europe, which this route seemed to all minds to most certainly secure, stimulated moreover thereto by the feeling of disappointment created by the failure of the Atlantic cable in 1858, the work was immediately commenced.

Men of experience and enterprise were despatched, with large bodies of assistants, to different points of the American and Asiatic coast, and, until a recent date, the work was prosecuted with all the vigor which capital and intelligent labor could secure.

The lines of this company having been completed to New Westminster, the capital of British Columbia, that city became the starting-point for the line to Russia. With greater ease than the building of the line from Chicago to San Francisco, 850 miles of line were erected, and the wires connected to the banks of the Simpson river. Beyond, it only needed a vigorous and intelligent commissariat to overcome the difficulties of transportation, and push the construction of the line to the Behring's sea and on to the terminal point at the mouth of the Amoor.

Such was our confidence in the success of the undertaking, in the favorable reports made by our own explorers and the topographical engineers of Russia, Great Britain and our own country, that the material for the whole line was purchased and distribution at various convenient points commenced, and such progress made on both continents as would have secured the completion of the entire structure within the present or succeeding year. Indeed, at every forward step made in this great work, difficulties diminished as resolute hands approached them, and were found to be fewer than were contemplated. Not only so, but most important information respecting the navigable character of the northern rivers has been secured.

The Steekern has been found to be navigable for boats of considerable size, for 150 miles from its mouth, and steam vessels can ascend the Kvitchpack and Yokon river for probably 1,000 miles from the Pacific—two facts of great importance, and furnishing unexpected aid in the distribution of material. On the Asiatic side our explorations have also proved that the Anader river can be navigated at least 250 miles from the sea, and that there is abundance of timber on its upper waters suitable for our purposes. Everything conspired to render the whole scheme more and more practicable as the labor upon it progressed; no want of capital, no physical difficulty, no doubt of our ability to complete the work contemplated, led to our recent determination to suspend operations thereon. The cause of that suspension we now proceed to state.

The successful laying of the Atlantic cable in 1866 developed, in process of time, several important facts, as unexpected to the company who laid it as to the public who took interest in such matters.

1. The ability of a cable of two thousand miles in length, sunk in the ocean, to convey the manipulations of the telegraph successfully, and for any length of time, through it, was a matter of almost universal doubt. Nothing aided more to strengthen that impression than the record kept by the electricians on board the government vessels which bore the respective portions of the cable in 1858 from mid-ocean to the shores of the two continents. Weak, variable, uncertain, there seemed no exhibition of a power to predicate the supply of commercial communication thereon, at least so far as public knowledge of that interesting voyage was received. And when it reached the shores, and all the world seemed eager to talk through it, it was found that outside of a few feeble utterances, which to this day are erroneously believed by many never to have been made, the cable was simply a success of engineering skill in stretching a dumb bond between the Old World and the New.

Experiments in Europe with subterranean and extended submarine lines were unsatisfactory and discouraging. They generally revealed such a detention of the electric fluid, such a want of ability to perform prompt and accumulated service, as to discourage their general use. The current through the cable was known to be of such tenuity that the human eye could not catch the motions of the mechanism, except by the aid of a strong light applied to the motive part, revealing by radiation on the wall the pulsations which the finger could not feel and the eye could not detect. To satisfy European commerce by such means seemed impossible. Even had the cable continued to work, it was reasonable to presume that with so slow a process of transmission there was business enough for the quicker manipulation of a telegraph by land, although it was obliged to shoot its messages over three-fourths of the surface of the globe.

2. The character of our population and commerce gave every assurance that the business between America and Europe would be immense. With several millions of our resident population united by the closest ties, and bound up in affections even stronger than our own with the firesides of the fatherland; with a commercial intercourse so active that the mariner on the Atlantic can seldom scan the stormiest horizon without sight of a friendly sail or the cloud of a passing steamer, it was fair to presume that the intercourse would be vast and pressing. And to the Russian line were added other incentives. No doubt existed of the completion of arrangements by which, on reaching eastern Asia, lines from China and India,

with the immense trade of the east, would meet us with their business, and that even Japan might add to its bulk and value.

All these inducements have been destroyed. In every single particular they have proved illusory. Science has so perfected the art of cable-making that the cables now in use, and which were laid so successfully during the past year, are almost as efficient as lines on the land.

They are worked with little cost. In from four to six hours of each day there is transmitted by one of the Atlantic Telegraph Company's cables all the business the public offer. The cables improve by use. They are picked up in mid-ocean and repaired with almost as much ease as if in some inland quiet lake, so that cables for many years abandoned as lost are found again, unharmed, and put to use. The concessions, also, in eastern China, so confidently expected, are withheld. Thus every material inducement to prosecute the construction of the Russian line appears to be at once and forever swept away.

Under such circumstances, what was our duty? Government, for the sake of national pride and governmental uses, might have been justified in pushing the work to completion, even should it cost a large sum annually to sustain it. Russia must, before many years, reach New Archangel, in America, by telegraph, for the simple purposes of her governmental arrangements. But we could not properly employ the capital intrusted to us, except under promise of reasonable return from its investment.

The proof that the basis of revenue had been removed, was only needed to be complete to make the duty of at once stopping the whole work a stern, peremptory necessity. That proof we have been month after month receiving. So clear and cumulative has that evidence been, that we have been compelled, though with great reluctance, to acknowledge its completeness and power. All doubts concerning the capacity and efficiency of the ocean cables are now dispelled, and the work of construction on the Russian line, after an expenditure of nearly three millions of dollars, has been discontinued.

What now remains to be done? What can this company do, to meet all the possible demands of honor or duty? On this point we desire your friendly co-operation.

The following appears to us to be within our power, and we submit it for your consideration:

Although we deeply regret that we are unable to avail ourselves of the generous and valuable concessions granted to us through P. McD. Collins, esquire, by the Russian government, yet such must be the value of the lines already built by the Russian government towards America, in connection with these arrangements, that we cannot regard that friendly and enterprising government as having suffered or as likely to suffer loss therefrom. So far from this, we believe that it must soon become necessary to all governments to reach by telegraph their most distant provinces, and this must be peculiarly so to Russia, whose American territory is not only distant but difficult and tedious of approach.

Could that government be induced to prosecute the work now interrupted, to some available point in her North American possessions, we will extend and maintain our lines thither, and thus all the objects sought by the respective governments for intercourse would be secured. Time and the gradual opening of auxiliary sources of business would develop a revenue which would recompense the parties for the outlay and delay. Beyond this we are unable to see our ability to go, under the circumstances already narrated.

These matters are commended to your attention. It has occurred to us that you might, through our minister at the Russian court, so represent these circumstances, so unexpected and embarrassing to us, as to preserve us in the esteem and favor of that intelligent government and lead us to the accomplishment of our mutual designs. By rendering such a service you would place us again under those obligations which your former friendly offices have made so large and manifest, and happily lead to the very results which, in these labors, we have so earnestly and hopefully aimed to secure.

Nor would it be a service to this company alone. Your communication of May 14, 1864, to the Committee on Commerce in the Senate of the United States, has placed this enterprise on higher ground, and associated it with broader interests. You have claimed it as one of the means of communication with foreign countries, necessary to national respect, as well as to healthy commerce. You have regarded the use of the telegraph by government, wherever possible, as essential, in order to inspire respect, confidence, and good will toward us, and so securing to all peace. Entering still deeper into the sources of national happiness, your position at the government centre of the nation has enabled you to see that with the planting of the American flag on the Pacific coast it is due to the rising States resting thereon, to afford them all the means of equal civilization enjoyed on the shores of the Atlantic. The outlook of the one is Asia; of the other, Europe. Foreign commerce is as necessary for the one as the other.

These have ever proved the harbingers of enlightenment, prosperity, and power. As a purely national measure, we are anxious to adopt, even under our altered circumstances, every consistent means to give the Pacific coast all the elements of vigor and prosperity which on the Atlantic we enjoy.

And when, in expressing your estimate of the value of the telegraph, as affecting our relations with foreign nations, you stated your conviction that "no one measure of national policy would more effectually tend to secure the preservation of peace than the construction



of this inter-continental telegraph," you expressed the strongest arguments we can employ in asking you again to give the weight of your official position toward accomplishing the work we entered upon with so much enthusiasm, and have interrupted with so much regret.

We have the honor to be, with great respect, your obedient servants,  
**THE WESTERN UNION TELEGRAPH COMPANY,**  
 By **WILLIAM ORTON**, *Vice-President*.  
**O. H. PALMER**, *Secretary*.

Hon. **WILLIAM H. SEWARD**,  
*Secretary of State, Washington, D. C.*

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*Mr. Seward to the Western Union Telegraph Company.*

DEPARTMENT OF STATE,  
*Washington, March 28, 1867.*

GENTLEMEN: I have received your communication of the 25th instant, and have not failed to lay the same at once before the President.

I am not one of those who have been disappointed by the complete and magnificent success of the international Atlantic telegraph. Nor am I one of those who fear that the United States will enjoy less of its wonderful benefits than any other nation. I regard it as tributary to an expansion of our national commerce, and ultimately of our political institutions, both of which I think are important forces in the progress of civilization. I would not have the Atlantic cable become dumb again if thereby I could immediately secure the success of the inter-continental Pacific telegraph enterprise which was committed to your hands. Nevertheless, I confess to a profound disappointment in the suspension of the latter enterprise. I admit that the reasons which you have assigned for that suspension seem to be irresistible. It is impossible for private individuals or corporate companies to build telegraphs without capital; and it is equally impossible for individuals or corporations to procure capital for telegraphs that do not promise immediate or at least speedy revenues.

On the other hand, I abate no jot of my former estimates of the importance of the inter-continental Pacific telegraph. I do not believe that the United States and Russia have given their faith to each other and to the world for the prosecution of that great enterprise in vain. The United States government is enlightened and wise. The Emperor of Russia is liberal as well as sagacious. Prince Gortchacow is a pleasant as well as frank correspondent. I will with pleasure make your explanations known to him, and with the President's leave I will ask a conference upon the question, "What shall be done next?"

Accept my thanks for the frankness and cordiality of your communication.

I am, gentlemen, your obedient servant,

**WILLIAM H. SEWARD.**

**THE WESTERN UNION TELEGRAPH COMPANY,**  
*New York.*

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*Mr. Seward to Mr. Clay.*

No. 241.]

DEPARTMENT OF STATE,  
*Washington, April 1, 1867.*

SIR: I transmit for your information a copy of a treaty stipulating for the cession of Russian America to the United States, which instrument was signed here on the 30th ultimo by Mr. Stoeckl and myself, and has been laid before the Senate by the President.

I am, sir, your obedient servant,

**WILLIAM H. SEWARD.**

**CASSIUS M. CLAY**, Esq., &c., &c., &c.

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TREATY.

The United States of America and his Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their plenipotentiaries: the President of the United States, William H. Seward, Secretary of State; and his Majesty the Emperor of all the Russias, the

privy counsellor Edward de Stoeckl, his envoy extraordinary and minister plenipotentiary to the United States.

And the said plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

**ARTICLE I.** His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: the eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, of February 28-16, 1825, and described in Articles III and IV of said convention, in the following terms:

"Commencing from the southernmost point of the island called Prince of Wales island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and the 133d degree of west longitude, (meridian of Greenwich,) the said line shall ascend to the north along the channel called Portland channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude, (of the same meridian;) and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen ocean.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

"1st. That the island called Prince of Wales island shall belong wholly to Russia," (now, by this cession, to the United States.)

"2d. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

The western limit within which the territories and dominion conveyed are contained, passes through a point in Behring's straits on the parallel of 65 degrees 30 minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Igloolik, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's straits and Behring's sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of 172 west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper island of the Kormadorski couplet or group in the North Pacific ocean, to the meridian of 193 degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian.

**ART. II.** In the cession of territory and dominion made by the preceding article are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed that the churches which have been built in the ceded territory by the Russian government shall remain the property of such members of the Greek Oriental church resident in the territory as may choose to worship therein. Any government archives, papers, and documents relative to the territory and dominion aforesaid, which may be now existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the United States to the Russian government, or to such Russian officers or subjects as they may apply for.

**ART. III.** The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country.

**ART. IV.** His Majesty the Emperor of all the Russias shall appoint, with convenient despatch, an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property, dependencies and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

ART. V. Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory shall be delivered to the agent of the United States, and any Russian troops which may be in the territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

ART. VI. In consideration of the cession aforesaid, the United States agree to pay at the treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of his Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property-holders; and the cession hereby made conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

ART. VII. When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by his Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington, the 30th day of March, in the year of our Lord one thousand eight hundred and sixty-seven.

[L. S.]  
[L. S.]

WILLIAM H. SEWARD.  
EDOUARD DE STOECKL.

*Mr. Clay to Mr. Seward.*

No. 140.]

LEGATION OF THE UNITED STATES,

*St. Petersburg, Russia, May 10, 1867.*

SIR: Your despatch No. 241, April 1st, 1867, enclosing me the treaty between Russia and America, ceding us all Russian America, was duly received. I awaited the expression of European and Russian sentiment in reference thereto before answering you. I congratulate you upon this brilliant achievement, which adds so vast a territory to our Union, whose ports, whose mines, whose timber, whose furs, whose fisheries are of untold value, and whose fields will produce many grains, even wheat, and become hereafter in time the seat of hardy white population. I regard it as worth at least \$50,000,000, and hereafter the wonder will be that we ever got it at all. My attention was first called to this matter in 1863, when I came over the Atlantic, with the Hon. R. J. Walker, upon whom I impressed the importance of our ownership of the western coast of the Pacific in connection with the vast trade which was springing up with China and Japan and the western islands. He told me that the Emperor Nicholas was willing to give us Russian America if we would close up our coast possessions to 54° 40'. But the slave interest, fearing this new accession of "free soil," yielded the point, and let England into the great ocean. Since then, in connection with the necessity of our owning one end of a European telegraph line, quite independent of England, I have talked with and I have urged the Russian authorities in a private way to put the privileges of the Hudson's Bay Company, to sublet them by the Russian American Company, in our hands with a view of having the natives friendly to us, and one telegraph line, &c., in case of war. And I trust I have aided indirectly in this final cession, which by your address and secrecy took me with a most agreeable surprise.

There is here beginning to be a party of "ins" and "outs," as in America and England; and they ("the out") have attempted to make interest against the administration by attacking the treaty. The Russians are very jealous of foreigners, and traditionally opposed to ceding territory; yet in consequence of the good feeling everywhere prevailing in our favor, I regard the rôle as popular. I have heard it said, "Well, we have sold to you too cheaply, but 'tis all in the family;" and others look upon it with favor, because we are to be

near their eastern possessions, and us they regard as perpetual friends; in hopes that it may ultimately lead to the expulsion from the great Pacific nations whose power in the east is justly feared. It went very hard with the English, and also with the French; and if you had given time and publicity to your movements I have no doubt you would have had most energetic protests, if not positive armed intervention to prevent it. For in my opinion the present "*entente cordiale*" between England and France began in a common understanding to limit our power on the American continent and elsewhere. But the strange and unexpected good alliance between Russia and America has taken them by surprise, and disables all their projects. The truth is, England and France are no match now for the United States and Russia, and the weight of power with the coming years will be still more on our side. I have done all I could here to bring about this most desirable result, which has already saved both of us from war. And so strong is the feeling of mutual interest that no administration here would lightly set it at defiance; for the enthusiasm of the Russian people at the reception of Mr. Fox astonished the government more than it did me, who was really more conversant with public opinion than they. Mr. Bodisco has come with the treaty.

Believe me truly, my dear sir, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Clay to Mr. Seward.*

No. 143.]

LEGATION OF THE UNITED STATES,

*St. Petersburg, Russia, May 24, 1867.*

SIR: Some years ago the Emperor told me he would send some of the imperial family to visit our country. When you desired me to invite the Grand Duke Constantine, mention was again made of such visit. A few days ago, when his imperial highness the Grand Duke Vladimir reached his majority and took the oath of allegiance to the Emperor, he told me that his brother, the Grand Duke Alexis, who belongs to the navy department, would visit the United States this year, but the time had not been named. Would it not be well then for the President to give him a special invitation to visit him at Washington, and the United States generally? Lodgings could be taken at the hotel for the grand duke; and elsewhere of course all the expenses would be paid by our people, and no doubt Congress would make the necessary appropriations to defray all the expenses of the grand duke and suite. In case of the visit, which may now be said to be almost certain, I would suggest that a very select committee of gentlemen should be appointed by the President, or some competent body of gentlemen, to receive the Russians, conduct their correspondence, and make all other necessary arrangements for their reception and voyage, and also accompany them everywhere, and prevent those ill-timed intrusions which will arise if things are left to the spontaneous movement of the people.

I have the honor to be your most obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Clay to Mr. Seward.*

No. 144.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, Russia, May 24, 1867.*

SIR: Tuesday next the Emperor of Russia and Prince Gortchacow set out for Paris, France. The Sultan, it is said, and most of the rulers of Europe, will be there about this time. The impression is that an attempt will be made there to settle the eastern question. How far success awaits the effort has yet to be seen. The Russian journals are outspoken advocates of the rights of the Greeks and the denouncers of the Turkish tyranny. I am still of the opinion that Russia does not desire war, but may be led into it at any moment. The Turkish civilization and religion are anachronisms in our day, and must perish sooner or later; the sooner the better.

I have the honor to be your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

N. B.—There are now here near seventy representatives of the slavic races of Europe from all parts where they are found. The ostensible object of their visit is to meet the members of the Ethnographic Society of Moscow; but the mission is believed to be partly a political one. They are received everywhere at the public expense, and in the most cordial and hospitable manner. They are a fine set of men, and embracing clergy, scholars, and all classes of people. In the event of war in the east no doubt Napoleon's doctrine of the unity of the races or nationalities would be turned to terrible account against him and on the side of Russia.

CLAY.

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*Mr. Clay to Mr. Seward.*

No. 145.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, Russia, June 8, 1867.*

SIR: In Paris, on the 6th instant, as you will have learned before you receive this, the Emperor Alexander was fired at by a Polish assassin. The fact was immediately telegraphed here and circulated in handbills over the city. All Russia was moved as one family. At 1 o'clock on the 7th a *Te Deum* was held at the St. Isaac's church, in the presence of the diplomatic corps, the Grand Dukes Constantine and Nicolas and all the dignitaries now here, and immense crowds of the people. The Emperor is loved as a father, and the Russians are intensely national, and the French are not trusted; so you can imagine the excitement.

I mention this fact as one of the events of passing history, hoping Providence will continue to protect our "great and good friend."

Yours truly,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Seward to Mr. Clay.*

No. 253.]

DEPARTMENT OF STATE,  
*Washington, July 2, 1867.*

SIR: I have received and perused with much satisfaction your despatch of the 24th of May last, in which you state that his imperial highness the Grand

Duke Alexis contemplates visiting the United States during the present year. The question of the manner of his entertainment will receive early consideration, and the result will be imparted to you.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Clay.*

No. 255.]

DEPARTMENT OF STATE,

Washington, July 2, 1867.

SIR: I have to acknowledge the receipt of your despatch of the 8th ultimo, relating to the proceedings adopted at St. Petersburg upon the reception of the intelligence of the attempt to assassinate his Majesty the Emperor of Russia, made at Paris.

The government and people of the United States were profoundly shocked on learning of that wicked attempt, and heartily congratulate the government and people of Russia upon the providential preservation of their wise and well-beloved sovereign.

I should be glad if you would make these sentiments known to the imperial government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CASSIUS M. CLAY, Esq., &c., &c., &c.

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*Mr. Clay to Mr. Seward.*

No. 147.]

LEGATION OF THE UNITED STATES,

St. Petersburg, Russia, July 5, 1867.

SIR: You were not, perhaps, aware, when you made the Russian treaty of cession, that the Russian American Fur Company kept soldiers and defended the territory of Russian America. So the words, "fortifications, barracks, &c., not private individual property," would convey nothing to us, although no doubt you intended to buy all of those. I write now to inform you that there has been an understanding between the Russian government and the Russian American Company, and it is expected that you will claim all military posts, &c., and this they will grant, I doubt not, if insisted on. The other franchises of the Russian American Company had expired by time in this year, and were not renewed. As a matter of fact, I believe the Russian American Company kept soldiers at every place of occupation, saw-mills, ice-works, &c., but these could hardly be construed to be "fortifications or barracks," in equity.

My object is simply to give you some idea of the facts, which may be of use to you in settling with the commissioner of the Russian government, who will deliver over the property to us.

I am, sir, your most obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

*Mr. Fox to Mr. Seward.*

PORTSMOUTH, N. H., July 23, 1867.

SIR: In a letter which I had the honor to write on the 25th of February last, I reported to you that a large number of books had been presented to me in Russia, upon the occasion of my visit to that country as bearer of the resolution of Congress.

Through the kindness of Professor Henry a correct catalogue of these books has been prepared, which is herewith transmitted.

Those which were presented to me by the Emperor of Russia, I have retained under authority given to me by joint resolution of Congress.

The remainder I present through the State Department to the library of the Smithsonian Institution, which now forms a part of the national library of our country.

With great respect, your obedient servant,

G. V. FOX.

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

*Mr. Clay to Mr. Seward.*

No. 150.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, Russia, July 26, 1867.*

SIR: I have the honor to enclose you the note of Prince Gortchacow, marked A, in response to my note of congratulation upon the escape of the Emperor from assassination at Paris.

Very truly, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Prince Gortchacow to Mr. Clay.*

[Translation.]

The undersigned, chancellor of the empire, hastened to place before his Majesty the Emperor the note dated the 9th-21st of July, by which General Clay, envoy extraordinary and minister plenipotentiary of the United States of America of the North, was charged to make known to him the sentiments of the government and the nation of America upon the occasion of the attempt of the 6th of June last upon his Imperial Majesty's life, and the providential favor of which he was so widely the subject.

The undersigned fulfils the express order of his august master in praying General Clay to be kind enough to transmit to his government, in the name of his Majesty the Emperor, the thanks of his Imperial Majesty for this evidence of cordial and ("chaleureuse") warm sympathy.

He seizes at the same time the occasion to renew to General Clay the assurance of his very distinguished consideration.

JULY 12, 1867.

GORTCHACOW.

*Mr. Clay to Mr. Seward.*

[Extract.]

No. 152.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, Russia, August 28, 1867.*

SIR: Admiral Farragut, with four ships, has been here now three weeks, and sails Friday for Stockholm.

He has been received everywhere, from the grand admiral, the Grand Duke Constantine down to the lowest peasant, with respect and true cordiality. Last night a grand ball was given him and the American officers, at the house of the governor of Cronstadt, Vice-Admiral Lessoffky, at which the minister of marine, Admiral Croblié, and all the distinguished officers of the Russian fleet were present. The impression produced here by the American fleet and its gentlemanly officers has been most favorable.

\* \* \* \* \*

I am, sir, your most obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Seward to Mr. Fox.*

DEPARTMENT OF STATE,  
*Washington, September 20, 1867.*

SIR: I have the honor to acknowledge the receipt of your letter of the 23d of July last, transmitting a catalogue of books presented to you by the Emperor of Russia upon the occasion of your visit to that country as the bearer of the resolution of Congress.

I have also to acknowledge the receipt of a large number of those valuable works which have been donated by you to the library of the Smithsonian Institution, which now forms a part of the Library of Congress, namely: 179 volumes finely bound, many in quarto, others in octavo major; 16 atlases and albums, illustrating accompanying books, texts, or descriptions, some eagle, other elephant size, all bound in cloth, morocco, &c.; 72 maps, some bound in covers or cases, four city plans in cases and on cloth; and 12 pamphlets, making in all 282 pieces, all of which have been placed in the library of the Smithsonian Institution, in accordance with your intentions.

In accepting on behalf of the government and people of the United States so important and instructive an acquisition to the national library, I may safely assure you that they will be gratefully appreciated and carefully preserved.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

G. V. FOX, Esq., *Washington.*

*Mr. Clay to Mr. Seward.*

No. 163.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, November 21, 1867.*

SIR: I herein transmit to you a memorandum descriptive of the Russian imperial system of Russian America, (portage,) division of property, &c., marked AA.

C. M. CLAY.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*



## TRANSLATION OF THE RUSSIAN MEMORANDUM MARKED AA.

BY S. N. BUYNITZKY.

*Explanatory memorandum in answer to the communication of the ministry of foreign affairs, department of interior relations, dated August 31, 1867, No. 5,790 pursuant to the communication addressed by Hon. W. H. Seward, Secretary of State, August 6, 1867, to St. Petersburg, to the American envoy near the imperial court.*

To the question concerning the system of division and measurement of landed property which was adopted by the imperial government in the late Russian American possessions:

The question, as stated by the government of the United States of America, has to be solved in two relations: first, in relation to the *natives* who occupied of yore the lands which composed the Russian American colonies; and, second, in relation to the *colonists* who had settled in that country after it had been included into the limits of Russian empire.

Adverting first to the *natives* or *aborigines*, we may divide them into two groups: the islanders and the inhabitants of the American continent. The islanders, on their part, must be again subdivided in two sections: the dependant and peaceful inhabitants of the Aleutian islands, and the independent inhabitants of the islands of the far north—that is, the islands Ookeevock, St. Lawrence, and Noonivock. Upon these three last islands there never existed any Russian settlement; the intercourse of Russians with those tribes was wholly confined to the limits of retail trade, for which purpose vessels of the Russian American Company were but occasionally sent thither, and, therefore, neither the imperial government nor the company ever had any influence upon the mode of division of lands between said natives, who, to the present time, use such lands in perfect freedom, without any foreign interference or restrictions. Exactly in the same way, (owing to the character of the object which was constantly pursued by the agents of the company,) neither the government nor the company had any interest to interfere with the distribution of lands between the inhabitants of the Aleutian islands. All these islands, the boundaries of which are fixed by nature itself, are held and used by the Aleutes by right of prescription, and never interrupted by any foreign violation or interference. The division of lands between the Aleutian settlements was established at a time anterior to the Russian occupation, and continues to be inviolably preserved according to usages prevalent of all antiquity amongst the natives. Neither the imperial government, by authority conferred to the Russian American Company, nor the agents of the company, by the strength of imperial grants, ever interfered with the internal division of lands between the indigenous Aleutes, and if the local administration occasionally undertook the examination of their mutual claims, it exceptionally happened in cases of misunderstanding and contests between the natives themselves, and never otherwise than upon application of the interested parties and persons, when the local Toyunns, or elders of villages, had failed to satisfy the respective claims of parties by their own authority. To the preservation of such order in the colonies particularly contributed the peaceful and submissive character of the inhabitants of Aleutian islands, and, therefore, the immutability, or, as it were, the stagnation in that respect, must not be attributed to the indifference of local administration to the interests of that country; on the contrary, the position, itself of the Aleutian islands gave birth to such immobility in the mode of turning to account the territory of these islands. Competition alone, either between the natives or on the part of foreign settlers from abroad, might have modified the existing system of land-keeping, but none of the two cases did happen, and in fact, could not have taken place. The native population of each separate island is so very insignificant, that the inhabitants of any one could not meet with the slightest cause of collision of interests in the use of lands; in addition to this, the soil itself being perfectly barren, and unfit either for agricultural or grazing purposes, there was no reason why the natives should endeavor to extend the limits of their lands; if they value their grounds, it is exclusively on account of streams abounding in fish, or of coast sites, designated by the local name of *Liyda* (*Layda*.) for the Aleutes being neither agriculturists nor cattle breeders, live exclusively upon fish and shell fishes thrown ashore by the tide, so that the welfare of the native is measured by the abundance of sea fruits supplied by the tide, and the prosperity of Aleutian settlements is calculated by the riches of the "*Liyda*," exactly in the same way as the prosperity of continental settlements is chiefly calculated by the productiveness of the ground.

Out of this short outline of the condition of the islanders it is not difficult to realize the reason why, for the time of Russian dominion over that country, we do not meet with any government regulations which would be calculated to establish amongst the natives any certain system of acquisition or occupation of land. There was even less ground for the enactment of any particular regulations in view of immigrant settlers. Who can ever have a mind to settle in that country, where permanent fogs and dampness of atmosphere and want of solar heat and light, leaving out of the question anything like agriculture, make it impossible to provide even a sufficient supply of hay for cattle, and where man, from want of bread, salt, and meat, to escape scurvy must constantly live upon fish, berries, shell-fish, sea cabbages, and other products of the sea, soaking them profusely with the grease of sea beasts? The Aleutian islands may attract transient traders, but no permanent settlers; to inhabit them

one must be an Aleute; and if it were not for the sea surrounding the islands, this country, owing to its unfavorable climatic conditions and the sterility of its ground, would have never been inhabited at all; and, therefore, the American government will have, as the Russian imperial government had, to protect the local natives against arbitrary taking of possession and violence, not in the interior of the islands, but from the sea, because un-sparing foreigners, prompted by avaricious hope of easy temporary gain, will, before all, endeavor to take advantage of the local population, which, being scarce and rather fond of strong drink, will not long resist temptation, and shall perish, together with all those branches of trade for which islanders are alone fit, and particularly the Aleutes, those ancient, permanent, and practiced inhabitants of the ocean.

But if we do not meet with foreign settlers upon the islands of Russian America, the colonial administration began at a sufficiently early period to colonize some islands with the so-called colonial settlers.

The imperial government, while granting to the Russian American Company, for a determinate period, the exclusive possession and use of our territory in America, conceded to the company the right (statute, chapter 8, section 2, § 228) "to settle upon fitting grounds those of the old servants who would be willing, and to supply them with dwellings and implements at the cost of the company." Otherwise, as to the apportionment of lands to such settlers, there were no particular regulations, restrictions, or formalities. Usually the chief administrator, conforming to the statute, (§ 162,) at the installation of an applicant for settlement, or of his family, assigned a place for the new settlement according to his own better understanding; and this simple designation of whereabouts gave the settler a right to occupy and use such area of land and trading grounds as he could or thought it necessary to occupy for his housekeeping and fishing requirements; only, in order to avoid contestations between the settlers and the natives, particular attention was paid to the division between them of streams and other trading places, so that neither the natives nor the colonists could have any right to fish or hunt upon grounds to them not assigned. Under this system of distribution of lands and trading grounds the first occupation and using of a certain locality, whether by an individual or by a community, notwithstanding the lack of formalities, conferred unquestionable right of possession, and, therefore in case that these territories would have to revert from out the competency of the company into the hands of the imperial government, said right would be recognized and formally confirmed for the future as right of property. Such settlers exist in the districts of Kadiak, Atkha, and Ounga, and belong, all of them, owing to the character of their housekeeping and trade, to the section (register) of country inhabitants. Moreover, there is a certain number of individuals who hold like right of possession in the port of New Archangel. Some of them possess but houses and yards in the limits marked upon the plan of the port of New Archangel; others possess, in addition, field grounds. Upon the whole, the settlers who live in New Archangel, considering the local conditions of their life, cannot be properly counted to the number of citizens, as well as the port of New Archangel itself cannot be properly called a city.

If, at the actual transition of the territory under the rule of the United States government, a division of land estates and a formal recognition of property rights, together with the fixing of boundaries, should be deemed necessary, then, in reference to existing settlers, either aliens, that is, colonial citizens, or creoles, (denominated by colonial registers "colonial citizens,") it would be equitable to adopt, as basis of definition of limits, certificates attested by local colonial authorities, wherewith some lots, as, for instance, yards and gardens, would be, if necessary, recognized as private property, and other, as shores, meadows, woods, streams, &c., as communal property of the settler of each separate locality.

Now, going over to the inhabitants of the American continent, we meet with phenomena completely different. Settlements nearest to the coast have many common features with the islanders, as well in respect of settled life as in respect of means of existence and trade; but, the deeper we advance into the continent of America, the more varies the character of the natives. The inhabitants of the coast, like those of the Aleutian islands, distinguish themselves by submissiveness, good-nature, and visible marks of social instinct; such are the *Kenayans*, the *Tshugaces*, *Kooskokimians*, and the *Aglegonutes*; nearly all of them are Christians; they are of a rather gentle disposition, and live in good understanding and constant intercourse with the Russians; so that the Russian American Company, in order to entertain friendly relations, and to induce the natives to carry on fur trade, yearly provided, upon the Kenayan coast, a supply of about ten thousand youkola, or dried fish. On the contrary, the further from the coast, the more rough and independent the character of the savages; every symptom not only of social, but even of settled life, disappears, because these natives, having no other occupation but hunting, migrate in the track of game from one part to another, establishing but provisional settlements for winter season; to this class of savages must be numbered the *Caloshes*, the *Toondras*, the *Coltshans*, the *Mugmutes*, the *Agoomutes* or *Koossilakians*, the *Aziagmutes*, the *Mal'emutes*, the *Anghelicis*, the *Kooyoukonians*, and the *Mednovetzes*, and, generally, the tribes inhabiting the islands of the Caloshian archipelago, the banks along Stakhin river mouth, along the rivers Kvikhpak, Kooskokvim, Kooyoucan, Shikhtalick, and their tributaries, and the shore below and above the Straits of Behring. Most of these tribes live in primeval forests of such thickness that the

only ways of communication are rivers, along the streams of which they travel in their "bay-daras" (boats) during summer season, to trade, partly with neighboring savages, and partly with Russian redoubts and "odinotshkas," situated along the sea-coast, and at the mouth of Kvikhpak and Koskokvim rivers. During winter these people accomplish their travels with "nartas" (sleighs) drawn by dogs, and reach as far as the grounds of the Tshuktches of Siberia, crossing upon ice the Straits of Behring. All these tribes are supplied with fire-arms and spirits, of which they are, like all savages, very fond—in part from English possessions, and in part by foreign transient ships. The Russian American Company hardly ever penetrated into the interior of the continent, and, owing to the wild character of its inhabited redoubts and "odinotshkas," were established along the coast, preferably, near the rivers, never established there any settlements, only for trading purposes; small factories, bays and the mouths of large rivers. These factories generally consist of a roofed yard of moderate size, in which live the clerk of the company, with a few workmen out of the pacified natives, and where is stored a small supply of dried fish and some manufactured goods, wanted for the use of savages. Such is, in general features, the character of the Russian American continent. From all, what we said, it clearly appears, that in this region no attempts were ever made, and no necessity ever occurred, to introduce any system of land-ownership; the country occupied by savages is too vast; they used to camp in certain fit places, generally marked by mountains, rivers, and streams, each having its name, but no fixed boundaries whatever, and their migrations are guided by wild instinct and unbounded will. All this region has neither past nor present, and it may be confidently said of the future, that it is far and impenetrable. Every attempt of civilizing that country will stumble against unconquerable obstacles—the complete absence of local topography, the wild character of the savages, and no less wild character of nature; but, above all, the rigor and inconstancy of climate. To achieve any good results for the future of that country, by means of conquest and violence, would hardly be possible; to drive the savages further into the interior of the American continent, however difficult, would be possible; but this plan will be connected with irrecoverable money and material losses; the more so, that a civilized population will never be attracted to that country. There can be expected speculators, but no permanent settlers; there can be expected no civilized population, no permanent industry, but rather spoliators of the natives, and depredatory working out of the riches as well on the surface as in the womb of the earth. Such system can devastate but not organize the country. To civilize the savages would seem to be a surer although a more difficult way of turning to account the country and its population. This could be effected by two means, working at the same time: by acquainting the neighbors with objects of material comfort and luxury, as, for instance, the use of bread, tea, and wearing ornaments, and by imparting to them religious instruction; but, to this last end, missionaries familiar with local dialects are wanted. This system was lately adopted by the Russian American Company for the colonies nearest to the port of New Archangel, and although a decisive result was not yet attained, a visible progress in the intercourse with the natives was effected, so that Caloshes, one of the most savage and unyielding tribes, came to work to New Archangel, a fact which never happened before.

To the question concerning the system of lineal and square measures which were used in the colonies for measuring ground:

Now, in answer to the question, What square superficial measure was used in the Russian American possessions? it is to be stated that there was adopted the same measure which is in use in Russia—that is, the land was measured by "dessiateenas;" each dessiateena numbers 2,400 square "sajenns," *i. e.*, 30 sajenns of width and 80 in length; each sajenn numbers 7 English feet, consequently each Russian dessiateena contains 16,800 square English feet. [See note.]

Actual state councillor,

KOSTLIVTZOV.

OCTOBER 8, 1867.

NOTE OF THE TRANSLATOR.—The number of English square feet contained in each Russian "dessiateena" is not 16,800, as it is erroneously stated in Mr. Kostlivtzov's memorandum, but seven times larger, *viz.*: 117,600 square feet. The error of the memorandum consists in taking seven English feet as equivalent to one Russian square "sajenn," whereas seven feet are equivalent to one lineal "sajenn," and, therefore, one square sajenn contains seven by seven English feet; so that the number of square "sajenns" in one "dessiateena," which is 2,400, must be multiplied by 49, and not by 7, as it is done in the memorandum.

## CORRESPONDENCE WITH THE RUSSIAN LEGATION.

*Mr. Seward to Mr. de Stoeckl.*DEPARTMENT OF STATE,  
*Washington, March 14, 1867.*

SIR: I have the honor to communicate to you, for the information of your government, a copy of the correspondence which has taken place between the government of the United States and those of Spain, Peru, Chili, Bolivia, and Ecuador, in regard to the pacification of questions at issue between Spain on the one hand and the allied republics above named on the other.\*

Accept, sir, a renewed assurance of my highest consideration.

WILLIAM H. SEWARD.

Mr. EDWARD DE STOECKL, &amp;c., &amp;c., &amp;c.

*Mr. Seward to Mr. de Stoeckl.*DEPARTMENT OF STATE,  
*Washington, March 23, 1867.*

SIR: With reference to the proposed convention between our respective governments for a cession by Russia of her American territory to the United States, I have the honor to acquaint you that I must insist upon that clause in the sixth article of the draught which declares the cession to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions by any associated companies, whether corporate or incorporate, Russian or any other, &c., and must regard it as an ultimatum; with the President's approval, however, I will add two hundred thousand dollars to the consideration money on that account.

I avail myself of this occasion to offer to you a renewed assurance of my most distinguished consideration.

WILLIAM H. SEWARD.

Mr. EDWARD DE STOECKL, &amp;c., &amp;c., &amp;c.

*Mr. de Stoeckl to Mr. Seward.*

[Translation.]

IMPERIAL LEGATION OF RUSSIA TO THE UNITED STATES,  
*Washington, March 25, 1867.*

Mr. SECRETARY OF STATE: I have had the honor to receive the note which you were pleased to address to me on the 23d March, 1867, to inform me that the federal government insists that the clause inserted in article sixth of the project of convention must be strictly maintained, and that the territory to be ceded to the United States must be free from any engagement and privileges conceded either by the government or by companies.

In answer, I believe myself authorized, Mr. Secretary of State, to accede literally to this request on the conditions indicated in your note.

Please accept, Mr. Secretary of State, the assurances of my very high consideration.

STOECKL.

Hon. WILLIAM H. SEWARD, &amp;c., &amp;c., &amp;c.

\* For enclosures see correspondence with the countries mentioned.

*Mr. de Stoeckl to Mr. Seward.*

[Translation.]

WASHINGTON, *March 17-29, 1867.*

MR. SECRETARY OF STATE: I have the honor to inform you that by a telegram dated 16-28 of this month from St. Petersburg, Prince Gortchacow informs me that his Majesty the Emperor of all Russias gives his consent to the cession of the Russian possessions on the American continent to the United States for the stipulated sum of seven millions two hundred thousand dollars in gold, and that his Majesty the Emperor invests me with full powers to negotiate and sign the treaty.

Please accept, Mr. Secretary of State, the assurance of my very high consideration.

STOECKL.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

*Mr. de Stoeckl to Mr. Seward.*

[Telegram.]

NEW YORK, *May 15, 1867.*

WILLIAM H. SEWARD:

Just received the following telegram from St. Petersburg:

"Treaty ratified. Bodisco carries it back and leaves immediately.

"GORTCHACOW."

I shall be in Washington to-morrow.

STOECKL.

*Mr. Seward to Mr. de Stoeckl.*

DEPARTMENT OF STATE,

*Washington, May 20, 1868.*

SIR: I have the honor to communicate a copy of a telegram from San Francisco, of the 15th instant, addressed to the Assistant Secretary of State by the Hon. John Conness and Mr. Benjamin Holliday, the former, as you are aware, a senator of the United States from California. This telegram represents that a steamer will be despatched for Sitka, in Russian America, early in next month, and asks whether United States citizens may ship merchandise on board of her.

As the exchange of the ratifications of the treaty for the cession of Russian America only awaits the arrival of the ratification of his Majesty the Emperor of all the Russias, which you have already announced to me, and which is understood to be on its way hither, it is hoped that you may feel warranted in giving such instructions to the imperial authorities at Sitka as will enable this department to give a favorable answer to the inquiry above referred to.

I avail myself of this occasion to offer to you a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

Mr. EDWARD DE STOECKL, &c., &c., &c.

*Messrs. Conness and Holliday to Mr. F. W. Seward.*

[Telegram.]

SAN FRANCISCO, CAL., May 15, 1867.

A steamer will be despatched for Sitka early in June next. Many of our citizens are anxious to ship merchandise to that point. Have they the right to do so now, or must they await the official occupation of the country by our government?

JNO. CONNESS.  
BEN. HOLLIDAY.

Hon. F. W. SEWARD,  
*Assistant Secretary of State.*

*Mr. de Stoeckl to Mr. Seward.*

[Translation.]

LEGATION OF RUSSIA IN THE UNITED STATES,

*Washington, May 22, 1867.*

MR. SECRETARY: I have had the honor to receive the note which you were pleased to address to me this day, (20th instant,) asking if American vessels can go to Sitka immediately.

As the treaty has already been ratified by his Majesty the Emperor, I feel myself authorized to give the authorities of Sitka the instructions necessary to allow the vessels loaded with goods and provisions, which it is proposed to send from San Francisco, to be admitted, without delay, into the ports of the ceded territory. For that purpose I address the enclosed telegram to the consul of Russia in San Francisco, with an order to transmit it to the commander-in-chief of the colonies.

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

STOECKL.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

*Mr. Stoeckl to Mr. Klinkowstroem.*

[Telegram.]

WASHINGTON, May 22, 1867.

The treaty for the cession to the United States of our northwest American possessions having been ratified by the Emperor, any American ship that may go there henceforward must be admitted, and any merchandise or provisions must be allowed to be landed free. Forward this telegram to the chief commander at Sitka by the first opportunity.

STOECKL,

*Russian Minister.*

MARTIN KLINKOWSTROEM,  
*Russian Consul at San Francisco.*

*Mr. Seward to Mr. de Stoeckl.*

DEPARTMENT OF STATE,

*Washington, June 2, 1867.*

MY DEAR MR. DE STOECKL: I have received a despatch from Mr. Clay, in which he gives us the pleasing information that his Imperial Highness, the

Grand Duke Alexis, contemplates visiting our country during the present year. Whenever it may be convenient I would be happy to confer with you upon this subject at this department.

Faithfully yours,

WILLIAM H. SEWARD.

MR. EDWARD DE STOECKL, &c., &c., &c.

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*Mr. F. W. Seward to Mr. de Stoekl.*

DEPARTMENT OF STATE,

*Washington, June 4, 1867.*

SIR: I have the honor to enclose a copy of a letter of yesterday addressed to this department by the Secretary of the Treasury, stating that it is contemplated soon to despatch a revenue cutter to the coast of Russian America, for various purposes, and requesting that application may be made to you for a communication to the imperial authorities in the territory, sanctioning the voyage. This department would consequently be obliged to you for the communication referred to, if you should deem yourself authorized to accede to the request.

Accept, sir, a renewed assurance of my highest consideration.

F. W. SEWARD,  
*Acting Secretary.*

MR. EDWARD DE STOECKL, &c., &c., &c.

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*Mr. McCulloch to Mr. Seward.*

TREASURY DEPARTMENT, *June 3, 1867.*

SIR: I have the honor to enclose, for your information, a copy of further instructions regarding trade with Sitka, which it is proposed to forward by the next steamer to San Francisco. I shall be pleased to receive your suggestions upon it at an early day, as it is important that the instructions should be perfected before Thursday next.

Captain W. A. Howard, of the revenue cutter service, will proceed to San Francisco by the next steamer, and take charge of the steam-cutter Lincoln, which is preparing for a voyage to Sitka and the coast of the ceded territory, to gain information on various subjects, as to suitable sites for custom-houses, lights, beacons, and coaling stations, and, under guidance of officers of the Coast Survey, and directions from the Smithsonian, as to the contour of the coast, the location of fishing grounds, and the resources of the country in minerals, trees, plants, and animals.

In order to enable the expedition to accomplish the desired results, and to avoid any possible interference with the Russian authorities, it is thought best to request you to lay the matter before the Russian minister and obtain from him a communication to the Russian officers in the territory, sanctioning the exploration. This, too, I should be glad to have by Thursday, if practicable.

I am, sir, very respectfully,

H. McCULLOCH,  
*Secretary of the Treasury.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

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TREASURY DEPARTMENT, *June, 1867.*

SIR: On the 29th ultimo you were instructed to "clear for Sitka," under certified manifests "countersigned by the Russian consul, domestic goods not taxable, and other foreign and domestic on which, all duties and taxes have been paid, but no others, and no arms, ammunition, or ardent spirits," and to send by first vessel "either Lieutenant Calvin L. Hooper, or Lieutenant George W. Moore, to remain at Sitka until relieved, and superintend discharge of cargoes."

Previously, on the 22d and 25th of May, the Russian consul at San Francisco was instructed

on the subject by the Russian minister here, also by telegraph. Copies of his telegrams are enclosed herein, together with another from the Department of State to Messrs. Conness and Holliday.

It will be your duty, accordingly, to permit merchandise of the nature specified to be shipped to Sitka until further orders, but to no other quarter of the Russian American possessions. You will be expected to adhere most rigidly to the rules laid down, both as to the character of the goods cleared, and as to the observance of every formality. Since the ceded territory is yet subject to the exclusive dominion of Russia, and the concessions made by the Russian minister in favor of the United States vessels, in anticipation of the final transfer of jurisdiction, are defined within precise limits, merchandise not coming within the exact range of the instructions cannot be landed there. Of the manifests, properly certified and countersigned, one will, of course, be retained at the custom-house and one will accompany the cargoes to be presented to the American agent at Sitka. These will be certified and countersigned in such manner that they cannot be altered or added to without detection. It will be the duty of the agent at Sitka to see that all cargoes are accompanied by the proper manifests duly verified, and to superintend the unloading thereof in person. He will see that no prohibited articles are landed, and after indorsing the manifests presented to him, he will preserve them to be compared, if necessary, with the retained copy at the port of shipment.

Should any vessel arrive from a foreign port, he will advise them that no portion of their cargoes can be landed until after having been entered at some port of the United States, and the duties paid, and in compliance with the regulations herein laid down.

If it is attempted to land merchandise in violation of these rules, he will advise the Russian commandant and request his interposition, but he is not authorized to interfere actively himself.

He will, of course, be expected to notify the department or its officers of anything that may come to his knowledge likely to operate injuriously to the revenue.

Copies of this letter and its enclosures are transmitted to be forwarded to the officer whom you have sent to Sitka, under my telegram of the 29th ultimo.

Very respectfully,

Secretary of the Treasury.

The COLLECTOR OF CUSTOMS,  
San Francisco, California.

Mr. de Stoeckl to Mr. Seward.

[Translation.]

NEW YORK, June 7, 1867.

MR. SECRETARY OF STATE: It was only yesterday that I had the honor to receive the note which you addressed to me on the 4th June, as well as a copy of a despatch from the Secretary of the Treasury, on the subject of despatching a revenue cutter to the shores of the Russo-American possessions.

I will take the liberty of suggesting that it will be of advantage, before giving to the Russian authorities at Sitka instructions, supplementary to those which I have already transmitted to them, to await the orders I must in a short time receive.

Mr. Bodisco ought to arrive in a fortnight at the furthest. He will bring instructions as well for me as for the Russian authorities at Sitka, and I could then give on my part more precise orders to the commandant of our colonies.

Captain Howard will not be able to reach California in less than a month. Before that time the exchange of ratifications will take place, and I shall be in possession of ample instructions on the part of my government, which it will be easy to transmit by telegram. In this manner a postponement of some days could not, I hope, embarrass the measures which the Secretary of the Treasury may deem it his duty to take in the interests of the ceded territory.

Please to accept, Mr. Secretary of State, the assurance of my high consideration.

STOECKL.

Hon. F. W. SEWARD,  
Secretary of State *ad interim*.



*Mr. de Stoeckl to Mr. Seward.*

[Translation.]

*Washington, August 13, 1867.*

MR. SECRETARY OF STATE: I have the honor to you herewith copy of the instructions given to Captain Pestchouroff, commissioner of the Imperial government for the transfer of the territory which formed the Russian colonies of the northwest of the American continent.

Please accept, Mr. Secretary of State, the assurance of my very high consideration.

STOECKL.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

*Translation of instructions given to Captain Pestchouroff, commissioner on the part of the Imperial Russian government, for the delivery of the Russian American colonies to the government of the United States.*

1. Captain Pestchouroff has been directed to proceed to Washington and enter, through the medium of the Secretary of State and the Russian minister, into communication with the commissioner appointed by the United States government to receive the said colonies, for the purpose of establishing an understanding as to the said transaction.

2. On the arrival of the two commissioners at Sitka, Captain Pestchouroff will proceed, in the first place, to the formal transfer of the territory under mutual national salutes.

3. All the forts and military posts are to be delivered at once to the American military forces that may follow the United States commissioner. Captain Pestchouroff will take the necessary steps to send home the Russian troops as early as convenient, and deliver the barracks to the use of the American soldiers.

4. Public buildings, such as the governor's house, the buildings used for government purposes, dock-yard, barracks, hospitals, schools, public grounds, and all free lots of ground at Sitka and Kodiak, will be delivered by Captain Pestchouroff to the American commissioner as soon as practicable.

5. All the houses and stores forming private property will remain to be disposed of by their proprietors. To this same category belong smiths, joiners, coopers, tanners, and other similar shops, as well as ice-houses, flour and saw mills, and any small barracks that may exist on the islands.

6. The two commissioners, after making the division between the property to be transferred to the American government and that left to individual proprietors, will draw up a protocol, and the American commissioner, on the documents furnished by the local Russian authorities, will deliver legalized certificates to the owners of the said property in order to enable them to possess that property if they remain in the country, or to dispose of it.

7. The churches and chapels remain, in accordance with the stipulations of the treaty, the property of the members of the Greco-Russian church. The houses and lots which were granted to these churches remain their property.

8. As the Russian American Company possess in the colonies large stores of furs, provisions, and other goods, at present distributed in Sitka, Kodiak, and different other stations on the continent and islands, they will require a certain lapse of time to collect, sell, or export their property. For that purpose the company will leave an agent or agents charged with the duty of settling finally their affairs.

It is hoped that the federal government will allow the Russian American Company to settle finally their business in the colonies without subjecting their property or their agents to any taxes for a period of 18 months or at least one year, considering that the same property has never been taxed heretofore, and that the company, under the present circumstances, will have to dispose of their property at a great loss.

9. In the settlement of all the affairs in connection with the transfer of the territory, Captain Pestchouroff is directed to proceed in the most amicable way, and the imperial Russian government hopes that the authorities of the United States will be guided by the same liberal views, in order to avoid all difficulties and to complete this transaction in the spirit of the friendly relations existing between the two governments.

*Mr. Seward to Mr. de Stoeckl.*

DEPARTMENT OF STATE,  
*Washington, August 13, 1867.*

SIR: I have the honor to inform you that Brigadier General Lovell H. Rousseau has been appointed by the President the commissioner on the part of the United States to receive from the commissioner appointed on behalf of his Majesty the Emperor of all the Russias the territory ceded to the United States by the treaty of the 30th of March last. A copy of the instructions which have been given to General Rousseau for his guidance in executing that trust is herewith communicated for your information and that of your government.

I avail myself of this occasion, sir, to offer to you a renewed assurance of my most distinguished consideration.

WILLIAM H. SEWARD.

MR. EDWARD DE STOECKL, &c., &c., &c.

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*Mr. Seward to General Rousseau.*

DEPARTMENT OF STATE,  
*Washington, August 7, 1867.*

GENERAL: You will herewith receive the warrant of the President, under the great seal of the United States, appointing you commissioner on behalf of this government to receive from a similar officer appointed on behalf of the imperial government of Russia, the territory ceded by that government to the United States, pursuant to the treaty of the 30th of March last. You will consequently enter into communication with Captain Pestchouroff, the Russian commissioner now here, and arrange with him in regard to proceeding, as soon as may be convenient, to the territory referred to, in order that your commission may be fulfilled. On arriving at Sitka, the principal town in the ceded territory, you will receive from the Russian commissioner the formal transfer of that territory under mutual national salutes from artillery, in which the United States will take the lead. Pursuant to the stipulations of the treaty, that transfer will include all forts and military posts and public buildings, such as the governor's house and those used for the government purposes; dockyards, barracks, hospitals, and schools; all public lands, and all ungranted lots of ground at Sitka and Kodiak. Private dwellings and warehouses, blacksmiths', joiners', coopers', tanners', and other similar shops, ice-houses, flour and saw mills, and any small barracks on the islands, are subject to the control of their owners, and are not to be included in the transfer to the United States.

The respective commissioners, after distinguishing between the property to be transferred to the United States and that to be retained by individuals, will draw up and sign full inventories of the same in duplicate. In order, however, that the said individual proprietors may retain their property as aforesaid, or, if they should so prefer, may dispose of the same, you will, upon the production of the proper documentary or other proof of ownership, furnish the said proprietors with a certificate of their right to hold the same.

In accordance with the stipulations of the treaty, the churches and chapels in the ceded territory will continue to be the property of the members of the Greco-Russian church. Any houses and lots which may have been granted to those churches will also remain their property. As it is understood that the Russian-American Company possess, in that quarter, large stores of furs, provisions, and other goods now at Sitka, Kodiak, and elsewhere on the mainland and on the islands, it is proper that that company should have a reasonable time to collect, sell, or export that property. For that purpose the company may leave in the territory an agent or agents for the purpose of closing their business. No taxes will be levied on the property of the company now in the territory until Congress shall otherwise direct. It is expected that in the transaction of the important business hereby intrusted to you, it will be borne in mind that in making the cession of the territory referred to, his Imperial Majesty, the Emperor of all the Russias, has been actuated by a desire of giving a signal proof of that friendship for the United States which has characterized his own reign and that of his illustrious predecessors.

It is hoped, therefore, that all your intercourse with the Russian commissioner will be friendly, courteous, and frank. This department understands from the President that upon the conclusion of the business with the Russian commissioner you will have command in the territory, to be exercised under the orders of the War Department.

I am, general, your obedient servant,

WILLIAM H. SEWARD.

Brigadier General LOVELL H. ROUSSEAU.

EXECUTIVE MANSION, *Washington, August 7, 1867.*

Brigadier General LOVELL H. ROUSSEAU, *of Kentucky* :

You are hereby appointed agent on behalf of the United States to receive from the agents of his Majesty, the Emperor of all the Russias, the territory, dominion, property, dependencies, and appurtenances which are ceded by his Imperial Majesty to the United States, under the treaty concerning the cession of the Russian possessions in North America, concluded March 30, 1867. A copy of the treaty is herewith communicated for your information and government.

In witness whereof, I have hereunto signed my name and caused the seal of the United States to be affixed.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,  
*Secretary of State.*

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*Mr. Seward to Mr. de Stoeckl.*

DEPARTMENT OF STATE,

*Washington, August 15, 1867.*

SIR: I am requested by the Pacific Mail Steamship Company to tender to the Russian commissioner the free hospitalities of their steamer, which will leave New York for San Francisco on the 21st of this month. I will thank you to make this offer known to Captain Pestchouroff accordingly.

I avail myself of this occasion, sir, to offer to you a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

MR. EDWARD DE STOECKL, &c., &c., &c.

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*Mr. Seward to Mr. de Stoeckl.*

DEPARTMENT OF STATE,

*Washington, August 15, 1867.*

SIR: By a letter of yesterday, General Grant, the Acting Secretary of War, expressed a desire to be informed as to the extent of the accommodations for troops and their supplies which will be turned over to the United States by the Russian government at Sitka, and at any other points which it is deemed necessary should be garrisoned by the United States. This information is important, in view of the fact that the season will have advanced too far to admit of the erection of suitable buildings after our troops shall have reached there.

As it is presumed that the commissioner of the imperial government is well informed on this subject, I beg that you will enable me to reply to the inquiry of the Acting Secretary of War.

Accept, sir, a renewed assurance of my highest consideration.

WILLIAM H. SEWARD.

MR. EDWARD DE STOECKL, &c., &c., &c.

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*Mr. de Stoeckl to Mr. Seward.*

[Translation.]

NEW YORK, *August 20, 1867.*

MR. SECRETARY OF STATE: In reply to the letter you have done me the honor to address to me on the 15th of this month, I make it a duty to inform

you that the only point at which we had a military garrison was at Sitka. The number of men we maintained there never exceeded two hundred, and latterly there were at Sitka only 80 men. The barracks in which these troops are stationed, and which will be turned over to the federal government, may conveniently hold from a hundred to a hundred and twenty men. Besides the garrison at Sitka, there are some advanced posts on the mainland, occupied by four or five men each. These posts are situated far to the north, and it will be difficult to turn them over to the United States troops before next spring. As to what relates to provisions, the federal government will be able to supply itself in the warehouses of the Russo-American Company with breadstuffs, butter, sugar, tea, and salt fish. In the Sitka market may be found fresh fish, goat meat, wild, in small quantities. It would be well for the American government to take measures for provisioning its troops with fresh meat or salted, coffee, and other articles which are used in the United States army.

Please accept, Mr. Secretary of State, the assurance of my very high consideration.

STOECKL.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Mr. de Stoeckl to Mr. Seward.*

[Translation.]

IMPERIAL LEGATION OF RUSSIA TO THE UNITED STATES,  
Washington, October 23, 1867.

MR. SECRETARY: Captain Pestchourooff, commissioner of the imperial government for the transfer of our former possessions in America, informs me that the Russian ship *Czaritsa* is expected at Sitka with provisions and goods for the Russian American Company.

As this vessel left Europe at the beginning of the year, before the conclusion of the treaty of cession, it is but just that the cargo of the *Czaritsa* be admitted free of duty in case it reaches its place of destination after the establishment of the United States custom-house system at Sitka.

I take the liberty, Mr. Secretary of State, to recommend this affair particularly to the benevolent courtesy which the federal government has always exercised in its transactions with the imperial government.

Please accept, Mr. Secretary of State, the assurance of my very high consideration.

STOECKL.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Mr. Seward to Mr. de Stoeckl.*

DEPARTMENT OF STATE,  
Washington, October 29, 1867.

SIR: I have the honor to inclose, for your information, a copy of a letter of yesterday to General Grant, the Secretary of War *ad interim*, embodying an instruction which the President has directed to be sent by telegraph to Major General Halleck, by him to be promptly communicated to Major General Roseau, at Sitka, with a view to preventing premature and illegal attempts to occupy land in Alaska.

Accept, sir, a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

Mr. EDWARD DE STOECKL, &c., &c., &c.

*Mr. Seward to General Grant.*

DEPARTMENT OF STATE,  
*Washington, October 28, 1867.*

SIR: In the absence of specific legislation by Congress for the organization of land districts in Alaska, claims of pre-emption and settlement are not only without sanction by law, but are in direct violation of laws applicable to the public domain. Military force may be used to remove intruders if necessary.

Will you have the goodness to instruct Major General Halleck to this effect by telegraph, and request him to communicate the instruction to Major General Rosseau, at Sitka?

I have the honor to be, general, your obedient servant,

WILLIAM H. SEWARD.

General U. S. GRANT,  
*Secretary of War ad interim.*

## THE NETHERLANDS.

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*Mr. Ewing to Mr. Seward.*

No. 1.]

UNITED STATES LEGATION,  
*The Hague, December 1, 1866.*

SIR: I have the honor to inform you that the King of the Netherlands received me to-day in private audience as minister resident at this court, in accordance with the established usages, when I presented my letter of credence, together with that of the recall of Mr. Pike. Immediately afterwards, by previous arrangement, I was presented in a special audience to the Queen.

In presenting my credentials to his Majesty, I confined myself to one or two simple remarks, which the occasion seemed to require.

Nothing transpired at either of these interviews worthy of noting, although they were in every way agreeable and satisfactory.

I am, sir, very respectfully, your obedient servant,

HUGH EWING.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Ewing to Mr. Seward.*

No. 4.]

UNITED STATES LEGATION,  
*The Hague, January 1, 1867.*

SIR: I have the honor to acknowledge the receipt of your despatch of December 15th, No. 2.

About the latter part of November, according to custom in the Netherlands, the cattle were housed for the winter, since when the rinderpest has increased notwithstanding the efforts of the government to arrest its progress.

From the 1st to the 8th of December the number of animals attacked exceeded that of the previous week by 3,000. From the 9th to the 15th the epidemic diminished, the number attacked being 6,073. From the time it made its appearance in the country to the 15th of December, 50,000 animals died of the disease, and 21,500 were killed, making the total loss 71,500.

Previous to the outbreak of the epidemic beef cattle were largely exported to England; this exportation has since ceased.

All efforts at cure have been fruitless, and the government has confined its attention to restricting it to infected districts, but so far with little success.

I have the honor to be, sir, very respectfully, your obedient servant,

HUGH EWING.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Ewing to Mr. Seward.*

No. 7.]

UNITED STATES LEGATION,  
*The Hague, January 21, 1867.*

SIR: I have the honor to forward the following statement, furnished by the Dutch government, concerning the progress of the rinderpest: loss for week ending December 22d, 5,771; loss for week ending December 29th, 5,832; loss for week ending January 5th, 4,988.

An impression prevails that the malady is on the decline here, but it has crossed into Prussia, and threatens Belgium and France.

I have the honor to be, very respectfully, your obedient servant,  
HUGH EWING.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Ewing to Mr. Seward.*

No. 8.]

UNITED STATES LEGATION,  
*The Hague, February 25, 1867.*

SIR: I have the honor to acknowledge the receipt of your despatch of the 8th instant, No. 7.

An extraordinary cabinet council was held here on the 21st instant, which being prolonged into the night caused much speculation.

On the following day the chamber went into secret session, an unusual occurrence, during which, it is currently believed, the minister of foreign affairs, Count Zuylen de Nyevelt, announced that Prussia demanded a ratification of her frontier. This caused a profound sensation, followed by loud applause when the minister added the declaration that Holland would resist.

Responding to this state of things the Dutch stocks are falling.

This people rely with more or less confidence on assistance from abroad in case they draw the sword to preserve the integrity of their territory, and I think with reason, provided at the outset they so hold the Prussians in check as to give assurance that they will be able to maintain themselves until their neighbors, having completed their combinations, can reach the field and deploy.

Notwithstanding the current professions of peace it appears to my mind that the atmosphere of Europe is charged with the elements of an approaching storm that may burst over the low countries before the close of the year.

I have the honor to be, sir, very respectfully, your obedient servant,  
HUGH EWING.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Ewing to Mr. Seward.*

No. 9.]

UNITED STATES LEGATION,  
*The Hague, March 16, 1867.*

SIR: I have the honor to acknowledge the receipt of your despatch of the 15th ultimo, No. 8.

Since the date of my last despatch on the subject, the rinderpest has spread into Belgium and France. The following report of its progress in Holland,

from the 5th January to the 17th February, shows a decline, from week to week, that gives reason to hope for its speedy extinction.

Week ending—	Cases.	Deaths.	Slaughtered.
January 13 .....	4,387	2,002	558
January 20 .....	3,886	1,523	939
January 27 .....	3,249	1,353	1,128
February 3 .....	2,617	858	809
February 10 .....	2,048	789	477
February 17 .....	1,735	650	510
Total.....	17,922	7,175	4,421 7,175
Total loss.....			11,596

I am expecting a report from the Dutch authorities, which I will transmit when received, giving the result of experiments with chloroform to remedy the pest, made at the suggestion of Mr. Henry D. J. Pratt.

I have the honor to be, sir, very respectfully, your obedient servant,  
HUGH EWING.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Ewing to Mr. Seward.*

No. 11.]

UNITED STATES LEGATION,  
*The Hague, April 30, 1867.*

SIR: I have the honor to acknowledge the receipt of your despatches Nos. 9 and 10, and your letters of the 7th ultimo and 5th instant.

The subjects to which they relate will receive prompt attention.

The following is an account of the loss from rinderpest since my last report on the subject:

Week ending February 23, loss.....	1,607
Week ending March 2, loss.....	1,248
Week ending March 9, loss.....	1,363
Week ending March 16, loss.....	1,076
Total.....	5,294

I have the honor to be, sir, very respectfully, your obedient servant,  
HUGH EWING.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Ewing to Mr. Seward.*

No. 12.]

UNITED STATES LEGATION,  
*The Hague, May 18, 1867.*

SIR: It is understood that the King of Holland is not expected to do much in the way of the destruction of the fortress of Luxembourg, as the expense involved in its demolition would be greater than the duchy could bear. It is,



therefore, in effect to be left to time. Besides, if demolished, the position is such that a few weeks' labor would make it almost as formidable as ever. The King, as grand duke, intends to keep on foot, and stationed in the capital, about 2,000 men; the Prussians now occupying the fortress with 4,000.

The question of the purchase of Luxembourg by France was doubtless raised to give the latter power a position, by receding from which it could demand its evacuation by Prussia. The populations on either side were excited, and misinterpreted the situation; both governments from the beginning having viewed with reasonable certainty the end as attained. In consequence of the display, and mutual concessions, the joining of the real issue will be deferred; the late excitement serving as a sedative.

I have the honor to be, very respectfully, your obedient servant,

HUGH EWING.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Ewing to Mr. Seward.*

No. 14.]

UNITED STATES LEGATION,

*The Hague, June 30, 1867.*

SIR: I have the honor to acknowledge the receipt of your despatch of the 31st ultimo, No. 12.

Since my last despatch on the subject the rinderpest has virtually disappeared from Holland. Still I would recommend that for many months to come the precautions against its introduction from this country be continued.

The authorities have arrived at the conclusion that the only effectual mode to meet the pest is by prompt and unsparing slaughter of cattle in the vicinity where it makes its appearance.

I have the honor to be, with great respect, your obedient servant,

HUGH EWING.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Ewing to Mr. Seward.*

No. 19.]

UNITED STATES LEGATION,

*The Hague, September 20, 1867.*

SIR: I have the honor to acknowledge the receipt of your circular letter of the 29th March, relative to diplomatic uniform, and will in future conform thereto.

I take pleasure in announcing the complete evacuation by the Prussian troops of the duchy of Luxembourg; which will be henceforth under the exclusive sovereignty of its grand duke the King of Holland, subject to the conditions imposed by the late Congress of London, that it remain neutral territory, and exempt from sale or transfer.

The Prussian government has called upon the grand duke to destroy the fortress; the importance of which, I learn from Count Bismarck, has greatly diminished since the introduction of long-range guns.

I have the honor to be, with great respect, your obedient servant,

HUGH EWING.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Ewing to Mr. Seward.*

No. 22.]

LEGATION OF THE UNITED STATES,  
*The Hague, November 14, 1867.*

SIR: I have the honor to acknowledge the receipt of your circular letter of the 5th September, enclosing copies of the President's proclamation of the 3d, and your despatch of the 25th ultimo, No. 17.

During the summer sessions the chambers of the Netherlands confirmed a treaty with England arranging their boundaries on the coast of Guiana; an additional article to the treaty of extradition with Prussia of November, 1850, and, by the unanimous voice of both chambers, a treaty of commerce and navigation with Austria.

A bill was passed authorizing the construction of bridges, and the completion of railroads in the direction of France.

An appropriation was made for converting the small-arms into breech-loaders, in pursuance of which a contract was entered into with an English house, the Netherlands manufactures being pre-occupied.

In relation to the colonies an act was passed reducing the amount of forced labor due by the people to their chiefs, and increasing the salary paid the latter. Another authorizing the governor general to grant uncultivated lands on ground rent in the East India islands, for the term of seventy-five years.

In consequence of a failure on the part of the chambers to sustain his views on the question of leases in the islands, Mr. Frakranen, minister for the colonies, resigned and was succeeded by Mr. Hasselmann.

A number of refugees from the late kingdom of Hanover sojourning at Arnheim, suspected by the Prussian government of harboring designs against that country, were ordered by the minister of justice of the Netherlands to disperse and locate in various places. This provoked criticism in the chambers, as it was thought an unauthorized concession to the wishes of Prussia.

I have the honor to be, with great respect, your obedient servant,

HUGH EWING.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

# CHINA.

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*Mr. Seward to Mr. Burlingame.*

No. 174.]

DEPARTMENT OF STATE,

*Washington, October 13, 1866.*

SIR: Congress having omitted to provide for an appropriation of the surplus of the Chinese indemnity fund, the last account of which accompanied your No. 111, written at Peking, without date, it is not deemed expedient longer to allow it to remain on deposit in the Oriental Bank of Hong-Kong. It is probable, therefore, that the department will soon draw on you for that surplus, which is deposited subject to your order.

This despatch is written in advance of any such draft, in order that you may be prepared to cause the same to be honored.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

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*Mr. Williams to Mr. Seward.*

No. 44.]

LEGATION OF THE UNITED STATES,

*Peking, October 24, 1866.*

SIR: I have the honor to bring to your notice the case of the shipwrecked crew of the American schooner *Surprise*, the treatment which they received at the hands of the Corean and Chinese officials, and the kindness extended toward them by a French missionary who met them on their journey. I have condensed the principal facts of their history from the narrative of Captain M'Caslin.

On the 24th of June the crew left the schooner in a sinking condition, and reached an island, whose few inhabitants supplied them with rice, but wished them to leave as soon as they had eaten it, which, however, a storm prevented their doing until the next day. Going on nearly 20 miles toward the northwest, they saw a village on the mainland, which they thought best to reach, if possible, in order to obtain food and rest. On approaching it from the beach, they were surrounded by about 200 natives, who would not allow them to move until an officer arrived and was ready to receive them. This was done in the open air, and by means of the Chinese cook they were able to make him understand their condition, after which they were comfortably provided for during two days. Another official then arrived who likewise interrogated them minutely, but would not let them leave the village, keeping the party under a guard of soldiers within a small enclosure. On the fourth day a third officer came from the capital, bringing with him a Chinese interpreter, who henceforth took charge of them, giving them abundance of good food, tobacco, and even medicines for the sick.

After remaining in this village for 24 days, a special courier arrived from the capital to conduct the whole party to the Chinese frontier. The first day's journey of 14 miles on foot, over a rugged mountainous country, brought them to a large city, where they were courteously treated, furnished with suits of clothes, and well fed. From this place two days' riding brought them to the

large frontier town where they were comfortably lodged until notice could be given to the Chinese, and another escort arrived on the tenth day. Meanwhile they were placed in a government building, under a guard, and each man furnished with a suit of clothes. Chickens, beef, corn and rice were served out to them, and on three occasions they were invited to dine with the authorities of the town, when each of them received a catty of tea and a fan.

Two days' journey on horseback from this city, through a wild and uninhabited country, brought the party to a wall about 30 feet long and 20 feet high, in which was the gate that divides Corea from China; they stopped in a town near it that night, and the next morning went to a walled town about 10 miles off, where they were delivered to the Chinese authorities, and remained two days. Their food was insufficient, and of the poorest quality; and during the journey to Mukten, which city they reached after six days' hard travelling, they had only an allowance of millet and corn. The officer at Mukten would give them nothing, and the escort took them to an inn outside of the city, where a French missionary, hearing of their distress, sent for them; but the escort refused to let them go. However, Captain McCaslin and two others did go, and were kindly received and supplied with a good meal. The next day the authorities again declined to receive them, and they all went back to the inn to spend the night; but before going to bed all went on to the Père Gillie's house, who furnished them with a dinner.

Next morning they were again brought before the city authorities, who gave them in charge to four people, one of whom furnished mats for sleeping, and the others took them to a kind of lock-up, where several hundred criminals were detained. The filthiness of the place was unendurable, and some of the men managed to rush about and get outside of the enclosure, from whence they all ran beyond the city gates, and reached Père Gillie's house only a few moments before the policemen came to carry them back. He refused to let them go, until a proper place for lodging was provided, and sufficient food. After two days, he went with them into the city to the authorities, and, according to Captain McCaslin's belief, it was entirely owing to his energetic remonstrances and intervention that the party were saved from death through starvation and exposure in Mukten by being immediately sent on to Niuchwang. They were furnished with mules the next day, and reached Yingtze after seven days' journey, where they were delivered to the United States consul nearly two months after they were wrecked.

On learning the particulars here narrated, I addressed a letter of thanks to the French charge d'affaires in this city, (enclosure A,) who has forwarded it to Mr. Gillie. I respectfully request, too, that if you deem it proper, a testimonial of some kind may be sent to him as a mark of approbation for his kind succor to our unfortunate countrymen. The danger they were afraid of in dying from neglect was not imaginary, for travellers visiting Mukten have come across Russian sailors in the streets, who had been living there a twelvemonth in great destitution, their existence being unknown to the Russian consuls.

In my despatch of August 8th, (No. 37,) I referred to the hostile proceedings of the French naval commander against the Korean government. Before Admiral Rose had sent any vessels to that coast, another American schooner was wrecked, and the hull burned by the Koreans, as is their usual wont; but, according to the reports which have since come here from Chifu, they murdered all her company. This consisted of five foreigners, (three Americans and two British—one a passenger,) and 19 Manillamen, as sailors. I have not been able to learn more than that she had gone over on an experimental trading voyage. The Surprise had very little, if any, cargo on board.

The reports concerning the fate of these men being doubtful and conflicting, I addressed a note (enclosure B) to the Chinese officers, which they promised to send off the next morning to Manchuria. If anybody from the General Sherman

should be given to the authorities there, I hope they will receive better usage.

I hear that the French have already effected a landing in Corea, but nothing more of importance has been learned of their movements. The force now there consists of six ships. I enclose a copy of the notification of blockade, (enclosure C,) and shall apprise the department of the operations that are made public. I suppose the expedition will result in throwing open to the western world the last country which now forbids intercourse with other lands, and whose rulers have jealously guarded their subjects from the least acquaintance with their fellow-men. It is full time that Corea was introduced into the family of nations.

I have, the honor to be, sir, your most obedient servant,

S. WELLS WILLIAMS.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

[Mem. from Mr. Williams.]

PEKING, October 29, 1866.

Subsequent rumors indicate that the French are pressing on towards the capital of Corea, and that it has been attacked and captured, and the king has fled. There is very little doubt about the death of all the company on board the General Sherman. "The Coreans decapitated them all" is the brief account which has just been received.

[Enclosure A.]

*Mr. Williams to Mr. Bellonet.*

LEGATION OF THE UNITED STATES,

*Peking, September 15, 1866.*

SIR: It affords me very high gratification to be the medium of conveying to you the thanks of Captain McCaslin, as given in the enclosed narrative of the humane conduct of the Rev. Pere Gillie, who successfully assisted a company of ship wrecked American sailors belonging to the schooner Surprise, late under his command, in their journey across Manchuria to Niuchwang. The consciousness of having been the means of preserving the lives of these unfortunate mariners, as they state was the case, will be of itself a great satisfaction to Pere Gillie; and I wish to add my own sincere thanks to him for his kindness to my countrymen in their trouble. Will you, sir, oblige me and them by conveying to him this expression of our united thanks, either through Bishop Mouilly or otherwise, as you deem proper, and I shall make known his noble conduct, so congruous to his sacred calling, to the President.

I seize this occasion to renew the expression of the high consideration with which I am, sir, your obedient servant,

S. WELLS WILLIAMS.

HENRY D. BELLONET, Esq.,

*French Chargé d'Affaires.*

[Enclosure B.]

*Mr. Williams to the Foreign Office.*

LEGATION OF THE UNITED STATES,

*Peking, October 23, 1866.*

*To the Foreign Office:*

A report has been received here from Chifu that an American schooner, the General Sherman, was wrecked last month on the coast of Corea, and burned by the natives; her officers and crew, 24 in all, being captured by them, but it is not certainly known whether they are still alive or not. It is the usage of the Korean government to deliver all such persons at the frontier of China to her officers, to be handed over to their respective consuls at Niuchwang. In the month of June last a small American vessel was lost on Corea, and her crew were

very kindly treated by the people, and handed over to the officers in Manchuria, whose treatment was, on the other hand, in utter contrast with that of the Coreans, very harsh, the poor men not having enough to eat. However, owing to the exertions and expostulations of Père Gillie, a French missionary at Mukten, they were sent to the consul at Niuchwang.

I have to request, therefore, that orders may be immediately sent to the officers in Manchuria that if the Coreans should deliver over these 24 men to them, to treat them with kindness and protect them, and not with the harshness shown to the former company. All expenses incurred by the authorities there on account of these men will be repaid by the government of the United States.

I have, &c.,

S. WELLS WILLIAMS.

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*Notice of blockade of the river Seoul by the French naval squadron.*

[Translation.]

The undersigned, rear-admiral and commander-in-chief of the naval forces of his Majesty the Emperor of the French, in the China and Japan seas, in furtherance of the measures which have been deemed necessary in consequence of the murder of many French missionaries by the government of Corea, and by virtue of the powers belonging to me as commander-in-chief, hereby declares, that after the 15th day of this month the river Seoul, by all its entrances, will be held in a state of effective blockade by the naval forces under my command.

All vessels which shall attempt to violate this blockade will be treated according to international laws, and the treaties in force with neutral powers.

G. ROSE.

Given on board the *Guerrire*, Chefoo roads, October 5, 1866.

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*Mr. Williams to Mr. Seward.*

No. 45.]

LEGATION OF THE UNITED STATES,

*Peking, October 31, 1866.*

SIR: I have the honor to send you a communication (translated) from Señor V. F. Arminjon, the plenipotentiary of the King of Italy, and my reply, (enclosures A, B,) relating to his mission to China. Prince Kung immediately responded to his proposal to negotiate a treaty, and appointed Tang Ting-siang, one of the members of the foreign office, and Tsunghau, to arrange the details. A treaty was signed on the 26th instant, at Peking, which places the Italians on the same footing as the most favored nation. It contains 55 articles, whose stipulations include all the advantages which have been gradually obtained from the Chinese government by other nations, and embodied in their several treaties, disposed in such an order as to exhibit the present relations between China and other countries. The Italian envoy and suite left to-day for Tientsin, where he is to complete the signing of the treaty with Tsunghau, the other commissioner on the part of the Chinese.

I may state, in this connection, that the Portuguese treaty which was negotiated in 1862 has not yet been ratified, nor has any new proposition been received from them respecting the adjustment of differences. The Spanish treaty which was arranged in 1864 has not yet been ratified, but the exchange of ratifications will ere long be made, and also those of the Belgian treaty.

China has now entered into treaty relations with all the European powers except Austria, Turkey, and Greece.

I have the honor to be, sir, your most obedient servant,

S. WELLS WILLIAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Arminjon to Mr. Williams.*

[Translation.]

PEKING, September 30, 1866.

M. LE MINISTRE: I have the honor to inform you of my arrival in Peking as plenipotentiary from his Majesty the King of Italy to his Majesty the Emperor of China. My mission has for its object to negotiate and sign a solemn treaty of friendship commerce and navigation.

The government of his Majesty my august sovereign has decided that it can delay no longer to aid in the success of the cause of civilization that most of the nations of European origin are desirous should prevail in eastern Asia, and it wishes to bring to this work all its own influence so far as the means now at its disposal permit. It justly thinks that to accomplish this end the concurrence (intente) of Christian powers should be unreserved in this place in order to bring it about as soon as possible.

Italy has arrived in China at the last hour. But then it will be unjust if she cannot obtain all the advantages possessed by other powers, which have made sacrifices to establish themselves in this part of Asia, and if the same consideration is not accorded to her in everything. In Europe Italy has been the cradle of science and arts, and the home of their revival; its claims to the recognition of humanity are as noble as they are ancient.

It is with these views, sir, that I have come to claim the efficacious support of the diplomatic corps now residing in Peking. The commercial interests of Italians are not yet extensive in Chinese ports; but it is not alone the spirit of speculation and trade which has given rise to the expedition of which I am the head. The government of King Victor Emanuel cannot doubt that Italy will, without difficulty, obtain the material privileges which the subjects of all other nations really enjoy; but it will not put its hand to a convention by which the country shall be placed in a position of relative inferiority.

I have the honor to present to you, sir, the sentiments of my high consideration.

V. F. ARMINJON,

*Plenipotentiary of his Majesty the King, and Post Captain  
Commanding the Frigate Magenta.*

His Excellency DR. WILLIAMS,  
*Minister of the United States, Peking.*

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*Mr. Williams to Mr. Arminjon.*

LEGATION OF THE UNITED STATES,

*Peking, October 5, 1866.*

M. LE MINISTRE: I have great pleasure in acknowledging the despatch of the 30th ultimo which your excellency has done me the honor to address to me, informing me of your arrival in Peking as the plenipotentiary of his Majesty the King of Italy to negotiate a treaty of peace, commerce and navigation with the Chinese.

I desire to heartily congratulate you on your arrival in this capital on such a mission of civilization, and to assure you that I shall be most happy to aid, as far as I can, in your efforts to negotiate such a treaty as shall place the Italian nation on the same footing in China as other Christian powers. The United States must especially rejoice at the progress of Italy in every essential element of prosperity and stability, and your presence in this city on your high mission furnishes additional proof of her advance in national greatness. Your excellency's arrival recalls the ancient days when the Emperor Antonius sent his envoy to seek China, but how changed now are the positions of Europe and China! A higher progress in international comity, and a better appreciation of her own position, are likely to result to the latter.

I can hardly suppose that you will have any difficulty in placing the diplomatic relations of the two countries on an honorable basis by arranging the terms of a treaty from which may flow many benefits.

I avail myself of this opportunity to assure your excellency of the high consideration with which I am, sir, your obedient servant,

S. WELLS WILLIAMS.

His Excellency V. F. ARMINJON,  
*Plenipotentiary of his Majesty the King of Italy.*

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*Mr. Seward to Mr. Burlingame.*

No. 175.]

DEPARTMENT OF STATE,

*Washington, November 30, 1866.*

SIR: The Messrs. Baring, in reply to a letter from the department on the subject, have stated that it would not be convenient for them to purchase bills

on you for the surplus of the Chinese indemnity. They suggest that you be authorized to purchase bills on London with that surplus, and remit the same to them.

The department has informed them that this suggestion, if adopted at all, probably would not be carried into effect until after the next session of Congress.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

*Mr. Burlingame to Mr. Seward.*

No. 122.]

LEGATION OF THE UNITED STATES,  
*Peking, December 12, 1866.*

SIR: I have the honor to inform you that, on the 20th of November last, I had an interview with Prince Kung, at the Tsung li Yamen, of more than ordinary interest.

After the usual formalities and felicitations, the Prince dismissed, with the exception of his official suite, his attendants, and proceeded in a disturbed manner to speak of his relations with foreigners. He said they were excellent with all but the French, but that with these, in spite of all he could do, they were not such as he desired. The causes of irritation were their claims on account of their missionaries, and the nature of a correspondence touching affairs in Corea; that the missionaries, not content to spread their faith, to which there was no objection, were political agents, and undertook to absolve their Chinese converts from obligations to their own government, and that they were supported in their pretensions by their diplomatic representatives at Peking; that when he sought, on behalf of a kindred and once tributary people, (the Coreans,) to secure, in the interests of peace, an investigation into facts, before proceeding to extremities, he had been charged with complicity with them, and his own people menaced with attack.

I replied, as I had often done before, that I could not interfere between them and others, more than to proffer my good offices when they might serve to restore friendly relations. I urged the Prince strongly to instruct his officials in the provinces to treat the missionaries with the utmost kindness, so as to avoid all occasion for armed intervention. I said to him that my colleague, M. Berthémy, the French minister, now absent on leave, had said to Sir Frederick Bruce and myself that he did not, nor did his Emperor, sustain any such pretensions as those mentioned by the Prince on the part of the missionaries; that he had informed them that he, and the officials under him, alone represented the political and diplomatic power of France in China, and that I thought, with patience and caution, an amicable solution of their difficulties might be reached.

With regard to Corea I said that, if the Prince had done no more than to proffer his friendly offices, I did not see that he had done more than his duty; and that, if such action called forth menaces, he could rest strong in the consciousness of good intentions, and submit, with confidence, the correspondence to the impartial judgment of the civilized world.

That very evening the despatch marked A, covering a long correspondence with M. de Bellonet, French charge d'affaires, was sent to each one of the foreign legations, and I submit it (with the subsequent despatches marked B) without one word of comment.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*



[Enclosure A.—Translation.]

*Prince Kung to Mr. Burlingame.*

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

It is well known that since the ratification of the treaties between China and western countries, I have endeavored, by a constant adherence to truth and good faith, in every transaction connected with those countries, to maintain amicable relations with them. A serious quarrel having arisen last summer between the French and Coreans, M. de Bellonet, the French chargé d'affaires, addressed two communications to me respecting it. In my replies to them, I endeavored to act as a mediator, and so to explain the points of the affair that there might not, after all, be any loss of life to either party. This laudable desire was my only motive. Much to my surprise, I have just received a despatch from M. de Bellonet, in which he quotes the verbal statement of a Corean attendant, together with the gossip of market-places, for the truth of which there is not the shadow of evidence, and brings them up to cast suspicion on me. Seeing, therefore, that he does not meet my laudable desire [to prevent a collision] with the same spirit, but, on the contrary, throws out a suspicion that I am screening and excusing the Coreans, and even have other designs in view, I cannot but be exceedingly dissatisfied with him. He expressly states in his despatch that he thus obtained these rumors, and yet to make from such unsupported rumors charges implicating and upbraiding others, is certainly what I cannot assent to or see the justice of.

I have been on friendly relations with both these countries, and have deemed it best to copy the three despatches of M. de Bellonet, with their replies, and enclose them for your excellency's information. From them you will no doubt see the merits of the case; copies of the same are also sent to the other foreign ministers resident in Peking.

His Excellency ANSON BURLINGAME,  
*United States Minister to China.*

NOVEMBER 21, 1866, (*Tungchi, 5th year, 10th moon, 14th day.*)

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[Enclosures in Prince Kung's despatch.]

CORRESPONDENCE BETWEEN PRINCE KUNG AND M. DE BELLONET,  
FRENCH CHARGÉ D'AFFAIRES, RELATIVE TO THE MASSACRE OF  
FRENCH MISSIONARIES IN COREA.

No. 1.

*M. de Bellonet to Prince Kung.*

[Translated from the French.]

JULY 13, 1866.

SIR: I grieve to bring officially to the knowledge of your imperial highness a horrible outrage committed in the small kingdom of Corea, which formerly assumed the bonds of vassalage to the Chinese empire, but which this act of savage barbarity has forever separated from it.

In the course of the month of March last, the two French bishops who were evangelizing Corea, and with them nine missionaries, seven Corean priests, and a great multitude of Christians of both sexes and of every age, were massacred by order of the sovereign of that country.

The government of his Majesty cannot permit so bloody an outrage to be unpunished. The same day on which the King of Corea laid his hands upon my unhappy countrymen was the last of his reign; he himself proclaimed its end, which I in my turn solemnly declare to-day. In a few days our military forces are to march to the conquest of Corea, and the Emperor, my august sovereign, alone, has now the right and the power to dispose, according to his good pleasure, of the country and of the vacant throne.

The Chinese government has declared to me many times that it has no authority or power over Corea; and it refused on this pretext to apply the treaties of Tientsin to that country, and give to our missionaries the passports which we have asked from it. We have taken note of these declarations, and we declare, now, that we do not recognise any authority whatever of the Chinese government over the kingdom of Corea

I have, &c.,

H. DE BELLONET.

His Imperial Highness PRINCE KUNG.

No. 2.

*Reply of Prince Kung to M. de Bellonet.*

[Translation.]

JULY 16, 1866.

SIR: I had the honor, yesterday, to receive your excellency's despatch, in which you inform me that the authorities of the kingdom of Corea had suddenly killed several French bishops and priests, together with a great number of native teachers and Christians, in consequence of which the French government had ordered the commander-in-chief to move his forces; and that seeing that Corea is a dependency of China, and sends tribute, it was proper that I should be informed of these things.

I may here observe, that as Corea is an out-of-the-way country, lying in a secluded corner, and, as is well known, has always strictly maintained its own regulations, I am quite unaware what has led them to put these missionaries and Christians to death. Still, I am sensible of the friendly feelings which have led your excellency thus to communicate to me the reasons for the French government in moving its forces [against that country.]

Seeing, however, that when two countries come to war it involves the lives of their people, as it will in this case—and, therefore, I cannot but endeavor to bring about a solution of the difficulty between them—as the Coreans have killed a number of the missionaries, it seems to me that it would be best to inquire beforehand into the proofs and merits of the affair, and ascertain what reasons there were for this step, so that, if possible, a resort to arms may be avoided. I make this reply for the purpose of suggesting such a course to your excellency's consideration.

I have, &amp;c.,

M. DE BELLONET.

KUNG.

No. 3.

*M. de Bellonet to Prince Kung.*

[Translation from the French.]

OCTOBER 24, 1866.

SIR: I have the honor to bring to the knowledge of your imperial highness the official notification of the blockade of the river Seoul, and the west coast of Corea, by the naval forces of his Majesty the Emperor of the French. I beg your imperial highness to be pleased to give this document all the publicity possible, to the end that none may be ignorant of it, and that the interests of the Chinese who trade with Corea may be entirely safe.

I have, &amp;c.,

HENRI DE BELLONET.

His Imperial Highness PRINCE KUNG.

[Enclosure translated from Chinese.]

Rose, rear-admiral and commander-in-chief of the French naval forces in the Chinese and Japanese seas, herewith issues a notification to all concerned:

Whereas the King of Corea, in a spirit of inhuman barbarity, having seized and killed several French bishops and missionaries, together with many native Christians, male and female, old and young, I think that his numerous crimes cannot be suffered to pass with impunity. I have determined to proceed against him for his notorious crime, and shall take the forces under my command to attack and subdue his country. All ports and embouchures on the western shores of Corea, leading to the capital, are immediately to be blockaded by the ships under my command, and the vessels of all other nations are for the present forbidden to resort there. If any of them attempt to violate this order and break the blockade, they will be dealt with according to the laws acknowledged among nations in such cases. A special notice.

OCTOBER 5, 1866; (or, *Tumgchi*, 5th year, 5th moon, 27th day.)

No. 4.

*Prince Kung to M. de Bellonet.*

[Translation.]

NOVEMBER 4, 1866.

SIR: On the 16th of July last I had the honor of replying to your despatch respecting the murder of missionaries and others by the Coreans, and suggested the desirableness and

propriety of first inquiring into the circumstances attending the affair, that hostilities might, if possible, be avoided; but up to the present time I have not been favored with an answer. I have, however, to acknowledge your despatch of the 24th ultimo, in which you state as follows:

"The commander-in-chief of the French naval forces has sent me a notice of blockade (of which a copy is enclosed) of all the ports and rivers leading to the capital of Corea, on its western coasts, by the ships of his squadron; and as he will soon attack that country, he has for the present forbidden the vessels of all other nations from going there," &c., &c.

Your despatch and the notice of blockade are entirely in accordance with the provisions of article XXXI of the treaty, and I have no wish to discuss their purport. But when two countries resort to arms it involves the lives of their people: and as Corea is a very secluded country, lying away from others, and keeping itself aloof by strict regulations, it is not improper to inquire, whether the French government has made any investigation into the circumstances connected with the Christians; and if not, whether such a mode is not desirable as a first step. There may not, after all, be an absolute necessity of a resort to hostilities, and thus human life on both sides will be preserved. On a review of the whole subject, I hope your excellency will also see it in the same light.

I have, &c.,

KUNG.

M. DE BELLONET, &c., &c.

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No. 5.

*M. de Bellonet to Prince Kung.*

[Translation from the French.]

NOVEMBER 11, 1866.

SIR: I regret greatly that your highness could not divine the reasons which constrained me to keep silence after the offers you made to me in your communication of the 16th of July last. Since you insist on returning to this subject, I believe that I ought to explain the motives of my conduct, begging you to be pleased to remember that I have avoided as much as possible making a communication so disagreeable to the Chinese government.

In the first place, the massacre of the French missionaries is one of those unpardonable crimes which nothing can excuse. It is of no consequence, therefore, for us to know the reasons which led the Coreans to commit this execrable offence; the deed is done; it is sufficient for us to know that they have thereby rendered themselves culpable, and may be punished for it in a signal manner: the ministers who gave the orders, and the mandarins who executed them, by the loss of their heads and the confiscation of their property, which will be distributed among the families of their victims; the King who tolerated or commanded, or who did not even prevent the crime, by the loss of his throne, and perhaps still more. I have already given the most precise instructions that the culpable mandarins, whose names I have been able to procure, shall be tried and executed as soon as they fall into our hands. As for the fate of the *ci-devant* King of Corea, it is now subject to the decision of the Emperor, my august sovereign.

In the second place, I regret to be forced to declare to your imperial highness that the reports that have reached us these five months, and which have been sent to Paris, upon the events in Corea, force upon us very serious suspicions of complicity on the part of the Chinese government. It is affirmed by many that the Corean embassy, which came last winter, brought to Peking the project of the massacre, and carried back a tacit authorization and the approbation of some members of the Chinese government. The notice which was given us of the transit of the Corean mission, through Liantung, was received very lightly, and considered as one of those popular rumors which need not put one on his guard. Events have deceived our confidence.

The mystery which later surrounded the three Corean missions which came to Peking in the month of July; the sending to Corea of an ambassador, publicly announced in the Gazette; the reports of the recruiting and mobilization of Tartar troops, which came to us from the other side of the great wall; this very eagerness to seek an excuse for the Coreans, rather than to show themselves horror-stricken at their crime—all these things, contrary to usages which, unhappily, your highness is not yet acquainted with, will, without a doubt, produce a painful impression in Europe, and will tend to cause the conduct of the Chinese government to be regarded with suspicion. As every one has not the same reasons which I have for believing in the sincerity and good will of your imperial highness, it will be less strange that I should confess some anxiety for an inquiry to those very ones who might have an interest in *not* discovering the truth.

In the third place, we have been twice the dupes of an inquiry conducted by the Chinese authorities alone, and we shall not begin again. The dissimulation which was practiced in Sz'chula in regard to the affair at Chun-chia-chan, and that which still continues in suspense

respecting the murder of Abbe Mabileau, have given us too severe lessons regarding the insolent manner in which the provincial authorities have abused our confiding fidelity, to prevent our forgetting it for a long time. Your imperial highness ought not yourself to be ignorant of the manner in which many of the mandarins understand the duty of telling the truth to the Emperor, after the material proofs which I have lately presented to you; and you should understand that, having already, during many months, these proofs in my hands, and only waiting for an occasion to make them known, it has been difficult for me to enter with lively interest into a new inquiry, which would, without fail, lead to the same results.

In the fourth place, your imperial highness is probably ignorant that war, which for us is a pleasure, which the French passionately seek, is far from being detrimental to the people at large. We fight against and seek to destroy the government and its armies; we do all the harm possible in its military and public establishments, as well as in the royal property; but we respect the property of the poor, and the people gain by our presence. Our armies do not live like the Chinese armies by pillaging the countries they traverse, nor in maltreating the inhabitants; on the contrary, our soldiers, well paid and well disciplined, add to the riches of the country by spending their money, and very quickly gain the friendship of the peaceable. That which your highness is, perhaps, also ignorant of, is that the people of Corea, far from being hostile, far from defending a government which oppresses them and reduces them to misery, address us as their deliverers. It was some of the Coreans, and not the Christian Coreans, who furnished to the only missionary who escaped the massacre the means of bringing us the news, saying to him, "go, seek the foreigners, and return with them." They know that we do not make war upon inoffensive people, that we are going to deliver them from all the petty tyrants who govern them, that we are going to give them their liberty and riches by opening their country to the commerce and industry of all nations, and that we shall inaugurate the reign of order, justice, and prosperity. And, I tell your imperial highness, very sincerely, we shall have on our side most certainly all the people, who will aid instead of injuring us; and it is they who will deliver up to us the country, the authorities, and the royal family as soon as they see that they can do it without danger.

Finally, your imperial highness will permit me to bring to your notice that the massacre of the French missionaries was an outrage against the government of the Emperor, and such an outrage, it is evident, as cannot be discussed. Moreover, I believe that this conspicuous punishment will be of great advantage to the Chinese government. It will lead the provincial authorities to reflect upon the inexpediency of listening too much to their personal prejudices, without taking into consideration the general interests of the empire nor the new ideas which foreigners bring forward, and which they are ready to support by arms if they cannot otherwise cause them to be accepted. Our expedition in Corea will, perhaps, avert in China a military intervention, which conciliatory efforts of your imperial highness would not probably prevent.

I ought, in closing, to bring to the notice of your imperial highness that military operations once commenced, as they now are, I cannot stop them before we shall have attained the end we have set for ourselves. Every attempt at conciliation will now be useless, unless the cidevant king of Corea surrenders at discretion, and implores the mercy of the Emperor, our august sovereign, trusting to his generosity. It is for your imperial highness to see if you can give this advice to the Corean government.

I have, &c.,

HENRI DE BELLONET.

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No. 6.

*Prince Kung to M. de Bellonet.*

[Translation.]

[No date.]

SIR: I have the honor to acknowledge the receipt of your excellency's despatch of the 11th instant, in which you intimate, in general terms, that it is the intention of the Emperor's government to screen and protect the Coreans—a most strange and surprising assertion! In my two former replies to your despatches I simply observed that if the French and Coreans came to blows both countries must necessarily suffer injury. There certainly was no desire on my part to become the arbiter, or to interfere [in the quarrel,] but I could hardly do otherwise than urge the propriety of getting at a full explanation of the affair, and with the laudable desire of thereby preserving the lives of the people of both countries.

In the despatch under reply, the story told by an official attendant of the Coreans, together with the gossip of market places—things for which there is not the shadow of evidence—are all at once brought forward to cast suspicion on me, and obtain a sort of evidence by being put into words in your despatch. Seeing that my laudable desire [to promote peace] does not meet your excellency's views, but that, on the contrary, you make it a ground for suspecting me of other designs, I cannot but feel very highly dissatisfied.

You remark in your despatch that the Koreans have sent officers to Peking, and that China has despatched her agents to Corea; but this practice is of very long standing, and no recent thing. The officers who came from thence, and ours who went thither the present year, came and went on affairs of ceremonial, and in accordance with long-established usage: having no reference to the quarrel between France and Corea, they were not to be set aside or abrogated.

The remark that you make that China is preparing troops to take part in the conflict is sufficiently answered by simply stating that if his imperial majesty had decided to levy and prepare his forces, everybody would have heard or seen it. That there is nothing of the kind intended is so plain that it is needless to argue the point further; but its insertion in your despatch indicates a design to avail yourself of such talk in order to implicate and embarrass others. You mention whence these rumors have come, and yet from such unproven reports you proceed to argue as if they were true. Is such a procedure compatible with friendly relations between nations? Seeing, therefore, that my efforts in the interests of peace do not at all meet your views, but that you rather make it an occasion of calumny, no room is left for any further discussion or arrangement of the matter; but it seemed to be incumbent on me, in view of the friendly relations which should be maintained between our governments, to make a reply to your present communication.

I have, &c.,

M. DE BELLONET, *Charge d'Affaires, &c.*

KUNG.

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No. 7.

*M. de Bellonet to the Foreign Office.*

[Translation.]

PEKING, November 25, 1866.

I have already many times had occasion to say to your excellencies that your ignorance of diplomatic and international usages has caused you to take steps which have been wrongly interpreted in Europe. That which you have just done, in submitting our correspondence on the subject of Corea to the representatives of powers in Peking, comes in this category. I have certainly no objection to make to the Chinese government's communicating my despatches to my colleagues. This publication will be interpreted as a last effort in favor of Corea, and, consequently, will prove that I have not been wrong in writing what I have. But diplomatic usages demanded that in this case I should have been previously informed by the Chinese government, and that a copy of the circular addressed to my colleagues should have been sent to me. This has not been done, and I have a right to find fault. I, therefore, inform your excellency that I submit your proceedings to the appreciation of his Majesty's government, asking them if they do not think proper to demand satisfaction; and I confess that I do not exactly understand why, since the Chinese government believe that I seek to find fault, it has given me so good an occasion to satisfy my desire.

Since my despatches regarding Corea are made public, I send to your excellencies the official copies in French required by the treaties, and with which I had thought it possible for me to dispense, on account of the departure of many of the employés of the legation. I have sent the same to all my colleagues; and as it seems to me, from the last despatch of Prince Kung, that the Chinese government has comprehended neither the ideas which I expressed nor the sentiments which made me express them, I instruct Mr. Lemaire to explain each of my ideas to them word for word.

I hope that this lesson will prove once for all to your excellencies the need of having European interpreters, by showing you the impossibility of speaking of political affairs while employing a language as imperfect as the Chinese.

His Imperial Highness PRINCE KUNG.

H. DE BELLONET.

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No. 8.

*From Foreign Office to M. de Bellonet.*

[Translation.]

[No date.]

SIR: We have the honor to inform your excellency that Mr. Lemaire, the interpreter of the French legation, brought your note on the 25th of November, together with the original texts in French of your several despatches of July 14, October 24, and November 10, which you fur-

nished to this office in accordance with Article III of the [French] treaty. We have put them on file.

In regard to the quarrel between France and Corea, we may observe again, that China has shown neither a desire to be unjustly partial, nor to constrain either party. From your previous despatches, in which you so hastily quoted certain rumors, and acted upon them as if authentic, we could only infer, after the most careful examination of their contents, that you wished to charge this government with the design of screening and protecting Corea. Being wholly unwilling to rest quietly under this imputation, his imperial highness Prince Kung, after his last reply to you, sent copies of the entire correspondence to all the foreign ministers resident in Peking, in the hope thereby of showing them his real purpose, which is to do all that China can do to preserve the peace between those two countries. It appears as if your excellency did not entirely appreciate our motive in doing so; for in the note under reply you say, "I certainly have no objection to make to the Chinese communicating my despatches to my colleagues; but such a publication will be regarded in Europe in the light of a last effort in favor of Corea, and consequently it will be thence inferred that I was not wrong in writing what I did."

In your former despatch you observed that China designed to protect the Coreans, and acknowledged that this assertion was founded on a rumor: and now in the present note you say that this government is aiding them. This charge is certainly one of your own making, and yet you tell us plainly that you are asserting nothing which is unfounded.

It appears to us that you have altogether misapprehended the laudable desire of this government throughout to preserve the peace between Corea and France. We have, indeed, not yet learned what the other foreign ministers say respecting the charge made against us, that we are aiding the Coreans; but on our part we certainly are not inclined to admit such an unfounded aspersion. You said that these ministers all have a suspicion that China intends to protect the Coreans; and it was for the purpose of enabling them to judge for themselves whether your words were well founded or not, that we sent them the whole correspondence. We were desirous of avoiding a long discussion upon the point with you; and you yourself can but see that our only desire in doing so was to clearly make known to them our real intentions.

In sooth, if the allegations which your excellency has brought against this government had been kept quiet, and we had said nothing publicly in explanation of our views, it would surely have worked a great reproach to his imperial Majesty's fame. It is a plain point, and need not here be discussed, whether such a step was likely to prove detrimental to you or not.

When his imperial highness urged you to send to Corea and have careful inquiries made first into the reasons why the Christians had been maltreated and not immediately proceed to hostilities, it was done with the sincere desire to see if it was possible to bring about a clear understanding upon the affair; but as you delayed answering him for a long time, he deemed it only respectful to request a reply; the more so, as your despatch [announcing the blockade] intimated that hostilities would ere long commence, and that you had not then power to stop them. If you had sooner informed him that such was the case, there would of course have been no need of requesting a reply.

The original texts of your three despatches, (including that of November 10,) which you have sent to this office, according to the provisions of the treaty, have all been clearly explained by the interpreter, Mr. Lemaire, and shown to be in accordance with their Chinese translations. He is well acquainted with the Chinese language, and fully competent to manage and arrange to mutual satisfaction such things as arise between us. The French text of your despatch of the 10th of November, which he brought, has been placed with its translation; and so have the texts of those of the 14th of July and 24th of October. It will be proper to communicate your present note and our reply, also, to the other ministers, as they relate to and explain the previous despatches, and each of them can then clearly understand the merits of the case for himself. In sending the copies to them of the first correspondence we did nothing which we were unwilling to have you know; but we did not consider ourselves required to let you know our intention to do so, and then forward them, [as if by your leave.] As the present note from your excellency is to be understood only by reading the previous despatches, the reasons for furnishing others with copies of this reply, and that note, are now fully stated for your information.

Availing ourselves of this occasion to wish you every happiness, we enclose our cards.

WAUSIANG,

And five others, members of the foreign office.  
His Excellency M. DE BELLONET, &c., &c., &c.

*Mr. Burlingame to Mr. Seward.*

No. 123.]

UNITED STATES LEGATION,  
Peking, December 15, 1866.

SIR: I have the honor to inform you that the French fleet, of six vessels and 600 men, under the command of Admiral Rose, left Cheefoo on the 11th of

October for Corea, for the purpose of obtaining satisfaction for the murder of the French missionaries. It arrived on the 13th at the mouth of a river on which is situated Seoul, the capital of Corea; ascending this to Kang-hoa, a city of 20,000 inhabitants, on the 14th the Admiral landed his force, and on the 15th and 16th captured the city without loss. Great preparations had been made by the Coreans to meet the French all along the river, but the French arriving before the completion of their works they abandoned them at first without a struggle.

A deputation arrived from the capital, 26 miles from Kang-hoa, complaining of the conduct of the missionaries, but ending with a request that the admiral should go to the capital and discuss the affair in a friendly manner. The admiral conceived this to be a ruse to entrap him and refused to go, but invited them in return to come to him. In the mean time large forces began to gather about Kang-hoa. On the 26th a reconnoissance was made with 150 men, near the river, along the road leading to the capital. These when near the landing on the river side were fired upon, and two men were killed and 25 wounded.

On the 27th another reconnoissance was made with 150 men, who, upon nearing a pagoda, were fired upon by 500 Coreans, and at the first volley three were killed and 32 wounded, whereupon a retreat was made, and Admiral Rose, probably finding that nothing could be done with his limited force, left Corea to recruit it, with which he cannot return until next spring or summer.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Burlingame to Mr. Seward.*

No. 124.]

UNITED STATES LEGATION,  
*Peking, December 15, 1866.*

SIR: It is my painful duty to inform you that the United States schooner General Sherman, while on a trading voyage to Corea, was destroyed and all on board murdered by the natives. The news was brought to Cheefoo by Admiral Rose, of the French fleet, the particulars of which please find in Mr. Sandford's despatch, (A.) I refer you also to the letter of Meadows & Co., (B.) from which you will learn that the schooner was chartered and loaded by them and for what purpose.

As Corea was formerly tributary to China I brought the affair to the attention of Prince Kung, who at once disavowed all responsibility for the Coreans, and stated that the only connection between the two countries was one of ceremonial. I thereupon addressed the letter (C) to Admiral Bell, in which I limit myself to a suggestion as to what action should be taken.

As the French are seeking redress for the murder of their missionaries, (for account of which see Mr. Williams' despatch, No. 37.) it may be that those on board the General Sherman were by the Coreans confounded with them; this seems the more probable, inasmuch as the crew of the Sherman were heavily armed. Recently an American crew under Captain McCaslin, (see Dr. Williams' despatch, No. 44,) wrecked in Corea, were treated with the utmost kindness. My colleagues have written to their admirals, and I suppose in the spring there will be a large fleet in Corea. The issue of all will be the opening of the country. If my advice can have weight, it will be that our presence there should rather restrain than promote aggression, and serve to limit action to such satisfaction only as great and civilized nations should, under the circumstances, have from the ignorant and the weak.

You have seen from my despatch, No. 122, what passions are aroused and to what their indulgence would lead. I am informed that the French government does not contemplate an expedition against Corea, but after the virtual repulse of Admiral Rose it will be impossible to avoid it.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

[Enclosure A.]

*Mr. Sandford to Mr. Burlingame.*

UNITED STATES CONSULATE,  
*Cheefoo, October 30, 1866.*

SIR: I have the honor to inform you that the French fleet returned from Corea, October 3, and on the 4th it was reported here that the American schooner General Sherman had been wrecked, and all on board murdered by the natives. I immediately wrote to the admiral, requesting him to furnish me with what information he could, to which he replied:

"In reply to the letter which you have done me the honor of writing, I can do no better than send you the exact copy of a note that was sent me by Rev. P. Ridel, apostolic missionary: 'On the 30th of September we were at anchor near Woody island, on the coast of Corea. During the night a Corean boat, with two natives on board, approached the Déruléde. Having recognized in one of them one of the sailors who had accompanied me in the spring on the voyage from Corea to Cheefoo, I succeeded in inducing them to come on board. Among other information, they told me that about the middle of the 7th moon, (about the end of the month of August,) a small vessel from the country of the West had appeared on the coast of Corea, in the province of Phienganso, which is in the extreme northwest of the kingdom. She was endeavoring to ascend the river, and to reach the city of Phieng-iang, capital of this province, and had already arrived almost off this city, when she grounded on a sand-bank. The governor at once sent to the King's father for instructions, whether he should put to death those on board, or should burn them and the vessel together. The King's father replied, to burn the vessel and all on board. This barbarous order was executed.' Such, sir, is the only information bearing at all upon the matters to which you allude, that has reached me."

The General Sherman left here on the 9th of August; she called for water: took Mr. George Hogarth (British subject) as supercargo, and Rev. Mr. Thomas (British) as interpreter. The owner, W. B. Preston, (American) also went with them. — Page, captain. — Wilson, chief mate, (both Americans.) The crew consisted of from 15 to 20, (Malays and Chinese.) Cargo, cotton goods, glass, tin plates, &c, &c. On October 7th, two Chinese junks arrived from Corea and made the following reports respecting the wreck and burning of a foreign schooner, viz: The captain of one of them was engaged by Mr. Thomas to pilot the schooner up the river Ping Yangso, as he was acquainted with him previously; he yielded, and took her up four tides. By this time the alarm had spread amongst the natives, they taking her for a pirate, and would not believe the pilot when he told them she was a peaceful trader. (The General Sherman was heavily armed.) All trade was stopped, and the natives began to collect in large numbers, when his friends on board the junk becoming alarmed, refused to allow him to go any further, saying that if he was killed, they would have no face to return to Yeutai. He, therefore, left them opposite to Little Ping Yangso, about half-way up the river. They were still determined to proceed; this was about the middle of the 8th moon. You will notice here a disagreement between the dates given by the French missionary and this man. However, the other junk, it seems, did not reach Corea. On its nearing the coast, a junk put off, and warned them not to go in, as a foreign vessel had been wrecked opposite Ping Yangso, and the vessel, with all hands, burnt, on which the junk returned to Yeutai.

On the night of the 27th instant, the two French missionaries, who had been concealed in the mountains in Corea, reached this place. They state that a foreign vessel was wrecked opposite Ping Yangso; after some fighting between the natives and those on board the schooner, the natives succeeded by strategy in drawing the men on shore, when they were surrounded, and their hands tied behind their backs. They were then made to kneel down on the shore, and were decapitated. The missionaries report there were 20 thus put to death.

I have the honor to be, very respectfully, your obedient servant,

E. SANDFORD,  
*United States Consul.*

Hon. ANSON BURLINGAME,  
*Minister of the United States, Peking.*



[Enclosure B.]

*Messrs. Meadows & Co. to Mr. Burlingame.*

TIENTSIN, October 27, 1866.

SIR: We, the undersigned British firm, beg leave to bring to your excellency's notice the following circumstances, in order to obtain your excellency's assistance in getting redress.

During the latter half of July last the American schooner General Sherman arrived at this port, and was consigned to our care by Mr. Preston, the owner, who had come passenger on the vessel for the sake of his health. After we had taken delivery of the inward cargo, Mr. Preston and we came to an arrangement that we should load her with a cargo of foreign merchandise, and despatch her to Corea with a supercargo to sell the goods there. We accordingly loaded her with foreign merchandise, and on the 29th of July last she left Tientsin. Mr. Hogarth, one of our clerks, who went as supercargo, left previously in the steamer Shaftesbury for Cheefoo, in order to have a pilot and shroff ready on the General Sherman arriving there, and thus save delay. On the schooner reaching Cheefoo, Mr. Hogarth, accompanied by a Chinese pilot and a Cantonese shroff belonging to our firm, went on board; also Mr. Thomas, who having expressed a wish to visit Corea again, in order to extend his knowledge of the Corean language, went as passenger. From the day the vessel left Cheefoo till now we have received no written advices from Mr. Hogarth or Mr. Preston, or, in fact, from any one on board when she left Cheefoo.

On the 8th of October current we received letters from the partners of our firm in Cheefoo acquainting us that the French admiral's vessel had come to Cheefoo, from Corea, with the news that the King of Corea had caused the General Sherman to be burnt with all on board, while proceeding up the Ping Yang river.

We immediately addressed Dr. Williams on the subject copy of our letter herewith enclosed.

On the 20th of October current we received further advices from our partner in Cheefoo, informing us that he had seen a junk captain who had piloted the schooner for four tides up the Ping Yang river, when he left her and returned to the mouth of the river to his junk, and finally to Cheefoo. This man stated that the Coreans had told him their king was opposed to foreign intercourse with his country. We imagine that this man, who understands something of the Corean language, knows something more about the vessel than he is inclined to divulge, fearing, Chinese-like, to mix himself up in the matter with the authorities to question him later on the points.

As the act of visiting Corea for the purposes of trade was not an act which could, in the eyes of civilized western nations, justify the Corean government in destroying those who committed it, we, the undersigned, have taken the liberty of addressing you for the purpose of bringing the above matters to your excellency's notice, with the request that you will be pleased to beg his excellency Admiral Bell to make inquiries regarding the destruction of the vessel and her people, and take steps to cause the Corean government to make redress as far as such in the nature of things is practicable.

We have the honor to be, sir, your excellency's most obedient servants,

MEADOWS &amp; CO.

Hon. ANSON BURLINGAME,  
*United States Minister Plenipotentiary.*

P. S.—We beg to enclose copy of our letter to H. B. M.'s consul, Mr. Mongan, on the loss of the General Sherman, and requesting the British admiral's assistance in the matter, Mr. Hogarth and Mr. Thomas being both British subjects.

M. &amp; CO.

[Enclosure C.]

*Mr. Burlingame to Admiral Bell.*

PEKING, November 27, 1866.

SIR: I find that the Chinese government disavows any responsibility for that of Corea, and all jurisdiction over its people.

Consequently the occurrences there relating to the General Sherman are beyond my jurisdiction. It may, however, strengthen your hands to receive a suggestion from me, that if consistent with your instructions, it may be well to send a vessel of war to inquire into the facts of the case, to the end that they may be reported to the government for its instructions. Having great confidence in your discretion, I leave the matter in your hands, where it properly belongs.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

H. H. BELL,  
*Acting Rear-Admiral Commanding  
U. S. Asiatic Squadron.*

*Mr. Burlingame to Mr. Seward.*

No. 125.]

UNITED STATES LEGATION,  
*Peking, December 18, 1866.*

SIR: The enclosed revised land regulations for Shanghai, approved by my colleagues and myself after mature deliberation, are respectfully submitted for your sanction.

Their necessity and history are clearly set forth in the memorandum written by H. B. M. chief justice, Sir Edward Hornby.

The resolutions were considered and adopted by the consuls of the various nationalities at Shanghai, after many meetings with the land-holders, and then submitted to us at Peking. Pending their discussion we were constantly in advisory relations with the consuls. In fact the present expansion of the regulations, is the fruit of the co-operative policy adopted in 1863 (see despatch 42) and the arrangements made under it.

You will find in despatch No. 37 the principles established for these revised regulations as agreed upon by Sir Frederick Bruce, M. Berthemey, Mr. Balluzeck, and myself, at the request of the municipal council of Shanghai, through their chairman, Mr. Edward Cunningham.

The French prefer a separate municipality, which, considering their ideas of administration, may be best for all.

The citizens of the United States in China, I am happy to say, are not afraid to enter into any fair arrangements where there is an equality of chances, and results in municipal affairs at Shanghai have indicated their confidence in themselves.

Great praise is due to our consul general, George F. Seward, and to H. B. M. consul, Mr. Winchester, for their persistent efforts and perfect co-operation to secure the perfection and adoption of the regulations.

I might by virtue of the power conferred upon me now give them force; but with my colleagues I have thought it better to submit them for approval to our respective governments, after which they may be put in force.

You are fortunate in having near you Sir Frederick Bruce, who is acquainted with this whole subject of the regulations, and will, I am sure, be but too happy to consult with you in relation to them. May I request as speedy action as possible.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Revised land regulations for the foreign settlement of Shanghai, approved by the land renters at a special meeting held on the 9th, 12th, 13th, and 17th March, 1866.*

Extract from the minutes of a special meeting of land renters, held at her Britannic Majesty's consulate, on Friday the 9th, Monday the 12th, Tuesday the 13th, and Saturday the 17th March, 1866, to consider, discuss, and amend the code of "Proposed Revised Land Regulations," for the foreign settlement of Shanghai, prepared by the committee appointed at the meeting of land renters of the 15th April, 1865.

The chairman, in thanking the meeting for their vote, so far as he was personally concerned, said he had done much less than the judge, who had devoted a great deal of labor to the revision. He would ask them, also, not to forget the interest which had been shown by the United States consul general. Mr. Seward had gone into the country that afternoon, but though he was not present personally, his heart was with the meeting. It now only remained to arrange the alterations which had been made, so that the whole regulations could be understood by the eye running over them. When that was done it would be well that all the foreign consuls should be requested to assemble, in order that they might be consulted regarding them. Especially before sending them to Peking, he would wish to

obtain the opinion of the consul general for France. It was not possible for the two settlements to live under distinct regulations. As soon, therefore, as they were put into shape he (the chairman) would do his part by sending them on to the different consuls.

Mr. Pearson proposed that the municipal council be authorized to have the minutes of the meeting printed, together with the annexed land regulations and by-laws, and to forward copies of the same to the different foreign consuls at Shanghai, requesting their co-operation and support in obtaining the sanction of their respective governments to the by-laws.

M. Cowie seconded this proposal, which was carried unanimously, and the meeting separated.

True extract.

CHARLES A. WINCHESTER,  
*Her Britannic Majesty's Consul.*

SHANGHAI, *March 18, 1866.*

The following extract is published for general information :

*Minutes of the proceedings of a meeting of renters of land in the Hong-que settlement, held at the consulate of the United States, Shanghai, at 2 p. m. on the 21st September, 1863.*

The consul of the United States opened the meeting by remarking that it had been convened to receive the reports of the committees appointed at the previous meeting, and to enable the land renters to take such action as they might think necessary, in view of the state of the settlement. He would read to the meeting the convention made by him for the settlement with the local Chinese authorities. It was of importance, as it was the only basis upon which the municipal body which the meeting might create could claim any territorial powers.

An agreement between his excellency Hwang, imperially appointed intendant of circuit for the departments of Soo, Sung, and Tae, and George F. Seward, consul for the United States at Shanghai, concerning the boundaries of the Hong-que settlement, and certain matters pertaining to the government thereof.

1. The boundaries shall be: The Soochow creek from a point opposite the entrance of the defence canal to the Wangpoo; thence at low-water mark to the mouth of the creek entering the Wangpoo, near the lower limit of the anchorage called Yang-tse-poo; westwardly three li, along the line of the creek; thence in a straight line to the point of beginning.

2. Citizens or subjects of all nations may rent ground within the boundaries under the terms of treaty stipulations.

3. The right of jurisdiction of the Chinese authorities over their subjects resident within the settlement is acknowledged to be indefeasible, but no arrests may be made except on warrants stamped by the municipal authority.

4. The municipal authority may lay out roads and streets, and all lands acquired subsequent to the date of this agreement shall be subject to the proviso, expressed or understood, that the renter shall surrender the lands required for roads to the public use.

5. In case it shall be deemed necessary or advisable to open roads while the land remains in the hands of Chinese, it is understood that the advantages so accruing will repay the native owners; but should any person be aggrieved in property by the opening of roads, they may represent the same to the municipal authority, which shall proceed to appoint assessors to estimate the damages, and the payment of the same, if any, shall be obligatory on the public.

6. All foreigners, subjects to non-treaty powers, shall be liable to be dealt with in all things by the municipal authority, but any individual of this class may exempt himself from such jurisdiction by filing in the consulate of any treaty power a written instrument acknowledging himself to be subject in all respects to the jurisdiction of such consulate; provided that the said consulate be willing to accept such jurisdiction, which shall be adjudicated by the issue, in each instance, of a document declaring to the fact that the above named instrument in writing has been duly filed, and that the person is entitled to the protection of the consulate.

7. The right of the Chinese government and the municipal authority to tax Chinese residents within the boundaries of the settlement is mutually conceded under the following terms:

The terms are as under :

1. The toutai shall appoint two or three deputies who will assess the rentals with the municipal council, but the collection of the tax shall be carried out by the latter. In case of disputes arising between the Chinese deputies and the municipal council, the toutai together with the English and American consul shall settle them.

2. Twenty per cent. per annum shall be collected, one-half of which shall be retained by the consul for municipal purposes, and the other half handed to the toutai to meet the military expenditure.

3. The municipal council shall bear all their expenses, but the toutai shall pay the Chinese deputies.

4. Two sets of books shall be kept, one for the council and one for the toutai.
  5. It being agreed now that 20 per cent. shall be levied on rentals, there shall be no further increase.
  6. The money collected shall be deposited in the Hae-quan Bank, whence the toutai and council shall draw as required.
  7. This tax on rentals having been agreed on, the toutai shall not impose a poll or similar tax within the limits of the settlement, nor shall any additional tax be made to existing ones.
  8. This tax on rentals shall cease as soon as peace is restored.
  9. The tax shall be collected every three months, commencing from the 1st of July.
- Done this 25th day of June, in the year of our Lord one thousand eight hundred and sixty-three.

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*Memorandum on the suggested revised land regulations and bye-laws.*

A reference to the causes which have suggested a revision of the land regulations, and the objects which it endeavors to attain, may perhaps be useful.

The original land regulations were framed under the authority vested in the superintendent of trade by an order in council of the 13th of June, 1853, and this order in council was passed under the authority conferred on her Majesty by two acts of Parliament, *i. e.* the 5 and 6 Vict., ch. 80, and the 6 and 7 Vict., ch. 94.

So far as British subjects are concerned, every rule for their good government in China emanates under the above order in council, or rather now under the China and Japan order, 1865, from the superintendent of trade. He, alone, can make laws for the purpose of ensuring such good government, and no rules are binding on British subjects in China, except such as he has directly imposed or sanctioned.

For the purposes of this memorandum it must be assumed that the representatives of France and the United States of America acted under some similar authority conferred upon them by their respective governments; for, independently of the fact that they were parties to the land regulations, it must be presumed that the governments of these two countries, and indeed the governments of other countries having trading relations with and establishments in China, have not neglected to provide for the good government of their subjects residing in or resorting to China.

The source of the authority under which the land regulations were framed being clear, the next point to ascertain is whether at the present moment they are sufficient to provide for the good government of the settlement. If they are not, the same authority that sanctioned them can sanction others more applicable and better adapted to the purpose.

By the tenth section of the land regulations the British superintendent of trade and the representatives of France and the United States of America (these three countries being then the only three powers having treaties with China) made provision "for the making of roads, building public jetties and bridges and keeping them in repair, cleansing, lighting and draining the settlement generally, and establishing a watch or police force," these being then the most obvious pressing wants of the community.

They also empowered the foreign consuls to call annually a meeting of the land renters to devise means of raising the necessary funds for these purposes, giving to the land renters permission to declare an assessment on land and buildings and to affix dues, which for want of a better name were called "wharfage dues," on all goods landed at any place within the limits, and they also empowered the same body to appoint a committee to levy the rates and dues, to apply the funds and to sue defaulters.

It will be seen, then, that under this section the chief objects of municipal government were intended to be provided for, and in the calling together of the land renters to declare an assessment and impose dues, and the appointment of an executive committee to levy and apply the funds raised, the essential forms of municipal government were adhered to.

The land renters were to derive means for raising funds for the purposes of building roads, jetties and bridges and keeping them in repair; for providing for the health of the settlement, and for the security of life and property within it; and a committee of them was to take on itself the task of collecting the taxes and enforcing payment from defaulters, and of applying them when collected; in other words, that which the Crown in England confers on bodies of individuals by charters of incorporation for municipal purposes, the British superintendent of trade, and the ministers of France and the United States, conferred, within certain limits, on the foreign land renters of Shanghai by these land regulations.

Time and experience now show that these regulations do not provide sufficiently for the good government of the settlement; more funds are required than can justly be raised by an assessment on land and buildings, and by the imposition of mere wharfage dues on the goods landed within the limits. No departure, however, from the original rules is asked.

The "purposes" mentioned in the section referred to have extended themselves—that is to say, a greater number of roads, jetties and bridges are required, more funds are necessary to maintain and repair them, and more efficient and extensive means of cleansing, lighting and draining the settlement, in other words providing for the health of the settlement, are

absolutely necessary. The natural increase of the settlement in population and extent not only necessitates all these additional means, but also necessitates more efficient means of providing for the security of life and property within it: and the land renters are simply acting in conformity with the object which induced the British superintendent of trade and the ministers of France and the United States to direct the consuls to convene an annual meeting of them, when they do devise additional means of raising funds for the extended "purposes," mentioned in the tenth section.

If the authority of the British superintendent of trade and of the French and American ministers was sufficient to provide for the making of one road and jettee for cleansing, lighting and draining, and for establishing a police force to watch one-tenth of the settlement, it is clear that the same authority is sufficient to make further provisions of the same nature when imperatively demanded by the increase of the population.

In the same way, the authority that convened an annual meeting of land renters to raise funds sufficient for the then purposes, can convene them in order to raise funds for present purposes, and the same authority that could properly raise one tax, can also raise others, provided that the "purposes" for which the funds are required, as well as the application of the funds themselves, are within the scope of the authority, which is only limited by the provision to provide for the "peace, order, and good government of the foreign residents within the settlement."

It has then to be seen whether the suggested revised land regulations are anything more than an extension of the old regulations, whether they have any different source from those framed in 1854, and whether they assume or confer any rights or any powers inconsistent with the limit imposed of providing for the "peace, order and good government of foreigners within the settlement."

It may here be mentioned that the chief judge of her Majesty's supreme court, in his judgment in the case of "Reswick and others v. C. Wills and another," alluded expressly to the wide significance and meaning to be attached to the words, "peace, order and good government," and to the power and authority they conferred, illustrating their interpretation by that which has been given to them in colonial charters, under which laws have been enacted, taxes levied and a variety of other useful and necessary measures of government provided.

If it be true that these words do possess the value attributed to them, then it is clear that the moment the necessity is demonstrated, for further provision being made for the good government of the settlement, the authority that made the old regulations can make the new.

The scheme of revised land regulations contemplates simply the provision of an authority to be derived directly from the representatives of the powers having treaties with the Emperor of China, to which the assent of the imperial commissioner through a diplomatic medium should be obtained.

It does not seek to invest either the rate payers, or the executive council to be elected by them, with any original or self-emanating powers. It distinctly records in the preamble the source of the power prayed for, and all the rate payers and their executive council seek for is the continuance of the delegated power of self-government, originally conferred on them.

It is the anxiety of the land renters to avoid even a suspicion of a desire to arrogate for themselves, or for others who shall in future act with them, powers or authority which their position on a foreign soil does not entitle them to claim, that has induced them to retain the old form of the land regulations, in preference to framing a scheme of municipal government more artistic and complete in form. They have willingly abandoned the idea of asking for a charter of incorporation, in which the sources and extent of the powers vested in them should appear clothed in legal phraseology, and in that completeness of form which should characterize every perfect system of self-government, for the less artificial form in which the revised land regulations are now submitted for approval and sanction. In so doing, they desire to afford evidence of the spirit in which the revision has been made, and of the sole object in view, namely, providing for the peace, order and good government of the settlement, under the authority of the diplomatic and consular authorities of the various foreigners residing within it; they themselves acting, not by virtue of any assumed or original power, but simply as delegates of these officials.

In submitting then these revised resolutions for the approbation and consent of the ministers of the powers having treaties with China, and for that of the imperial commissioners, the land renters desire that it should be borne in mind that the cost of defraying the expenses of the government of the settlement is borne exclusively by the residents within it, and by dues levied on goods, which are landed or shipped within its limits, neither the national authorities of the foreign residents, nor the local authorities of the Chinese residents, contributing one farthing towards the budget of expenses; and not only is this true, but the residents within the settlement, by providing and paying for a police force sufficient for the security of life and property, are on the one hand performing an obligation which the government of China has by treaty taken upon itself, but which it is powerless to fulfil, and on the other obviating the necessity of foreign governments incurring the odium and cost of insisting on the performance of an obligation on the part of those who have solemnly undertaken a task beyond their powers of performance.

It will be seen also, that throughout the scheme no attempt has been made to interfere

with, still less to diminish the authority of the different consuls over their countrymen. The whole executive or rather co-executive power remains where it has been since the opening of the port, in the hands of the consular authorities, and they alone, in all cases of fine or imprisonment, can enforce the performance of the rules or punish their infraction. In short, the principle which pervades the whole land regulations as revised, as well as the by-laws annexed to them, may be briefly described as a delegation by those to whom the mission of providing for the peace, order, and good government of the settlement is confided, of so much of their authority as consists in the provision and application of the funds necessary for the purpose, to those persons from whose pockets the money comes, and who are most nearly interested in its economical and efficient application.

On this principle, also, a variety of provisions, which under a more perfect system would have naturally formed part of the regulations themselves, have been thrown into the form of by-laws, which can be altered or varied, without it being necessary, on every occasion, to amend the regulations themselves.

It would have been easy to have framed a general clause, under which most of these by-laws might have been included, but it was deemed more advisable to be explicit, and to leave as little as possible to inference, thus substituting specific for general powers.

Only one other point remains, to which it may be as well to advert :

In what way do the revised land regulations affect the Chinese and foreigners ?

The same argument which demonstrated the identity in principle of the revised regulations with those passed in 1854, and which established that they are but an extension to meet the wants occasioned by the increase of the settlement, is applicable to show that they are not more prejudicial to the interest of either Chinese or foreigners than those which received the sanction of the three foreign ministers, and of the imperial commissioner.

Indeed, the provisional clause, sec. 14, of the old regulations, which provides for the issuing of further rules, shows distinctly that all the parties to them contemplated the extension which has now become necessary; and it would not only be too late now, but most unfair for either Chinese or foreigners, to take advantage of the present suggested revised regulations to object to the principle involved in the old regulations, and to which all parties then assented.

It is not to be supposed that those foreign governments which in 1854 had not treaties with China, and who, from their not being there represented, did not sign the land regulations passed in that year, would now repudiate on the part of their subjects, who are or may become resident in the settlement, their liability to contribute their quota to its revenue, or to conform themselves to the rules which have been framed for, and upon which depends its good government. Such a supposition would be a reflection on the good faith of foreign governments and be a slur on those of their subjects who have acquired land or have become resident within the settlement, and participated in all the advantages which the system of self-government sanctioned by the regulations has produced. Having voluntarily domiciled themselves in a place where certain laws and regulations prevailed, they are upon every principle of equity, and what may be not inaptly termed comity, bound to conform themselves to them.

Indeed, as a matter of strict law, the land regulations embody in themselves the terms upon which the Emperor of China, being the lord of the soil, has admitted foreigners at that time limited in strictness to the nationalities of the three treaty powers, to reside on the land set apart for their use; and all other foreigners, who, with the sanction of their governments as evidenced by the appointment of consular officers to look after their interests, have located themselves in the settlement, have, by the fact of their residence, bound themselves to conform to these terms, in the same manner as the subjects of the three treaty powers conform to them.

The advantages conferred on all future treaty powers by what is commonly known in diplomatic language as "the most favored nation clause," and under which foreign nations have actually availed themselves of the privilege of trading and residence, carry with them also the obligations which the original treaty powers themselves incurred, amongst the most important of which was the implied undertaking, in exchange for the privilege of exclusive jurisdiction, to make due provision by necessary laws and regulations for the good government on Chinese soil of foreign residents.

By most, if indeed not by all, systems of laws, the obligations incurred by treaties form part of the municipal law of all countries, and it is thus, even where express enactments are wanting, that the foreign consular authorities in China have power and jurisdiction over their countrymen in this country; power to consider the laws and regulations existing on the spot where the nationalists reside as binding on them by the fact of their residence, and jurisdiction to enforce their observance.

JAMES HOGG, *Chairman.*

H. W. DENT,

T. HANBURY,

W. KESWICK,

WM. PROBST,

GEORGE TYSON,

*Members of Committee.*

## LAND REGULATIONS.

1. Boundaries and limits defined.
2. Mode of acquiring land.
3. Final settlement and title deeds.
4. Registration of land and charges thereon.
5. Transfer of lots.
6. Land surrendered to public use.
7. Boundary stones to be placed.
8. Chinese government land tax.
9. Road and jetties, assessment on land and houses, rates, dues, and taxes. Consuls to convene meetings of renters, and other persons entitled to vote.
10. Land renters and others, &c., to appoint committee or council.
11. Committee or council to have power to make by-laws.
12. Accounts, how to be audited.
13. Defaulters, how to be sued.
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15. Consuls may at any time call meeting of land renters, &c.
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17. Breach of regulations.
18. Election of council and qualifications of voters at public meetings.
19. Nomination and voting for council.
20. Vacancies.
21. Tenure-of-office.
22. Questions and quorum.
23. Committees appointed by council.
24. Officers.
25. Funds.
26. Persons acting in execution of these regulations not to be personally liable.
27. Mode of suing the council.
28. Board of Chinese delegates.
29. That land renters and rate payers shall be taken to mean "electors."

*Land Regulations.*

## PREAMBLE.

Whereas certain regulations, entitled land municipal regulations, for the peace, good order and government of all persons residing on the land set apart by the Chinese authorities for the residence of foreigners, were settled and agreed upon by the representatives of England, France, and the United States of America, then being the three treaty powers, and under their instruction by the consuls of the above-mentioned States in communication with his Excellency Woo, the chief local authority representing the Chinese government at Shanghai; and whereas it was therein provided that hereafter, should any connections be requisite in the aforesaid regulations, or should it be necessary to determine on further rules, or should doubts arise as to the construction of, or powers conferred thereby, the same should be consulted upon and settled by the foreign consuls and intendant of circuit, in communication together, who should equitably decide thereon, and submit the same for confirmation to the representatives of their respective countries in China, and to the Chinese imperial commissioner, managing the affairs at the five ports; and whereas it is expedient that the said regulations should be revised, and that further and better provision should be made for the peace, good order and government of all persons residing on the land so set apart as aforesaid: *Be it ordered*, That the following revised regulations which have been agreed to and settled by the undersigned consuls in communication with his excellency the intendant of circuit, and the by-laws annexed thereto, shall have effect and be binding upon all persons residing or being within the limits of the said land so set apart, as to all matters and things comprised therein, from and after the expiration of one month after the same shall have been affixed and kept exhibited at the offices of the various foreign consulates.

Given under our respective hands and seals of office at Peking, China, this — day of —, 1866.

## REGULATIONS.

## I. The boundaries of the land to which these regulations apply, are:

1. Those defined in the land regulations settled and agreed upon by Captain Balfour, her Britannic Majesty's consul, and Kung-Mookan, intendant of circuit, on the 24th day of September, 1846, and further defined in the agreement entered into between Rutherford Alcock, esq., her Britannic Majesty's consul, and Lin, intendant of circuit, on the 27th day of November, 1846, and set forth in the copy hereunto annexed of the original map attached to the said agreement.

2. Those described in a proclamation issued by Lin Taoutae, bearing date the 6th day of April, 1849, in consequence of an arrangement entered into between his excellency on the one part and M. de Montigny, the consul of France, on the other part, for the assignment of a space within which French subjects should be at liberty to acquire land and build residences, &c., an arrangement subsequently approved and confirmed by the minister of France, M. de Forth Rouen, and the Imperial Commissioner Sen, such boundaries being as follows:

To the south, the canal which extends round the walls of the city from the north gate; to the north, the Yang-King-Pang; to the west, the temple of Kwan-te and the bridge of the

family Chow; to the east, the river Hwang-poo from the Hai-Kwan or Canton Cousoo house to the mouth of the Yang-King-Pang.

[NOTE TO 2D SECTION.—As the French government appear to be desirous of establishing a separate system of regulations for the municipal control of that portion of the general settlement at Shanghai which is described in the second section hereof, it is understood that so long as the action of that government shall preclude the extension of the code of rules herein provided, these rules shall not be considered of any effect or force in the quarter referred to.]

And 3. On the Hongque side, north, the line from Yang-tsze-poo to the point opposite the Defence creek. South, Hwang-poo from the mouth of the Soochew creek to the mouth of the creek entering the Hwang-poo, near the lower limit of the anchorage called the Yang-tsze-poo; west, the Soochew creek from a point opposite the entrance of the Defence creek to the Hwang-poo; east, the bank three li along the line of the Yang-tsze-poo.

Within the boundaries defined in the map above referred to under the first head are certain sites, namely, the new custom-house and the temple of Rewards, together with the land set apart for the use of her Britannic Majesty's government, known as the British consulate site, which are exempted from municipal control as well as any land hereafter to be settled or acquired by the governments of France or the United States of America, or other governments having treaties with China, for government purposes only; but the British and foreign consulate sites, the custom-house, and any lands acquired as above, shall bear their share of the public burdens and municipal taxes.

II. Any person desiring to rent land or purchase houses from the Chinese proprietors, within the said limits, shall do so in accordance with the provisions laid down in the treaties of foreign powers with China.

III. It having been ascertained that no impediment exists to the renting of the land, the parties interested may settle with the Chinese proprietors the price and conditions of sale, and they will then report the transaction to their consular representative, and lodge with him the Chinese proprietor's agreement or deed of sale, in duplicate, accompanied by a plan, clearly marking the boundaries. The said consular representative shall then transmit the same to the intendant of the circuit for examination. If the sale be regular the deeds will be returned to the consul sealed by the intendant of circuit, and the purchase money can then be paid. If there are graves or coffins on the land rented, their removal must be a matter of separate agreement, it being contrary to the custom of the Chinese to include them in the agreement or deed of sale.

IV. All such conveyance or leases of land so purchased as aforesaid shall within one month, from time of the completion of the sale be registered in the office of the consular representative of the purchaser, and all charges by way of mortgage, whether of a legal or equitable character, shall also be registered in the like manner and within one month of their execution.

V. That all transfers of land shall be made at the consulate where the deeds are registered, and also be registered at that of the vendee or assignee.

VI. It is understood and agreed that land heretofore surrendered by the various foreign renters to public use, such as roads and the beach grounds of the rivers within the aforesaid limits, shall remain henceforth dedicated to the same uses, and as new lots are acquired such parts thereof as are beach ground shall be held under and subject to similar uses, and due provision shall be made for the extension of the lines of roads at present laid down as means of communication in the settlement. To this end the counsel appointed by the land renters, and others entitled to vote on the terms, and in the manner hereinafter mentioned, within the boundaries referred to, will, at the beginning of each year, examine the map and determine what new lines of road are necessary, and all land subsequently rented shall only be rented, on the terms of the renter surrendering to the public use the beach ground aforesaid, if any, and the land required for such roads, and in no case shall land so surrendered, or which shall now be dedicated to the use of the public, be resumed, except with the consent of the proper majority of land renters and others who may be entitled to vote as aforesaid in public meeting assembled, nor shall any act of ownership be exercised over the same by the renters thereof, notwithstanding any payment by them to the Chinese government of any ground rent: *Provided always*, That no act of appropriation or dedication for public uses of the said beach ground, or of grounds for roads, other than those already defined shall, contrary to the will of the renters thereof, in any case, be sanctioned or held lawful under these regulations. On the admission by vote of public meeting of any tracts of land into the limits of the municipal authority, the municipal council shall give notice of all roads and public properties which they intend to set aside in the general interest, and should any citizen or subject of a treaty power, who may previously have acquired land within such tract, object to any part of the reservation thus notified, he must, within 14 days after the issue of the notice, warn his own consul or the municipal council of his objection, in order that steps may be taken to adjust the claim: *Provided always*, That in the event of a failure to effect such adjustment on terms, which may appear reasonable to the consul, the council shall have the option of declining to accept jurisdiction over the proposed annexation, which consequently cannot take place. It shall also be lawful for the land renters and others who may be entitled to vote as hereinafter mentioned, in public meeting assembled, to purchase land leading or being out of the settle-



ment, or to accept land from foreign or native owners upon terms to be mutually agreed upon between the council and such foreign or native owners for the purpose of converting the same into roads or public gardens and places of recreation and amusement, and it shall be lawful for the council from time to time to apply such portion of the funds raised under article 9 of these regulations, for the purchase creation and maintenance of such roads, gardens, &c., as may be necessary and expedient: *Provided always*, That such road and gardens shall be dedicated to the public use, and for the health, amusement, and recreation of all persons residing within the settlement.

VII. When land is rented, stones having the number of the lot distinctly cut thereon, in English and Chinese, must be placed to define the boundaries thereof, under the supervision of the consul applying for the land, and of the Chinese local authorities. A time will be named for the boundary stones to be fixed, in the presence of an officer deputed by the consul, of the Tapaon of the district, and of the Chinese proprietors and the renter, in such manner that they may not interfere with the lines of road or the boundaries, or in any other way give cause for litigation and dispute hereafter.

VIII. The annual rent on all lands leased by foreigners, reserved to the Chinese government, shall be payable in advance on the 15th day of the 12th moon of each year. And all rent in arrear and unpaid on that day shall be recoverable in a summary manner, on the complaint of the intendant of circuits, in the court of the consular representative of the defaulting renter.

IX. It being expedient and necessary for the better order and good government of the settlement that some provision should be made for the making of roads, building of public jetties, offices, and bridges, and keeping them in repair, and for cleansing, lighting, watering, and draining the settlement generally, and establishing a watch or police force therein, paying the persons necessarily employed in any municipal office or capacity, or for raising money by way of loan for any of the purposes aforesaid, the foreign consuls shall so soon after the first day of April in each year, or when it may appear to them needful, or on the requisition of the municipal council, or of the renters of land and others entitled to vote, on the terms hereinafter mentioned, convene a meeting of such persons to devise ways and means of raising the requisite funds for these purposes, and at such meeting it shall be competent to the said persons, or a majority of them, in public meeting duly assembled, to declare an assessment in the form of a rate to be made on the said land or buildings: *Provided always*, that the proportion between the tax on land and on houses or buildings shall not exceed one-twentieth of one per cent. on the gross value of land, to one per cent. on the annual rental of houses; and it shall also be competent for the said persons or a majority of them, as aforesaid, to impose other rates or taxes in the form of dues on all goods landed or shipped or transhipped through the Chinese custom-house at any place within the said limits: provided the said rates or taxes levied in the form of dues shall in no case exceed the amount of one-tenth of one per cent. on the value of goods landed, shipped, or transhipped, and in such other forms as may appear requisite and necessary for the purposes aforesaid.

X. And whereas it is expedient that the said land renters and others as aforesaid, in public meeting duly assembled, under and in accordance with the provisions of the preceding article, should appoint in the mode hereinafter provided an executive committee or council, to consist of not more than nine persons, for the purpose of levying the rates, dues, and taxes hereinbefore mentioned, and applying the funds realized from the same for the purposes aforesaid, and for carrying out the regulations now made: Be it further ordered, that such committee when appointed shall have full power and authority to levy and apply such rates, dues, and taxes for purposes aforesaid, and shall have power and authority to sue for all arrears of such rates, dues, and taxes, and recover the same from all defaulters in the courts under whose jurisdiction such defaulters may be.

XI. When, in pursuance of these regulations, the above-mentioned committee or council shall be duly elected, all the power, authority, and control conferred by the by-laws now sanctioned and annexed to these regulations, and all the rights and property which, by such by-laws, are declared to belong to any committee or council, elected as aforesaid, shall vest in and absolutely belong to such committee or council, and to their successors in office, and such successors as are duly elected, and such committee, shall have power and authority from time to time to make other by-laws for the better enabling them to carry out the object of these regulations, and to repeal, alter, or amend any such by-laws: *Provided*, Such by-laws be not repugnant to the provisions of these regulations, and be duly confirmed and published: *And provided, also*, That no by-law made by the committee under the authority of these regulations, except such as relate solely to their council or their officers or servants, shall come into operation until passed and approved by the consuls and ministers of foreign powers having treaties, and the rate payers in special meeting assembled, of which meeting, and the object of it, ten days' notice shall be given.

XII. And whereas it is also expedient that due provision should be made for the auditing of the accounts of the said committee, and for the obtaining the approval and sanction of them by the rate payers in public meeting duly assembled, be it ordered that the result of the said audit shall be made known, and the said sanction and approval shall be made at the annual public meeting convened by the consuls as hereinbefore mentioned.

XIII. And be it further ordered, that it shall be lawful for the said committee or their sec-

retary to sue all defaulters in the payment of all assessments, rates, taxes, and dues whatsoever levied under these regulations, and of all fines and penalties leviable under the by-laws annexed to them in the consular, or the courts under whose jurisdiction such defaulters may be, and to obtain payment of the same by such means as shall be authorized by the courts in which such defaulters are sued: *Provided*, That in case any one or more of the said defaulters, or owners, shippers, or consignees of goods refusing to pay have no consular representative at Shanghai, the said committee shall, with consent of the local authorities, be at liberty to detain and sell such portion of the goods, or use such other means as, with the consent of the local authorities, may be necessary to obtain such payment of such assessments, rates, taxes, dues, fines and penalties, or in respect of land or house assessment to distrain on the land or houses to such an extent as may be required to satisfy such assessment or dues.

XIV. Be it also further ordered, that any penalty, or forfeiture, or fees, or licenses provided for in the by-laws framed under the authority of these regulations, and imposed in pursuance of such by-laws, may be recovered by summary proceedings before the proper consular or other authority, and it shall be lawful for such authority, upon conviction, to adjudge the offender to pay the penalty or incur the forfeiture as well as the costs attending the conviction as such authority may think fit. All fines and penalties levied under these regulations, and the by-laws framed and to be framed under them, shall be carried to the credit of the committee in diminution of the general expenditure authorized by the provisions of these regulations.

XV. Be it further ordered, that it shall be competent for the foreign consuls, collectively or singly, when it may appear to them needful or at the requisition of the electors of land or buildings, to call a public meeting at any time, giving ten days' notice of the same, setting forth the business upon which it is convened, for the consideration of any matter or thing connected with the municipality: *Provided always*, That such requisition shall be signed by not less than ten of the said electors, and that it set forth satisfactory ground for such request. And all resolutions passed by a majority at any such public meeting, on all such matters aforesaid, shall be valid and binding upon the whole of the said electors, if not less than one-third of the said electors are present or represented. At such meeting the senior consul present shall take the chair, and in the absence of the consul, then such elector as the majority of voters present may nominate. In all cases in which electors in public meeting assembled as herein provided decide upon any matter of a municipal nature, not already enumerated, and affecting the general interests, such decision shall first be reported by the chairman to the consuls for their concurrence and approval, and unless such approval be officially given, such resolution shall not be valid and binding: *Provided always*, That a term of two months shall elapse between the date of the resolution and the signification of approval by the consuls, during which time any person considering himself prejudiced in property or interests by the resolution may represent his case to the consuls for their consideration. After the expiration of the term of two months the consular approval, if signified, shall be considered binding.

XVI. Within the said limits lands may be set apart for foreign cemeteries. In no case shall the graves of Chinese on land rented by foreigners be removed without the express sanction of the families to whom they belong, who, also, so long as they remain unmoved, must be allowed every facility to visit and sweep them at the established period, but no coffins of Chinese must hereafter be placed within the said limits, or be left above ground.

XVII. Hereafter should information of a breach of these regulations be lodged with any foreign consul, or should the local authorities address him thereon, he may in every case within his jurisdiction summon or cause to be summoned the offender before him, and if convicted, punish him, or cause him to be punished summarily, either by a fine not exceeding \$300, or by imprisonment not exceeding six months, or in such other manner as may seem just. Should any foreigner who has no consular authority at Shanghai commit a breach of the said regulations, then and in such case the Chinese chief authority may be appealed to by the council, through one or more of the foreign consuls, to uphold the regulations in their integrity, and punish the party so infringing them.

XVIII. Every foreigner, either individually or as a member of a firm, residing in the settlement, having paid all taxes due, whose annual payment of assessment on land or houses or both, exclusive of all payments in respect of licenses, shall amount to taels 15, or dollars 20, or upwards, or who shall be a householder paying a rental of not less than taels 450, or dollars 600 per annum, or who being a resident of 12 months' standing shall be in receipt of an annual salary or income of 1,000 taels, shall be entitled to vote in the election of the said members of the council, and at the public meetings, and none shall be qualified to be a member of the said council unless he shall pay an annual assessment, exclusive of licenses, of taels 25, or dollars 33; or shall be a householder paying a rental of taels 900, or dollars 1,200 per annum.

XIX. It shall be competent to any two rate payers entitled to vote to nominate any qualified rate payer for election as a member of the council, and all such nominations shall be sent in in writing, with the signatures of the proposer and seconder, as also the assent in writing of the candidates proposed, that they will serve if elected, at least 14 days before the

day appointed for the election, to the secretary or other officer appointed by the existing council to receive such nomination.

On the day after the expiration of the time allowed for sending in such nominations as aforesaid the existing council shall cause a list of the rate-payers proposed for election to be advertised in the public journals, and shall likewise cause such list to be exhibited thenceforward until the day of election in some conspicuous place in the council room, between the hours of 10 a. m. and 4 p. m.

On the day appointed for the election, should the number of rate-payers proposed for election as councillors exceed nine, two officers, appointed by the existing council, shall attend at the place appointed for the election to receive the votes of the rate-payers. These officers shall be provided with a list of all the rate-payers duly qualified to vote, and shall give to each such rate-payers as may be present,\* and may require it, a voting card or paper containing a list of the rate-payers proposed for election. The voter shall then mark on such voting lists the names of any number of persons, not exceeding nine, for whom he intends to vote, and shall deposit the list, signed by himself with his own name so marked, in a close box, provided for the purpose of receiving such list.

The poll shall remain open for two consecutive days, from 10 a. m. to 3 p. m., at which hour on the second day the poll shall be closed. Immediately upon the close of the poll, two scrutineers, appointed by the council, shall, without delay, proceed to open the box or boxes, examine the voting lists, and declare the names of the nine rate-payers who have the greatest number of votes, and who shall thereupon be considered duly elected as the council for the ensuing municipal year.

Should the number of names proposed for election be exactly nine, it shall not be necessary to have a poll, but on the day after the expiration of the time appointed for sending in nominations the existing council shall advertise and make known the names of nine rate-payers proposed, and they shall be considered to be duly elected as the council for the ensuing municipal year.

Should the number of names proposed for election be less than nine, then on the day after the expiration of the time appointed for sending in nominations the existing council shall advertise and make known the names of the rate-payers, to be held on the day appointed for the election; at which meeting the rate-payers present shall proceed to elect, either by ballot or otherwise, as they may then decide, as many more rate-payers as may be requisite to make the number before proposed up to nine; and such nine rate-payers shall be considered duly elected as the council for the ensuing municipal year.

XX. In case of a vacancy or vacancies occurring during the municipal year, the existing council shall have the power to fill up such vacancy or vacancies by the vote of the majority of the council, providing such vacancies do not exceed three in number.

Should the vacancies exceed three, an election of the whole number of new members who have not been originally elected shall be called, in the manner previously provided in respect of an election when the number proposed were less than nine.

XXI. The council shall enter upon their office so soon after the accounts of the retiring committee shall have been audited and passed at the annual meeting in April, mentioned in Article IX; and at their first meeting the new council shall elect a chairman and vice-chairman, who shall hold office for one year. In their temporary absence, the members present at any meeting of the council shall elect their chairman for such meeting.

XXII. On all questions in which the members of the council present are equally divided in opinion, the chairman shall have a second or casting vote.

Five members of the council shall constitute a quorum for the despatch of business.

XXIII. The council may, from time to time, appoint out of their own body such and so many committees, consisting of such number of persons as they shall think fit, for all or any of the purposes wherein they are empowered to act, which, in the discretion of the council, would be better regulated and managed by means of such committees, and may fix the quorum of such committees.

XXIV. The council may, from time to time, appoint such officers and servants as they think necessary for carrying out these regulations, and fix the salaries, wages, and allowances of such officers and servants, and may pay the same out of the municipal funds; and make rules and regulations for the government of such officers and servants; and may discontinue or remove any of them from time to time as they shall think fit.

XXV. The council shall administer the municipal funds for the public use and benefit at their discretion, provided they do not exceed the sum voted at the annual meeting or any special meeting called to vote expenses; and a statement shall be drawn up by them at the end of each year for which the council has been elected, showing the nature and amount of the receipts and disbursements of the municipal fund for that year; and the said statement shall be published for general information.

XXVI. No matter or thing done, or contract entered into, by the council, nor any matter or thing done by any member thereof, or by the secretary, surveyor, superintendent of police, or other officer or person whomsoever acting under the direction of the council, shall, if the matter or thing were done, or the contract entered into *bona fide*, for the purpose of executing

\* Under these regulations, voting by proxy is practically prevented, as the rate-payer must be present.

these regulations, subject them, or any of them, personally, to any action, liability, claim, or demand whatsoever; and any expense, properly and with due authority incurred by the council, member, secretary, surveyor, superintendent of police, or other officer or person acting as last aforesaid, shall be borne and repaid out of the rates levied under the authority of these regulations.

XXVII. If a citizen or subject of any foreign government represented at Shanghai by an officer having judicial functions shall consider himself aggrieved in respect of any right or privilege or otherwise by any of the council, the said officer, on proper representation, shall endeavor to arrange a submission of the matter to arbitration; but if the said officer shall be unable to effect a submission of the matter to arbitration, he shall, at the petition of such citizen or subject, proceed to hear the question and to decide it conformably to an equitable consideration of the rules.

The said officer shall sit alone, and either party may appeal from his judgment to the minister of the complainant's government at Peking, or in the absence of a minister, to the complainant's government, who shall have full power to judge the same.

The decision upon the appeal shall be final.

All proceedings shall be taken in open court, and in the usual form of the court, excepting that notices, instead of usual processes, shall be served upon the council. Witnesses may be compelled to attend by resort to the appropriate court. Notice to the chairman of the council shall be construed as notice to the council. The council may appear by the chairman, or by any councillor delegated, or by counsel.

Judgment may be given against either party failing to appear, on notice being proven, but only after an examination of those appearing.

Judgments against the council, (for specific performance,) in respect to rights, shall be respected by the council, but if disregarded, on motion judgment for damages may be entered.

Judgment for damages may be recovered on execution levied against property, or moneys of the council in the hands of persons of the nationality concerned.

Appeals must be claimed within seven days after judgment shall have been notified to the parties, and perfected within fourteen days after such notice.

XXVIII. A board of three Chinese delegates, resident in the settlement, shall be formed for the purpose of advising and consulting with the council on matters affecting the Chinese population, as regards taxation, maintenance of order, &c., &c., in the following manner: The senior consul shall, during the month of March of each year, officially request the Taotai to direct the tung-sze, i. e., the representatives and headmen of the several native communities, guilds, chambers, and clubs, to meet and elect three Chinese delegates aforesaid. Due notice shall be given to these delegates when such subjects are under discussion; but their functions shall be solely consultative. No new tax, nor new measure of police, nor sanitary regulation affecting the native community, shall take effect until the said Chinese delegates have been consulted thereon. They shall be invited to present written statements of their views, which shall be entered on the minutes of the council meetings and published.

XXIX. That the words "renters of land," and "rate-payers," wherever they occur in the foregoing regulations shall, where not otherwise indicated by the connection in which they occur, be taken to mean electors entitled to vote, according to the terms of XVIII.

XXX. Hereafter should any corrections be requisite in these regulations, or should it be necessary to determine on further rules, or should doubts arise as to the construction of or powers conferred thereby, the same must be consulted upon and settled by the foreign consuls and intendant of circuit in communication together, who shall equitably decide thereon, and submit the same for confirmation to the representatives of their respective countries in China, and for the sanction of the Chinese government.

#### *By-laws.*

- I. Control and management of sewers and drains.
- II. Power to make sewers and drains.
- III. Power to enlarge and alter sewers and drains.
- IV. Penalty on any unauthorized person for making any drain flow into public sewers without consent of council.
- V. No person to build over any public sewer without consent of council.
- VI. Sewers and drains to be provided with traps.
- VII. Expense of maintaining and cleaning sewers and drains.
- VIII. No one to build or rebuild a house until a covered drain be constructed.
- IX. Council shall be surveyors of highways.
- X. Management of streets and the repairs thereof, to vest in council.
- XI. Council may stop up any street pending construction, &c., of a sewer.
- XII. Penalty on making unauthorized alterations in the streets.
- XIII. Council may alter situation of gas or water-pipes.
- XIV. Water spouts to be affixed to houses or buildings.
- XV. Penalty for not lighting deposits of building materials or excavations.
- XVI. Penalty for continuing deposits of building materials or excavations an unreasonable time.

- XVII. Dangerous places to be repaired or enclosed.
- XVIII. Cleaning streets—council to cause streets to be cleansed, and dust and ashes to be removed from the houses.
- XIX. Council may compound for sweeping footways.
- XX. Ruinous buildings.
- XXI. Expenses of removal.
- XXII. When owners cannot be found.
- XXIII. Projections of houses, &c., to be removed on notice.
- XXIV. Obstruction of streets.
- XXV. Cleaning streets.
- XXVI. Conveyance of offensive matter.
- XXVII. Stagnant pools.
- XXVIII. Regulation to prevent accumulation of dung, &c.
- XXIX. Certificate of health office; filth to be removed.
- XXX. Houses to be whitewashed and purified, on certificate of officer of health, &c.
- XXXI. Council may order nuisances to be abated.
- XXXII. Observations of scavenger.
- XXXIII. Dangerous buildings.
- XXXIV. Licenses.
- XXXV. Disturbance in streets.
- XXXVI. Lamps.
- XXXVII. Carrying arms.
- XXXVIII. Transient offender.
- XXXIX. Penalty for disobedience of order in council.
- XL. Bye-laws.
- XLI. Penalty to be summarily recovered.
- XLII. Publication of by-laws.

*By-laws annexed to the land municipal regulations for the foreign quarter of Shanghai, this*  
*— day of —, 186 .*

I. The entire control and management of all public sewers and drains within the limits of these regulations, and all sewers and drains in and under the streets, with all the works and materials thereunto belonging, whether made at the time these regulations become valid, or at any time thereafter, and whether made at the cost of the council or otherwise, shall vest in and belong to the council.

II. The council shall, from time to time, cause to be made under the streets such main and other sewers as shall be necessary for the effectual draining of the town or district within the limits of the settlement, and also all such reservoirs, sluices, engines, and other works as shall be necessary for cleaning such sewers; and if needful, they may carry such sewers through and across all or any of the streets, doing as little damage as may be, and making compensation as aforesaid, to be determined by arbitration or recoverable in the manner provided by the land regulations, for any damage done; and if for completing any of the aforesaid works it be found necessary to carry them into or through any enclosure or other lands, the council may, after reasonable notice, carry the same into or through such lands accordingly, making compensation to the owners and occupiers thereof; and they may also cause such sewers to communicate with and empty themselves into the river, or they may cause the refuse from such sewers to be conveyed by a proper channel to the most convenient site for collection and sale for agricultural or other purposes, as may be deemed most expedient, but so that the same shall in no case become a nuisance.

III. The council may from time to time, as they see fit, enlarge, alter, and arch over, and otherwise improve all or any of the sewers vested in them; and if any of such sewers at any time appear to them to have become useless, the council, if they think fit to do so, may demolish and discontinue such sewers: *Provided*, That it may be so done as not to create a nuisance.

IV. Every person, not being employed for that purpose by the council, who shall make any drain into any of the sewers or drains so vested in the council, shall forfeit to the council a sum not exceeding \$100; and the council may cause such branch drain to be remade as they think fit, and all the expense incurred thereby shall be paid by the person making such branch drain, and shall be recoverable by the council as damages.

V. No sewer or drain shall be made, or any building be erected over any sewer belonging to the council, without the consent of the council first obtained in writing; and if, after the passing of the revised land regulations, any sewer or drain be made, or any building be erected contrary to the provisions herein contained, the council may demolish the same, and the expenses incurred thereby shall be paid by the person erecting such building, and shall be recoverable as damages.

VI. All sewers and drains within the limits of these regulations, whether public or private, shall be provided by the council or other persons to whom they severally belong, with proper traps, or other coverings or means of ventilation, so as to prevent stench.

VII. The expense of maintaining and cleansing all sewers, not hereinbefore provided for, shall be defrayed out of the rates and taxes to be levied under article IX of the land regulations.

VIII. It shall not be lawful to erect any house in the settlement, or to rebuild any house in the settlement, until a drain or drains be constructed of such size and materials, and at such level, and with such fall, as, upon the report of the surveyor made to the council, shall appear to be necessary and sufficient for the proper and effectual drainage of the same and its appurtenances; such report to be made within 14 days after notice is given to the said surveyor of the proposed erection or rebuilding; and in default thereof, all parties shall be at liberty to proceed with any such erection or building, as if no such report were required; and if a sewer of the council, or a sewer which they are entitled to use, be within 100 feet of any part of the site of the house to be built or rebuilt, the drain or drains so to be constructed shall lead from and communicate with such sewer as the council shall direct, or if no such means of drainage be within that distance, then the last-mentioned drain or drains shall communicate with and be emptied into such covered cesspool or other place not being under any house, and not being within such distance from any house, as the council shall direct; and whosoever erects or rebuilds any house or constructs any drains contrary to this by-law, shall be liable for every such offence to a penalty not exceeding \$250; and if at any time, upon the report of the surveyor, it appear to the council that any house, whether built before or after the passing of this by-law, is without any drain, or without such a drain or drains communicating with a sewer as is or are sufficient for the proper and effectual drainage of the same and its appurtenances; and if a sewer of the council, or a sewer which they are entitled to use, be within 100 feet of any part of such house, they shall cause notice in writing to be given to the owner or occupier of such house, requiring him forthwith, or within such reasonable time as shall be specified therein, to construct and lay down in connection with such house one or more drain or drains, of such materials and size, at such level, and with such fall, as upon the last-mentioned report shall appear to be necessary; and if such notice be not complied with, the council may, if they think fit, do the works mentioned or referred to therein; and the expenses incurred by them in so doing, if not forthwith paid by the owner or occupier, shall be defrayed by the council, and by them recovered from the owner of the house, in the same manner as a penalty under these by-laws is recoverable.

IX. The council, and none others, shall be surveyors of all highways within the limits of the aforesaid regulations, and within those limits shall have all such power and authorities, and be subject to all such liabilities, as any surveyors of highways are usually invested with.

X. The management of all the public streets, and the laying out and repaving thereof on passing of the Revised Regulations, or which thereafter may become public highways, and the pavements and other materials, as well in the footways as carriageways of such public streets, and all buildings, materials, implements, and other things provided for the purposes of the said highways, shall belong to the council.

XI. The council may stop any street, and prevent all persons from passing along and using the same for a reasonable time during the construction, alteration, repair, or demolition of any sewer or drain in or under such street, so long as they do not interfere with the ingress or egress of persons on foot or from their dwellings or tenements.

XII. Every person who willfully displaces, takes up, or makes any alteration in the pavement, flags, or other materials of any street under the management of the council, without their consent in writing or without other lawful authority, shall be liable to a penalty not exceeding \$25; and also a further sum not exceeding \$1 for every square foot of the pavement, flags, or other materials of the street so displaced, taken up, or altered.

XIII. For the purpose of the aforesaid regulations, if the council deem it necessary to raise, sink, or otherwise alter the situation of any water-pipe or gas-pipe laid in any of the streets, they may, from time to time, by notice in writing, require the person or persons to whom any such pipes or works belong, to cause forthwith, as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position in such manner as the council direct: *Provided*, That such alteration be not such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering, and compensation for every damage done thereby, shall be paid by the council out of the rates and taxes levied under the regulations aforesaid.

If the person or persons to whom any such pipes or works belong do not proceed forthwith, or as soon as conveniently may be, after the receipt of such notice, to cause the same to be raised, sunk, or altered in such manner as the council require, the council may themselves, but then at the costs and charges of the person or persons to whom the pipes or works belong, such costs and charges to be recoverable in the same way as the penalties enacted under these by-laws, cause such pipes or works to be raised, sunk, or altered as they think fit: *Provided*, That such works be not permanently injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

XIV. The occupier of every house or building in, adjoining, or near to any street shall, within 14 days next after service of an order of the council for that purpose, put up and keep in good condition a shoot or trough of the whole length of such house or building, and shall connect the same either with a similar shoot on the adjoining house, or with a pipe or trunk to be fixed to the front or side of such building from the roof to the ground to carry the water from the roof thereof in such manner that the water from such house or any portico or projection therefrom shall not fall upon the persons passing along the street, or

flow over the footpath; and in default of compliance with any such order within the period aforesaid, such occupier shall be liable to pay not exceeding \$10 for every day that he shall so make default.

XV. When building materials or other things are laid, or any hole made in any of the streets, whether the same be done by order of the council or not, the person or persons causing such materials or other things to be so laid, or such hole to be made, shall, at his own expense, cause a sufficient light to be fixed in a proper place upon or near the same, and continue such light every night from sun-setting to sun-rising, while such materials or hole remain; and such person shall, at his own expense, cause such materials or other things, and such hole, to be sufficiently fenced and enclosed, until such materials or other things are removed, or the hole filled up or otherwise made secure; and every such person who fails to light, fence, or enclose such materials or other thing on such hole shall, for every such offence, be liable to a penalty not exceeding \$25 and a further penalty not exceeding \$10 for every day while such default is continued.

XVI. In no case shall any such building materials or other things or such hole be allowed to remain for an unnecessary time, under a penalty not exceeding \$25 to be paid for every such offence, by the person who causes such materials or other things to be laid, or such hole to be made; and a further penalty not exceeding \$10 for every day during which such offence is continued after the conviction for such offence; and in any such case the proof that the time has not exceeded the necessary time, shall be upon the person so causing such materials or other things to be laid or causing such hole to be made.

XVII. If any building or hole or other place near any street be, for want of sufficient repair, protection, or enclosure, dangerous to the passengers along such street, the council shall cause the same to be repaired, protected, or enclosed so as to prevent danger therefrom, and the expenses of such repair, protection, or enclosure shall be repaid to the council by the owner of the premises so repaired, protected, or enclosed, and shall be recoverable from him as damages.

XVIII. The council shall cause all the streets, together with the foot-pavements, from time to time, to be properly swept and cleansed, and all dust and filth of every sort found thereon to be collected and removed; and shall cause all the dust, ashes, and rubbish to be carried away from the houses and tenements of the inhabitants of the town and district within the limits of *these regulations* at convenient hours and times; and shall cause the privies and cesspools within the said town or district to be from time to time emptied and cleansed in a sufficient and proper manner: *Provided always*, That the occupier of any house or tenement within the limits of *these regulations* may keep and remove any such soil, ashes, or rubbish as shall be kept for manure, so that the same be not a nuisance to the inhabitants residing near such premises; and that the same be removed at such times and in such manner as shall be approved of by the council.

XIX. The council may compound for such time as they think fit with any person liable to sweep or clean any footway, under the provisions of these regulations, for sweeping and cleaning the same in the manner directed by these regulations.

XX. If any building or wall be deemed by the surveyor of the council to be in a ruinous state, and dangerous to passengers or to the occupiers of the neighborhood, such surveyor shall immediately make complaint thereof to the consul of the nation of the person or persons to whom the building belongs, and it shall be lawful for such consul to order the owner, or in his default the occupier (if any) of such building, wall, or other thing, to take down, rebuild, repair, or otherwise secure to the satisfaction of such surveyor, within a time to be fixed by such consul, and in case the same be not taken down, repaired, rebuilt, or otherwise secured in such manner as shall be requisite, and all the expenses of putting up every such fence, and of taking down, repairing, rebuilding or securing such building, wall, or other thing, shall be paid by the owner or owners thereof.

XXI. If such owner or owners can be found within the said limits, and if, on demand of the expenses aforesaid, he neglect or refuse to pay the same, then such expenses may be levied by distress, and the consul, on the application of the council, may issue his warrant accordingly.

XXII. If such owner cannot be found within the said limits, or sufficient distress of his goods and chattels within the said limits cannot be made, the council, after giving 28 days' notice of their intention to do so by posting a printed or written notice in a conspicuous place on such building, or on the land whereon such building stood, by giving notice in the local newspapers under the head of municipal notification, may take such building or land, sell the same by public auction, and from and out of the proceeds of such sale may reimburse themselves for the outlay incurred, or the council may sell the materials thereof or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such house or building, and the council shall restore any overplus arising from such sale to the owner of such house or building on demand; nevertheless, the council, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

XXIII. The council may give notice to the occupier of any house or building to remove or

alter any porch, shed, projecting window, step, cellar, cellar-door or window, sign, sign-post, sign-iron, show-board, window-shutter, wall, gate or fence, or any other obstruction or projection erected or placed against or in front of any house or building within the limits of the settlement, and which is an obstruction to the safe and convenient passage along any street, and such occupier shall, within 14 days after the service of such notice upon him, remove such obstruction or alter the same in such manner as shall have been directed by the council, and in default thereof shall be liable to a penalty not exceeding \$10, and the council in such case may remove such obstruction or projection, and the expense of such removal shall be paid by the occupier so making default, and shall be recoverable as damages: *Provided always*, That in the case in which such obstructions or projections were made or put up by the owner, the occupier shall be entitled to deduct the expense of removing the same from the rent payable by him to the owner of the house or building.

XXIV. No person shall obstruct the public roads or foot-paths with any kind of goods or building materials under a penalty of \$10 for every 24 hours of continued obstruction, and after the first 24 hours' notice of removal shall have been given to the owner of the same or the person using, employing, or having control over the same; or in the absence of any such person, or inability on the part of the agents of the council, shall remove the same and retain the same until the expense of such removal shall have been repaid, or may recover the expense of such removal or damages, and may after such recovery sell the same, holding the balance, if any, after payment of penalties, expenses and costs, to the use of the person entitled to the same. And it shall be competent to the council to charge for holdings, scaffoldings placed round buildings in course of erection, interfering with the public highways, on a scale to be hereafter fixed at a meeting of the electors.

XXV. All occupiers of land and houses shall cause the foot-pavements in front of their houses to be swept and cleansed whenever occasion shall require, and after the receipt of notice served upon them. And they shall also cause to be swept and cleaned all gutters, surface drains in the front, side or rear of their premises, and remove all accumulations of soil, ashes or rubbish, and every such occupier making default herein shall for every offence be liable to a penalty of \$5. And for the purpose aforesaid, when any house shall be let in apartments, the person letting the same shall be deemed the occupier.

XXVI. The council may, from time to time, fix the hours within which only it shall be lawful to empty privies, or remove offensive matter, within the limits of the settlement; and when the council have fixed such hours, and given public notice thereof, every person who within the said limits empties or begins to empty any privy, or removes along any thoroughfare within the said limits any offensive matter, at any time except within the hours so fixed; and also every person who at any time, whether such hours have been fixed by the council or not, use for any such purpose any utensil or pail, or any cart or carriage not having a covering proper for preventing the escape of the contents of such cart, or of the stench thereof, or who wilfully stops or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been placed, or unavoidably slopped or spilled, shall be liable to a penalty not exceeding \$10, and in default of the apprehension of the actual offender, the driver, or person having the care of the cart or carriage employed for any such purpose, shall be deemed to be the offender.

XXVII. No person shall suffer any offensive, waste or stagnant water to remain in any cellar, or other place within any house belonging to or occupied by him, so as to be a nuisance, within or upon any waste land belonging to or in his occupation within the boundaries of the settlement, so as to be a nuisance; and every person who shall suffer any such water to remain for 48 hours after receiving notice of not less than 48 hours from the council to remove the same, and every person who allows the contents of any privy or cesspool to overflow or soak therefrom, to the annoyance of the occupiers of any adjoining property, or who keeps any pig or pigs within any dwelling-house within the said limits so as to be a nuisance, shall for every such offence be liable to a penalty not exceeding \$10, and to a further penalty not exceeding \$2 for every day during which such nuisance continues; and the council may drain and cleanse out any stagnant pools, ditches, or ponds of water within the said limits so as to be a nuisance, and abate any such nuisance as aforesaid, and for that purpose may enter, by their officers and workmen, into and upon any building or land within the said limits at all reasonable times, and to do all necessary acts for any of the purposes aforesaid, and the expenses incurred thereby shall be paid by the person committing such offence, or occupying the building or land where such annoyance proceeds; and if there be no occupier, by the owner of such building or land, and shall be recoverable as damages.

XXVIII. If the dung or soil of any stable, cow-house or pig-sty, or other collection of refuse matter, elsewhere than in any farm-yard, be at any time allowed to accumulate within the limits of the settlement for more than seven days, or for more than two days after a quantity exceeding one ton has been collected in any place not allowed by the council, such dung, soil, or refuse, if not removed within 24 hours after notice from any officer of the council for that purpose, shall become the property of the council, and they, or any person with whom they have at the time any subsisting contract for the removal of refuse, may sell and dispose of the same, and the money thence arising shall be applied towards the purposes of the council, or they may recover the expense of such removal from the occupier of the building or land as damages.



XXIX. If any officer of health, or if for the time being there be no officer of health, any two surgeons or physicians, or one surgeon and one physician, residing within the limits of the settlement, certify under his or their hands to the council that any accumulation of dung, soil or filth, or other noxious or offensive matter within the said limits, ought to be removed as being injurious to the health of the inhabitants, the secretary of the council shall forthwith give notice to the owner or reputed owners of such dung, soil or filth, or to the occupier of the land where the same are, to remove the same within 24 hours after such notice; and in case of failure to comply with such notice, the said dung, soil or filth, shall thereupon become vested in the council, and they, or any person with whom they have at that time contracted for the removal of all such refuse, may sell and dispose of the same, and the money thence arising shall be applied towards the purposes of the council, and they may recover the expense of such removal from such occupier or owner in the same manner as damages.

XXX. If at any time the officer of health, or if for the time being there be no officer of health, any two surgeons or physicians, or one surgeon and one physician, residing within the said limits, certify under his or their hands to the council that any house, or part of any house or building within the limits of the settlement, is in such a filthy or unwholesome condition that the health of the inmates or of the neighbors is thereby affected or endangered, or that the whitewashing, cleansing or purifying of any house or building, or any part thereof, would tend to prevent or check infectious or contagious disease therein, or that any drain, privy or cesspool, is in such a defective state that the health of the neighbors is thereby affected or endangered, the council shall order the occupier of such house or part thereof to whitewash, cleanse and purify the same, and the owner of such drain, privy or cesspool to amend the condition thereof in such manner and within such time as the council deem reasonable; and if such occupier or owner do not comply with such order he shall be liable to a penalty not exceeding \$10 for every day's neglect thereof; and in such case the council may cause such house or any part thereof to be whitewashed, cleansed and purified, or the condition of such drain, privy or cesspool, to be amended, and may recover the expense thereof from such occupier or owner in the same manner as damages.

XXXI. If any candle-house, melting-house, melting-place, or soap-house, or any slaughter-house, or any building or place for boiling offal, or blood, or for boiling or crushing bones, or any pig-sty, necessary-house, dung-hill, manure heap, or any manufactory, building, or place of business within the limits of the settlement, be at any time certified to the council by the inspector of nuisances, or officer of health; or if for the time being there be no inspector of nuisances or officer of health, by any two surgeons and physicians, or one surgeon and one physician, to be a nuisance or injurious to the health of the inhabitants, the council shall direct complaint to be made before the council of the nation of the person by or on whose behalf the work complained of is carried on, and such consul shall inquire into such complaint, and may, by an order in writing under his hand, order such person to discontinue or remedy the nuisance within such time as to him shall appear expedient: *Provided always*, That it appear to such consul that in carrying on any business complained of, the best means then known to be available for mitigating the nuisance, or the injurious effects of such business, have not been adopted, they may suspend their final determination, upon condition that the person so complained against shall undertake to adopt within a reasonable time such means as the said consul shall judge to be practicable, and order to be carried into effect for mitigating or preventing the injurious effects of such business.

XXXII. Every occupier of any building or land within the said limits, and every other person who refuses to permit the said scavengers to remove such dirt, ashes, or rubbish, as by these by-laws they are authorized to do, or who obstructs the said scavengers in the performance of their duty, shall, for every such offence, be liable to a penalty not exceeding \$25.

XXXIII. No straw shed, bamboo houses, or buildings of like inflammable material, shall be erected within the settlement; nor shall contraband goods or merchandise likely to endanger life, or cause injury to individuals, such as gunpowder, saltpetre, sulphur, large quantity of spirits in bulk, petroleum, naphtha, and other explosive gases or liquids, stand on the premises of any individual, under the penalty of \$250 for the first offence, and of \$500, with confiscation of the goods themselves to the use of the council, for each succeeding offence. On articles of this nature being brought into the settlement immediate notice must be given by the importer, consignee, or owner thereof to the secretary of the council, whose duty it will be to assign the locality or place within which such goods may be safely stored, and every refusal to obey, or disobedience of the order of the secretary in this behalf shall be visited with a penalty of \$250, and a penalty of \$100 for every 24 hours of continued disobedience. And such penalty, together with the preceding penalty, and all other fines and penalties declared by these by-laws, shall be recoverable in a summary manner before the consul or court having jurisdiction over the offender or defaulter.

XXXIV. No foreigner or Chinese shall vend spirits or liquors of any kind or description, or open a house of public entertainment, music hall, theatre, circus, or dancing saloon within the limits of the settlement, without a license first obtained from the council, and in the case of foreigners countersigned by the consul of the nationality to which the applicant belongs, and upon good and sufficient security given for the maintenance of order in such

establishment, and in respect of such licenses the council may charge on such scale as may be authorized at the lawful meetings held under the regulations :

For every wine and spirit shop, annually.

For every beer shop, annually.

For a house of entertainment, hotel, or tavern, annually.

Music hall, for every night open.

Theatre, for every night open.

Circus, for every night open.

Dancing saloon, for every night open.

And any person opening or keeping, or holding any such shop, store, house of entertainment, music hall, theatre, circus, or dancing hall, without having first obtained the license of the council, shall, over and above the cost of the license and summons, be liable to a fine not exceeding \$50.

XXXV. All persons firing guns or pistols, causelessly creating a noise or disturbance, and all persons guilty of furious or improper riding or driving, or the leading of horses up and down any thoroughfare for exercise, or who shall commit any act which may legitimately come within the meaning of the term nuisance, shall be liable to a penalty of \$10.

XXXVI. All persons driving carriages or carts of any description between one hour after sunset and one hour before sunrise must affix lighted lamps to their vehicles, under penalty of five dollars for each omission.

XXXVII. No person within the limits of the settlements, except consular officers and the officers of the council duly authorized, and military and naval officers, or volunteers, or soldiers, or soldiers of any government force in uniform or on duty, shall, under any pretence, carry offensive or defensive arms, such as guns, pistols, swords, daggers, loaded sticks, slung shots, knives, or any weapon of like character, under a penalty not exceeding \$10, or one week's imprisonment, with or without hard labor: *Provided*, That nothing in this by-law be construed to extend to the carrying of fowling-pieces for the purpose of shooting game.

XXXVIII. It shall be lawful for any officer or agent of the council, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of these by-laws, and whose name and residence shall be unknown to such officer or agent, and convey him, with all convenient despatch, before his proper consul, without any warrant or other authority than these by-laws.

XXXIX. If any such nuisance, or the cause of any such injurious effects as aforesaid, be not discontinued or remedied within such time as shall be ordered by the said consul, the person by or on whose behalf the business causing such nuisance is carried on, shall be liable to a penalty not exceeding \$25 for every day during which such nuisance shall be continued or unremedied after the expiration of such time as aforesaid.

XL. Nothing in these by-laws contained shall be construed to render lawful any act or omission on the part of any person which is or would be deemed to be a nuisance at common law, from prosecution or action in respect thereof, according to the forms of proceeding at common law, nor from the consequences upon being convicted thereof.

XLI. Every penalty or forfeiture imposed by these by-laws, made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before the proper consular representative, and it shall be lawful for such consular representative, upon conviction, to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction, as such consular representative shall think fit.

XLII. These by-laws shall be printed, and the secretary of the consul shall deliver a printed copy thereof to every rate-payer applying for the same, without charge; and a copy thereof shall be hung up in the front or in some conspicuous part of the principal office of the council.

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*Sir Rutherford Alcock to Mr. Winchester.*

PEKING, November 15, 1866.

SIR: I have received your despatches, Nos. 62 and 82, of the 20th July and 20th October, the first transmitting the revised code of law regulations so long under discussion, and the second enclosing copy of a communication from the chairman of the committee of land renters in reply to my despatch, No. 44, of the 16th July last, inviting an expression of opinion as to the views it embodied.

To your despatches, together with their enclosures, I have given the careful consideration which the importance of the subjects discussed, the object to be attained, and the pains and labor bestowed by the council in their reply well entitle them. And before proceeding to the examination of the principal points brought forward in the several documents, I may state, generally, that, with one exception, which I will specify more particularly hereafter, I concur in the views so well and temperately advocated by the chairman in his reply to you of the 17th October. I trust, therefore, the time is now approaching when the main object

of the council—the adoption of a practical scheme of municipal government for one of the largest and most important cosmopolitan settlements in the east—may be secured.

It may not be possible to give it all the symmetry and completeness of like institutions in the western hemisphere; but that it should be effective for all municipal objects is more essential than theoretic perfection in its constitution. Considered in the abstract, and apart from all circumstances of the case, any municipal scheme for the government of a mixed population in Chinese territory, not emanating from and controlled by the Chinese executive, must be considered irregular and not without danger, as a precedent, to the injury of the government of the country. But such matters are not to be judged theoretically, and in this common sense tells us that what is wanted is not to establish an abstract principle, but to provide substantially against constantly recurring danger and difficulties of a plain and tangible nature. And the fundamental principle of any effective scheme of municipal government for a settlement within the Chinese dominions, with a mixed population of foreigners and natives, is so plain and indisputable, and rests upon so broad a basis of treaty rights and international law, that we may hope a close adherence to it will solve all difficulties.

By the extraterritorial clause in the several treaties with western powers, no subjects of these in Chinese territory are justiciable or amenable to any jurisdiction but that of their own authorities. So in like manner no foreign power can claim jurisdiction or authority over Chinese subjects, unless such power be expressly delegated by the Emperor of China.

It follows, necessarily, from these principles, that no municipal regulations or government can be operative upon the subjects of the different nationalities which have not the authority and sanction of law given by the state to which they severally owe allegiance; and when, as at Shanghai, Chinese and foreigners of many nationalities are mixed together and dwell within the same limits, it is essential that the consent of all be obtained to make such regulations generally obligatory or binding.

To obtain this consent, by which a delegated power within certain limits may be given to an executive council or committee, is, therefore, the first step towards any practical scheme of municipal government.

That this delegation should give the right to tax, and the power, by legal process before competent authority, to enforce payment on all residents, without exception and whatever their nationality, is the second.

Whatever else may be required or held desirable is matter of administrative detail rather than of principle, and of subordinate importance.

Hitherto there has been a vital defect in the want of this common consent among western powers, and hence the inability complained of by successive municipal administrations to give effect to the votes of the land renters and the most necessary measures for the peace, order, and sanitary state of the settlement on the banks of the Hwangpo. This state of affairs has been indefinitely prolonged by the hopes entertained of establishing one administration, as contemplated in the regulations of 1853, for the whole of the foreign settlements. The decision of the French government, recently promulgated against any fusion of the quarter lying south of the Yang-king-pang, and which has practically been exclusively under a French régime for a long period, removes one great cause of embarrassment and delay, in so far as the municipal scheme for all north of that boundary is concerned. Two different and independent municipal administrations may very well exist side by side for different settlements, in good harmony and without conflict of jurisdiction, if the first principles already adverted to be carefully adhered to. And the several governments may in their discretion accept different systems of municipal administration for their respective subjects on opposite sides of the Yang-king-pang without prejudice to these or to their own extraterritorial rights of jurisdiction as defined by treaties and the law of nations.

In agreeing to differ, so far as mere forms or modes of attaining the same object are in question, a perfect accord, not otherwise attainable, may be secured. M. Brenier de Montmorand, the French consul general, indicates this conclusion, I think, in his memorandum attached to the minutes of a meeting of the consular corps, at Shanghai, on the 12th July, where he reserved his vote generally on the land regulations until his colleagues could intimate their concurrence in those established by his government for the settlement on the other side of the Yang-king-pang. A reciprocal interchange of consent to two codes applying to different settlements or quarters by the western powers, with the concurrence of the government of the Emperor of China as territorial sovereign, offers a ready means of terminating all further discussion or delay, except in so far as well-founded exception may be urged against any particular wording or provision of the said regulations.

I propose, therefore, at once to transmit the present revised code of land regulations to her Majesty's chief secretary of state for foreign affairs, in concert with my colleagues, the representatives of the United States of America, Prussia, and Russia, who will adopt a similar course, with a recommendation of approval, and the interchange between the several treaty powers of such formal acceptance as shall render them, with the concurrence of the Emperor of China, binding and obligatory on all over whom they severally have jurisdiction.

The question of such interchange, in regard to the French règlement recently published, has already been referred, in like manner, in accord with M. de Bellonet, the chargé d'affaires of H. I. M. the Emperor of the French.

In reference, therefore, to the first and most essential step towards their final adoption,

nothing further remains to be done either at Shanghai or here. The consent of the Chinese government cannot be officially asked while their acceptance by the treaty powers is in suspense, but I see no reason to anticipate any serious difficulty in that quarter.

As regards the expediency of any effort to obtain a charter of incorporation, I agree with the chairman that, provided the required powers to levy taxes and give effect to the land regulations generally be obtained, it matters little whether this be done by the formal sanction of the several treaty powers, giving them the force of laws, or by an instrument of a more high-sounding title; and under the circumstances it may be well to proceed with the formal sanction of the land regulations as a basis, without raising any further question tending to prolong discussion.

Before concluding, it is fit that I should advert to the various suggestions offered in regard to certain secondary, and, in some sense, complimentary measures which the committee of land rents consider more or less essential to the satisfactory working of their scheme of municipal government under the revised code of regulations.

These may be summed up under four heads:

1. The appointment of a Chinese magistrate to preside over the mixed court, with sole jurisdiction over the native population in the settlement.

2. The establishment of an effective river police at the cost of the Chinese, and the extension of municipal jurisdiction over the stream.

3. A substitute for the tax hitherto levied, as "wharfage dues," to be provided either by the payment of a contribution from the imperial customs at Shanghai, equivalent to one-tenth of one-per cent. on the value of all goods which pass the foreign department in the customs at the port, or to be levied in addition to the present maritime dues if sanctioned by the treaty powers.

4. The admission of a Chinese element into the municipal council.

In reference to the first of these suggestions I am happy to state that preliminary negotiations with the government here have already prepared the way for its adoption. The expediency of such an appointment has been fully recognized, and it only remains to arrange the best means of meeting the additional expense, and certain administrative details in regulating his relation to the Taotai as his superordinate.

The second proposition involves greater difficulty, both in principle and practice. The council desire an extension of jurisdiction beyond the low-water line over the river. This is precisely what the French appear to have claimed with manifest confusion and conflict of jurisdiction. It has already formed the subject of complaint and remonstrance, as fraught with injury to the common interest. If a foreign municipal jurisdiction within the settlements, over all the residents, meets with serious obstacles from the diversities of nationalities, and the many anomalies inseparable from its exercise in such a community, the extension of a similar rule over a Chinese inland water and a great river-course, with its constantly changing occupants and traffic, would obviously be attended with still greater difficulties, and be open to far more serious objections. No treaty has taken from the Emperor of China, or given to any foreign power, as far as I am aware, jurisdiction over the river-courses of his empire. The extraterritorial clause no doubt is operative as regards subjects of treaty powers in the waters of China, as on shore, but even these privileges are subject to considerable limited *ex necessitate rei* in regard to ships and goods afloat. The right to protect the customs revenue is inseparable from the control of the ports and rivers where trade is carried on, the maintenance of a fairway for ships of all nations, and the establishment of harbor regulations, which must be equally obligatory upon all. Chinese, as well as foreigners, owe duties which devolve upon the government of China, and can scarcely be fitly delegated to a municipal council of foreigners, even with a Chinese element. And if not to one, still less to two, occupying conterminous settlements on the banks of a river on which there is an enormous traffic both native and foreign. Indeed, the more the question of river jurisdiction is examined, the more insurmountable appear the objections to any pretension to its delegation. It might not be impossible to devise a concurrent instead of a conflicting jurisdiction to be exercised by two municipal councils of cosmopolitan character; but the arguments against the expediency and the general policy of such an arrangement, assuming it to be practicable, with the free consent of the Emperor of China, are too strong and unanswerable for any proposition to that effect to be entertained.

The Chinese government have been in a great degree relieved, partly by the force of circumstances beyond control, and partly by the desire of the foreign communities settled in the country, from obligations and duties in respect to the maintenance of peace, order, and good government in the foreign settlements, which undoubtedly belong to the territorial sovereign. But there are not wanting those well versed in the history of foreign relations with China and the Chinese people, who, looking at the questions from an international point of view, and with the light of past experience, contend earnestly that every step in this direction has been an injury to the Chinese government, and a mistake as regards the true interests and position of foreigners within the dominions of the Emperor. Whatever may be the amount of truth in this conclusion, the extension of the same principle, taking out of the hands of the legitimate authority the jurisdiction of the ports and rivers to transfer it, with all its onerous obligations and duties, to a continually shifting and irresponsible council of

foreigners, can hardly be viewed otherwise than as a proceeding of doubtful wisdom, and in the highest degree inexpedient.

A more effective assertion of rightful jurisdiction on the part of the Chinese government, and a better organized river police, in competent hands, in connection with the imperial customs, would, on the other hand, be so obviously a gain, both to Chinese and to foreigners, that no insurmountable obstacle to the adoption of measures to that end should be anticipated. If anything could raise such obstacles, it would be the pretension of any municipal council in foreign lands to extend their jurisdiction from the shore to the water way. The duty and the expense both fitly belong to the territorial sovereign; and I believe neither the one nor the other can be delegated to any second power, without grave prejudice to all concerned.

The third proposition, to provide a substitute for wharfrage or town dues, difficult of collection, and open to cavil, if not to serious objection, as being in effect a tax on trade not contemplated or sanctioned in the treaties, deserves serious consideration. If the Chinese government can be induced to take a large view of their obligations towards the foreign community, which has itself and for so many years supplemented the proper action of the Emperor at an enormous annual cost, they will hardly object to the principle on which such a proposal rests.

Nevertheless it is not to be overlooked that this is a proposal at one step to saddle the Chinese government with the whole cost of the large police establishment hitherto maintained by the foreign community, aided by taxes on the Chinese population within their limits. Whether the sum required be paid out of the customs revenue, or any other source, it amounts to the same thing, and the Chinese government, if called upon to make such payment, might well require not only controlling power in the constitution and management of the police force, but an account of all taxes levied upon Chinese subjects for municipal purposes, together with a determining voice both in the amount raised and its application.

There is a middle course open to both parties, however, not unworthy of consideration. Looking to the small and fractional nature of the tax now sought to be raised by wharfrage dues for police purposes, and the uniformity and fairness of its incidents, the ease with which it would be collected by the customs, and lastly the benefit in common to be derived from its application, the several treaty powers might willingly consent to allow such minute addition to be made to the maritime duties now levied by treaty either at Shanghai alone, or wherever a majority of the foreign residents desired it at the other open ports, and this I will take upon myself to recommend.

As regards the fourth and last of these supplementary measures, the admission of a Chinese element into the council to represent the rights alike of the territorial sovereign and the natives located in the settlement, and subject to taxation in consequence, there can be no doubt that many advantages would result from its adoption. It is calculated to facilitate the collection of taxes on the native inhabitants without entailing an absolute veto or power of refusal on the part of the Chinese member of the council. In lieu of this it might be determined that in the event of a protest on his part there should be a right of appeal to the foreign representatives at Peking and the government, before any new levy, when opposed, could be carried into effect. It might possibly prepare the way for a commutation of all imperial taxes to a fixed rate for all natives located within the limits of the foreign settlement, which the municipal administration might furnish the means of collecting, without expense to the government, thus assuring them a certain revenue and without the costs of collection. This would more effectually remove many existing grounds of complaint, as to excessive or exceptional taxation applied to the Chinese domiciled in the foreign settlements, than any other course, however legislatively guarded from abuse.

You will transmit a copy of this despatch to the chairman of the committee of land renters for their information, and assure them of my earnest desire, in concert with the representatives of other treaty powers, to secure the successful working of their matured scheme for improved municipal government.

Your obedient servant,

RUTHERFORD ALCOCK.

C. A. WINCHESTER, Esq.,  
&c., &c., &c., Shanghai.

*Mr. Seward to Mr. Burlingame.*

No. 178.]

DEPARTMENT OF STATE,  
Washington, December 29, 1866.

SIR: I transmit to you herewith the copy of a note\* of the 3d ultimo, from Sir Frederick Bruce, relative to the placing of lights and buoys on the coast of the Chinese empire, and asking that this government may co-operate with that of Great Britain in urging upon the Chinese government the necessity of car-

\* For enclosure see Diplomatic Correspondence 1866, vol. 1 page 261.

rying into effect the objects in question. This government concurring in the suggestion thus made, you are instructed to join with her Majesty's representative in China in the adoption of such measures as will tend to induce the Chinese government to undertake the construction of the work in question.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

*Mr. Seward to Mr. Burlingame.*

No. 180.]

DEPARTMENT OF STATE,

*Washington, December 29, 1866.*

SIR: From a despatch of the 3d of September last, addressed to me by Consul General Seward, I learn that your attention was called by that gentleman, on the 30th of August, to the subject of a joint tribunal or commission for the trial of cases in which the customs authorities claim the right to confiscate vessels or goods, for breaches of the treaty; and touching also the manner of procedure in cases in which they claim the imposition of fines for breaches of the treaty, or the payment of penalties stipulated for in bonds given to them.

The matters are of very great interest, and the department suspends instructions until it shall have heard from you upon the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

*Mr. Burlingame to Mr. Seward.*

No. 126.]

UNITED STATES LEGATION,

*Peking, January 3, 1867.*

SIR: Please find enclosures 1, 2, and 3, relating to newspapers printed in the Chinese language.

The letter of Prince Kung (1) was sent to each of the legations, and the representatives of the treaty powers, after consultation, and considering the value of the freedom of the press, agreed to reply substantially as I have done, thanking the Prince for his liberal views on the subject of printing, and pointing out the remedy for libels under our laws, but refusing to repress by harsh measures the freedom of the press.

The answer seems to have been satisfactory.

I sent to our Consul General Seward the enclosure 3, that our countrymen might take such precautions as would seem to be necessary to give the injured Chinese the benefit of their treaty rights.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Prince Kung to Mr. Burlingame.*

[Translation.]

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication:

It has lately been reported at the foreign office that the newspapers in the Chinese language circulated at the open ports, which are printed and circulated by foreigners, have repeatedly contained articles defaming the officers of this government. As native traders and others constantly read these newspapers, if the officials are maligned in them, it will seriously injure their reputation and influence, and moreover lead the people whom they rule over to become disaffected and despise their authority.

It is probable that those who issue these newspapers are unaware that such an offence comes within the scope of the statute respecting posting anonymous placards, which prescribes a severe punishment for the offence. In China, as elsewhere, good and bad people act differently; and there are many reckless persons who, caring nothing for themselves about being branded as criminals, disseminate unfounded reports, either openly promulgating the charges themselves, or secretly engaging others to do it for them, and all to create disturbance. Your fellow-countrymen cannot for themselves inquire into these reports, but they give them wide currency by printing them for distribution. I am disposed to think that the laws of the United States also forbid and restrain such offences, and punish those who defame and injure the reputation of officers or people.

In saying this I have no desire to prevent the general discussion of such things as are of public importance or trustworthy, or of whatever relates to China of common interest to all classes; but to permit people to write baseless calumnies against officers is really doing an injury to the reputation of his Majesty himself.

It is incumbent on me, therefore, to request your excellency to issue an equitable regulation, which will restrain these proceedings, and prevent the officers of the country being thus maligned by unfounded accusations through the newspapers in future; and it is for this purpose that the present communication is sent to you and the other foreign ministers in Peking.

His Excellency ANSON BURLINGAME,

*United States Minister to China.*

November 30, 1866, (Tungchi, 5th year, 10th moon, 24th day.)

*Mr. Burlingame to Prince Kung.*

LEGATION OF THE UNITED STATES,

*Peking, December 17, 1866.*

SIR: I have the honor to acknowledge your imperial highness's despatch of the 30th ultimo, in which you inform me that the newspapers in the Chinese language at the open ports, printed by foreigners for circulation, have of late frequently contained articles defaming the officers of the Chinese government, calculated to injure their character and influence among the traders and others who read them; and that as this offence comes within the scope of the [native] statute concerning posting anonymous placards, the penalties of which are extremely severe, you accordingly desire me to issue some equitable regulation restraining or stopping such things [by Americans,] &c., &c.

I may remark, in reply, that the laws of the United States against circulating slanderous reports are likewise severe; but I am much pleased to see in the despatch under reply the sentence which informs me that you have no desire to prevent the general discussion of such things as are of public importance or trustworthy, or of whatever relates to China of common interest. This observation clearly shows that the foreign office has candidly and fully weighed the advantages and abuses of newspapers.

I infer, therefore, that the laws of China and of foreign countries respecting circulating slanderous accusations defamatory of officials are not unlike in their strictness; but as your imperial highness has not, in the present case, specified any citizen of the United States by name as having slandered the officers of the Chinese government, I have no grounds for taking any action in the matter. However, I may state, in conclusion, that if any person is slandered in these newspapers, he can enter his complaint at the American consulate, stating particulars of names and date of the paper, and with these details of evidence in the case, the consul himself can examine and decide it. If it shall be ascertained that a native has written the report, and got the foreigner to print it for him, he shall be sent to his own authorities for examination. But if, on the other hand, it be proven that an American has willfully printed false charges against a Chinese, the consul will decide the case according to the laws of the United States.

I have the honor to be, sir, your imperial highness' obedient servant,

ANSON BURLINGAME.

His Imperial Highness PRINCE KUNG, &c., &c., &c.

*Mr. Burlingame to Mr. G. F. Seward.*

LEGATION OF THE UNITED STATES,  
Peking, December 19, 1866.

SIR: In forwarding to you the enclosed correspondence with Prince Kung relating to newspapers in the Chinese language printed in this empire by our countrymen, I have only to observe that the object in view on his part is rather to check abuses which might arise from too much license, than to deter persons from publishing papers. If you have knowledge of any American engaged in printing a newspaper in Chinese, I wish you to inquire of him whether it is issued with his imprimatur, stating the name of the printer and the place of its publication, and in case they are not given on each separate issue, to request him to do so. It is highly desirable, in view of the great importance of this means of enlightening the Chinese people, that it be conducted by responsible persons.

I am, sir, respectfully, your obedient servant,

ANSON BURLINGAME.

GEORGE F. SEWARD, Esq.,  
United States Consul General.

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*Circular relative to the Coolie trade.*

DEPARTMENT OF STATE,  
Washington, January 17, 1867.

SIR: I subjoin a copy of a resolution on the subject of the Coolie trade, which has recently unanimously passed both houses of Congress. It is believed to correctly represent the moral sentiment in this country on the subject of that trade, which is now prohibited by law, except when the consul, at every port where coolies may embark, may be required to certify, upon full examination, that this embarkation is not forced or procured by fraud, but is voluntary. There is reason to believe, however, that this important requirement is sometimes, perhaps often, disregarded. You are consequently directed to make use of all the authority, power, and influence at your command, towards preventing and discouraging the carrying on of the traffic referred to in any way. With reference to the officers of foreign governments, that influence must of course be discreetly exercised, without giving just cause of offence, in a matter which may be tolerated by the laws of their respective countries.

I am, sir, your obedient servant.

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

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IN SENATE OF THE UNITED STATES, January 16, 1867.

Whereas the traffic in laborers, transported from China and other eastern countries, known as the Coolie trade, is odious to the people of the United States, as inhuman and immoral; and whereas it is abhorrent to the spirit of modern international law and policy, which have substantially extirpated the African slave trade: to prevent the establishment in its place of a mode of enslaving men differing from the former in little else than the employment of fraud instead of force to make its victims captive: Be it therefore—

*Resolved*, That it is the duty of this government to give effect to the moral sentiment of the nation, through all its agencies, for the purpose of preventing the further introduction of Coolies into this hemisphere, or the adjacent islands.

*Ordered*, That the Secretary lay the foregoing resolution before the President of the United States.

Attest:

J. W. FORNEY, *Secretary*.



*Mr. Seward to Mr. Burlingame.*

No. 182.]

DEPARTMENT OF STATE,  
*Washington, January 21, 1867.*

SIR: Mr. S. Wells Williams, in a despatch No. 16, and in an unofficial letter of the 22d of February last, invited my attention to the fact that his excellency Sen-ki-yu a distinguished Chinese statesman, then recently appointed to the foreign office, had in various ways manifested a liberal and friendly appreciation of the importance of amicable relations between the United States and other western powers and China, and that he had written an eulogy upon the life and character of George Washington which reflects great credit upon the author.

When these facts became known to me they afforded me the liveliest satisfaction; and I thought that it might be agreeable to his excellency to possess a faithful portrait of the subject of his eulogy. I have, accordingly, caused an exact copy to be made by one of our most skilful artists of the original likeness painted by Gilbert Stuart from life. This copy, suitably framed, will be forwarded to your address by the first convenient opportunity for presentation by you, in such manner as may seem most appropriate to his Excellency Sen-ki-yu, as a mark of the high appreciation entertained of the wisdom and virtue which have so justly entitled him to the exalted station which he has attained.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &amp;c., &amp;c., &amp;c.

*Mr. Seward to Mr. Burlingame.*

No. 183.]

DEPARTMENT OF STATE,  
*Washington, January 21, 1867.*

SIR: I invite your early attention to the enclosed copy of a letter of the 17th instant, from N. Mickles, esq., vice-president of the East India Telegraph Company, in regard to a grant which was obtained by you for that company from the Chinese government before your departure for home. No despatch of the nature indicated in the letter has been received from you.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON G. BURLINGAME, Esq., &amp;c., &amp;c., &amp;c.

*Mr. Mickles to Mr. Seward.*OFFICE OF THE EAST INDIA TELEGRAPH COMPANY,  
*No. 55 Liberty Street, New York, January 17, 1867.*

DEAR SIR: I beg to inquire if the Department of State are in receipt of any despatches from Hon. Anson Burlingame, United States minister at Peking, in China, in relation to the grant which was obtained by him of the Chinese government for the East India Telegraph Company, before his departure to return to China. I make this inquiry for the reason that Mr. Burlingame assured us that he would make it the subject of a despatch to the Department of the State. Learning that he arrived in China some months since, it is hoped that his promised despatch has been received.

We are desirous of commencing the construction of the line immediately, for the reason that an English company are making an effort to the same end, and if they succeed in fore-

stalling our action, the telegraph in China will be under English instead of American control. Trusting this will be a sufficient reason for this application and the reply as early as your engagements will permit,

I am, my dear sir, very truly, yours,

N. MICKLES, *Vice-President.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

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*Mr. Burlingame to Mr. Seward.*

No. 128.]

LEGATION OF THE UNITED STATES,  
*Peking, February 9, 1867.*

SIR: I have the honor to enclose a letter from Dr. Williams, with translation relating to a eulogy upon Washington by Sen-ki-yu, a member of the foreign office of this government.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Williams to Mr. Seward.*

LEGATION OF THE UNITED STATES,  
*Peking, February 8, 1867.*

MY DEAR SIR: I long since received your note of June 4th, 1866, informing me that you had directed a portrait of Washington to be sent out for presentation to Sen Ki-yu, a member of the foreign office of this government, who had written a eulogy upon him.

As it has not yet come, and I have heard nothing from Shanghai of its arrival there, I have thought it advisable to inform you, and no longer delay to send you the translation of the notice (in duplicate) given by Sen in his geography of the life and character of Washington. It is very brief, and, as you will perceive, has many errors; but it is noteworthy as being the first attempt by a native scholar and high official to give his countrymen an account of foreign countries and their great men. He cannot read a word of any other language than his own, and collected the details in his geography by personal inquiries among the few foreigners whom he met at Amoy and Fuh-Chow in 1844-'49, who could talk Chinese. Naturally enough, the mistakes throughout the work are numerous; but his desire to show the educated men of China that the people of other lands, who had recently compelled the Emperor's envoy to sign the treaty of Nanking, were not the barbarians they were thought to be, is apparent throughout. For his favorable notices of them, he was dismissed from his high post of governor of Fuhkien when the Emperor Hienfung acceded to the throne in 1850, and remained in private life till he was called last year to fill a vacancy in the foreign office, an appointment given him on account of having published this same work.

I am, respectfully, yours, very truly,

S. WELLS WILLIAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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EXTRACT FROM THE GEOGRAPHY OF SEN KI-YU, GIVING AN ACCOUNT OF THE ESTABLISHMENT OF AMERICA BY WASHINGTON.

[Translation.]

*United States of America.\**

America is a vast country. Owing to its merchants' ships carrying a variegated flag, it is usually known at Canton as the Hwa-ki Kwoh, or flowery flag nation.† It is bounded north

\* It is also called Collected Nations of America, Confederated Countries of America, United Leagued Nations, and United all States, (*i. e.*, these different Chinese names have been used.)

† This flag is an oblong banner with red and white stripes alternating; in the right-hand corner is a small square of a black color, wherein are drawn many white spots arranged in a form resembling the constellation of the Dipper.

by English territory, and south by Mexico and Texas; its eastern border lies along the great western ocean, while its western is on the vast ocean, a distance of about 10,000 *li*\* lying between them. From north to south the distance is between 5,000 and 6,000 *li* in the widest parts; and from 3,000 to 4,000 *li* in the narrowest. The Appalachian range winds along its eastern coasts, and the great Rocky mountains enclose its western borders, between which lies a vast level region many thousands of miles in extent.

The Mississippi is the chief of the rivers; its sources are very remote, and after running more than a myriad *li*, in a serpentine course, it joins the Missouri river, and the great united river flows on south to the sea. The other celebrated rivers are the Columbia, Mobile, Appalachicola, and Delaware. Great lakes lie on the northern border. Towards the west they are divided from each other by four streams, and are called Iroquois or St. Clair, Huron, Superior, and Michigan. To the east lie two others, Erie and Ontario, which are joined to each other. These lakes together form the boundary between the United States and the British possessions.

It was the English people who first discovered and took North America and drove out the aborigines. The fertile and eligible lands were settled by emigrants moved over there from the three [British] islands, who thus occupied them. These emigrants hastened over with a force like that of the torrent rushing down the gully. Poor people from France, Holland, Denmark, and Sweden, also sailed over to join them; and as they all daily opened up new clearings, the country continually grew rich in its cultivated lands. High English officers held it for their sovereign, and as cities and towns sprung up all along the coasts, their revenues were collected for his benefit. Commerce constantly increased in extent and amount, so that thus the inhabitants rapidly became rich and powerful.

During the reign of Kienlung (A. D. 1736—1796) the English and French were at war for several years, during which the former exacted the duties throughout all their possessions, increasing the taxes more than previously. By the old tariff, for instance, the duty on tea was levied when it was sold, but the English now required that another tax should be paid by the buyer. The people of America would not stand this, and in the year 1776 their gentry and leading men assembled together in order to consult with the [English] governor how to arrange this matter, but he drove them from his presence, dispersed their assembly, and demanded that the tax be collected all the more strictly. The people thereupon rose in their wrath, threw all the tea in the ships into the sea, and then consulted together how they could raise troops to expel the British.

There was at this time a man named Washington, a native of another colony, born in 1732, who had lost his father at the age of 10, but had been admirably trained by his mother. While a boy he showed a great spirit, and his aptitude for literary and martial pursuits, and love for brave and adventurous deeds, exceeded those of ordinary men. He had held a military commission under the English, and during the war with France when the French leagued with the Indians and made an irruption into the southern provinces, he led on a body of troops and drove them back, but the English general would not report this expeditious operation, so that his worthy deeds were not recorded, [for his promotion.]

The people of the land now wished to have him to be their leader, but he went home on plea of sickness and shut himself up. When they had actually raised the standard of rebellion, however, they compelled him to become their general.

Though neither troops nor depots, neither arms nor ammunition, stores nor forage, existed at this time, yet Washington so inspirited everybody by his own patriotism, and urged them on by his energy, that the proper boards and departments were soon arranged and he was thereby enabled to [bring up his forces and] invest the capital. The British general had intrenched some marines outside of the city, when a storm suddenly dispersed his ships. Washington improved the conjuncture by vigorously attacking the city, and succeeded in taking it.

The English then gathered a great army and renewed the engagement; he lost the battle completely, and his men were so disheartened and terrified that they began to disperse. But his great heart maintained its composure, and he so rallied and reassured his army that they renewed the contest, and victory finally turned in their favor. Thus the bloody strife went on for eight years—sometimes victorious and sometimes vanquished. Washington's determination and energy never quailed, while the English general began to grow old.

[The King of] France also sent a general across the sea to strengthen the tottering state; he joined his forces with those of Washington, and gave battle to the British army. The rulers of Spain and Holland likewise hampered their military operations, and advised them to conclude a peace. The English at last could no longer act freely, and ended the strife in the year 1783, by making a treaty with Washington. According to its stipulations, the boundary line was so drawn that they had the desolate and cold regions on the north, while the fertile and genial southern portions were confirmed to him.

Washington having thus established the state, gave up his military command for the purpose of returning to his farm; but the people would not permit him thus to retire, and obliged him to become their ruler. He, however, proposed a plan to them, as follows: "It is very selfish for him who gets the power in the state to hand it down to his posterity; in filling the

\* This is a vague expression for a vast distance; three *li* are usually reckoned to equal an English mile.—*Translator's note.*

post of shepherd of the people, it will be most suitable to select a virtuous man." Each of the old colonies was thereupon formed into a separate State, having its own governor to direct its affairs, with a lieutenant governor to assist him,\* each of whom held office four years.† At the general meeting of the people of a State, if they regard him as worthy, he is permitted to hold his post during another term of four years;‡ but if not, then the lieutenant governor takes his place. If, however, the latter does not obtain the approbation of the people, another man is chosen to the dignity, when his time is expired. When the headmen of the villages and towns are proposed for office, their names and surnames are written on tickets, and thrown into a box; when everybody has done so, the box is opened, and it is then known who is elected by his having the most votes, and he takes the office. Whether he has been an official, or is a commoner, no examination is required as to his qualifications; and when an officer vacates his place, he becomes in all respects one of the common people again.

From among all the governors of the separate States, one supreme governor (or President) is chosen, to whom belongs the right to make treaties and carry on war, and whose orders each State is bound to obey. The manner of his election is the same as that for a governor of a State: he holds his office four years; or if re-elected, for eight. Since the days of Washington (who died in 1799) the country has existed 60 years; there have been nine Presidents, and the present incumbent (Tyler) was elected from Virginia.

When Washington made peace with the British, he dismissed all the troops and directed the attention of the country entirely to agriculture and commerce. He also issued a mandate saying, "If hereafter a President should covetously plot how he can seize the ports or lands of another kingdom, or harass and extort the people's wealth, or raise troops to gratify his personal quarrels, let all the people put him to death." He accordingly retained only 20 national war vessels, and limited the army to ten thousand men. The area of the country is very great, and every one exerts himself to increase its fertility and riches; the several States have all one object, and act together in entire harmony; the other nations of the world have therefore maintained amicable relations with the United States, and have never presumed to despise or encroach on them. During the 60 years that have elapsed since peace with England, there has been no internal war; and [their trade has increased so that] the number of American merchantmen resorting to Canton yearly is second only to those of Great Britain.

It appears from the above that Washington was a very remarkable man. In devising plans, he was more daring than Chin Shing or Han Kwang; in winning a country, he was braver than Tsau Tsau or Liu Pi. Wielding his four-foot falchion, he enlarged the frontiers myriads of miles, and yet he refused to usurp regal dignity, or even to transmit it to posterity; but, on the contrary, first proposed the plan of electing men to office. Where in the world can be found a mode more equitable? It is the same idea, in fact, that has been handed down to us [Chinese] from the three reigns of Yau, Shun, and Yu. In ruling the state he honored and fostered good usages, and did not exalt military merit, a principle totally unlike what is found in other kingdoms. I have seen his portrait. His mien and countenance are grand and impressive in the highest degree. Ah! who is there that does not call *him* a hero!§

*Mr. Burlingame to Mr. Seward.*

No. 129.]

LEGATION OF THE UNITED STATES,  
*Peking, February 9, 1867.*

SIR: Please find enclosed a letter to me from Sir Rutherford Alcock, the British minister, in relation to the relative rank of commanders and consuls. In the British navy a commander ranks with a vice-consul, and must therefore pay the first visit of courtesy to a consul. In our United States Navy Regulations (Article 107, p. 17) the commander of a vessel of the navy on arriving at a foreign port is directed to call in person and pay the first visit to the diplomatic functionaries of the United States thereat, whose rank is of and above that of consul general; if the officer is of lower rank than consul general, he is to offer

\* Sometimes the lieutenant governor is a single officer; in other cases several persons aid the governor.

† They are also changed biennially, and sometimes annually.

‡ When he has held the office for eight years, he cannot be re-elected.

§ Chin Shing and Han Kwang were two patriotic generals, who endeavored to overthrow the Tsin dynasty (B. C. 208) and restore the feudal system, and re-establish their own prince in his state. Tsau Tsau and Liu Pi were rival chieftains (A. D. 290) the first of whom destroyed the great Han dynasty, and the second, after surviving all his own efforts to uphold it, founded a small state himself in the west of China. The "four-foot falchion" is an allusion to the celebrated sword of Liu Pang, the founder of the Han dynasty (B. C. 202.) with which he clove in twain a huge serpent that crossed his path. The three monarchs, Yau, Shun, and Yu, were among the earliest Chinese rulers (B. C. 2,357—2,205,) and were chosen to fill the throne on account of their virtues.—*Translator.*

him a passage to the ship. It may be said in reply to the British minister that these grades are made for one's own service, and that naval officers are not under official obligations to call upon the consuls of any but their respective countries.

In the east, however, the question of rank may arise in many ways, and it is desirable that there should be an understanding. It would seem by our rule that when a commander is in command of a vessel, he has the rank of captain, or ranks a consul of his own country. Such is now Shufeldt's position. He commands the *Wachusett*, and I can well understand why he does not feel it his duty to pay greater courtesy to a foreign consul than to his own.

I am well acquainted with Commodore Shufeldt, and know him to be a gentleman who would not for himself raise questions of etiquette, but like most of the gallant officers who fought in the late war, he has a pardonable sensitiveness for his country.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Sir Rutherford Alcock to Mr. Burlingame.*

PEKING, January 28, 1867.

SIR: I have recently received a despatch from her Majesty's acting consul at Swatow, requesting information as to the relative rank and precedence of commanders in the United States navy and consuls. There appears to be a difference in the rules adopted compared with those of Great Britain, and I believe other European states. With us a commander of the royal navy ranks with a vice-consul, and a captain with a consul; but each takes precedence in these ranks before the consular officers of equal grade. In accordance with this rule, it is the duty of a consul to make the first call on a captain in the royal navy, and to receive it from a commander.

It is the usage for her Majesty's consuls in China and Japan to pay the same visits of courtesy to the officers in command of ships of foreign states when they enter the ports; but Mr. Swinhoe writes that he was placed in some difficulty lately when the United States sloop of war, the *Wachusett*, Commander Schufeldt, arrived at Amoy. He was desirous of showing the same attention to that officer that he would have paid to a commander in her Majesty's navy, but was precluded, by the regulations of his own service, from paying a first visit; and in conferring with his colleague, the United States consul, he was informed that, by the regulations of the United States, a commander when commanding is entitled to the first call from any United States consular officer under the rank of a consul general; and consequently no interchange of courtesies could take place.

If the title of commander does not give the same rank in the naval services of the two countries, I should be glad to receive any information on the subject, and in the event of a difference existing, it might promote a good understanding between the naval officers of the United States and the consular officers of other countries, to the advantage of both, and be otherwise desirable, if some communication took place between the two governments on the subject.

I have the honor to be, sir, your most obedient, humble servant,

RUTHERFORD ALCOCK.

His Excellency the honorable ANSON BURLINGAME, &c., &c., &c.

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*Mr. Seward to Mr. Burlingame.*

No. 184.]

DEPARTMENT OF STATE,

*Washington, February 11, 1867.*

SIR: Referring to my No. 183, of the 21st ultimo, inviting your attention to its accompanying copy of a letter from N. Mickles, esq., upon the subject of a grant which was obtained by you for the East India Telegraph Company from the Chinese government, I transmit herewith, for your information a copy of a

further communication on the subject, together with that of a circular letter marked "confidential" addressed by Mr. Mickles to this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

*Mr. Mickles to Mr. Seward.*

OFFICE OF THE EAST INDIA TELEGRAPH COMPANY,  
55 LIBERTY STREET, NEW YORK,  
*New York, January 23, 1867.*

DEAR SIR: I have to acknowledge receipt of your communication of the 21st instant. The particular object of this communication is to advise Mr. Seward of what, in the press of other engagements, may have escaped his notice, that the Russian extension line, (of which P. McD. Collins is the projector,) and the Russian government, and also the Western Union Telegraph Company, are now interested in the success of the East India Telegraph Company, and the construction of this line by that company is regarded with interest by the Pacific Mail Steamship Company. There are now no conflicting claimants for the concessions from the authorities at Peking. Letters of November 13, 1866, show that the East India Telegraph Company is regarded with favor at Irkutsk, Peking, and at all the Chinese ports. Your excellency may have understood that Mr. Collins, representing other corporations, was an applicant for these concessions, which is not now the case, he being one of the directors of the East India Telegraph Company. If Mr. Seward can spare the time, I should be glad to have him peruse the accompanying circular letter, which is for the private use of the directors of the Pacific Mail Steamship Company.

Very truly, yours,

N. MICKLES,  
*Vice-President.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

[Confidential.]

*Mr. Collins to the Pacific Mail Steamship Company.*

OFFICE OF THE WESTERN UNION TELEGRAPH COMPANY,  
145 Broadway, New York, January 12, 1867.

*To the President, Directors and Company of the Pacific Mail Steamship Company:*

The successful inauguration of a line of steamships from San Francisco to Japan and China by your company has awakened unusual interest in the commercial world. The future of this great enterprise can scarcely be overestimated. Success and a rich pecuniary reward to the promoters are certain to follow.

It is not necessary for me to make an argument in favor of your enterprise, or to point out the inevitable success of this great commercial undertaking. I take the liberty, however, to refer you to the accompanying papers, written some years since, in regard to steam and telegraphic communication with Japan and China.

What I have to propose is this: to connect China, Japan and India, by a system of telegraph lines with both Europe and America, in connection with your steam service upon the Pacific. As you will perceive, it is no very new thought, but one which has been waiting for a combination just such as is now being carried out by your company. The time and the opportunity has, in my opinion, now arrived in order to carry out my original views.

I think that upon a proper study of the proposition, you will agree with me that a radiation of the telegraph, such as proposed, will inevitably tend to increase and consolidate the power, profit and usefulness of your company in a very eminent degree.

The world-wide reputation of your company, and its peculiar field of action, point to it as the proper pioneer in a twin enterprise, because in our day steam and the telegraph are so intimately and usefully connected that one seems hardly complete without the other.

In the construction of the Russian American overland telegraph, China, Japan and British India, were originally considered as awaiting only certain events in order to be galvanized into a new life by the power of steam and electricity. In the service you have to perform between such distant points as San Francisco and Hong Kong, the success and pecuniary advantages of your line would be, I may say without overestimating or overstating, doubled, if you had the use of a telegraph between San Francisco and Hong Kong, by which you could

regulate your commercial exchanges, prevent delays, and effect a thousand advantageous arrangements which would escape you by the ordinary means of the mails.

The crude digest of the proposition for telegraphic communication contained in the prospectus of the East India Telegraph Company will give you a general idea of what is intended to be accomplished.

There are, however, some collateral issues not so easily explained here, but which add greatly to the inevitable success of the enterprise. The mode and manner of connecting British India with China is one of these issues, and can only be fully understood by maps and documents in my possession, which will be exhibited if required.

The line should commence at Canton, or, probably at first, at Hong Kong, touching at important intermediate points, and extend to Shanghai. This portion of the system could be put into immediate profitable use. Parties engaged in the Chinese trade are certain that this first great section of the telegraph would prove more profitable than any telegraph line of equal extent in the world. Looking at the actual commerce of China as it now exists, there can be no reasonable doubt of this.

As we progress northward from Shanghai in order to tap the Russian telegraph at Kyachta, in Asiatic Russia, now completed and operating to within 800 miles of Peking, we can readily see what would be accomplished when the circuit should be made complete between Hong Kong and London. The line, of course, will finally extend from Shanghai, or some other convenient point on the route to Peking, to Japan, covering the commerce of that growing country.

British India will be united with the Russian line to the west of Kyachta so as to put China and Japan in telegraphic contact with the whole of British India. Thus we will unite China and Japan with British India, and the whole with both Europe and America. The Atlantic cable now gives us one means of communication to within 800 miles of Peking, and when the East India Telegraph Company shall have done its work and consummated its plans, and the Russian American telegraph shall have been completed, we will have a choice of routes, or we may forward despatches one way to America and the other way to Europe, thus having the world girt about by the telegraph, and the whole of China, Japan and India subsidiary to our interests.

I trust it may not be urged that participation in telegraphic enterprise is not a legitimate field for a steamship company to embark in. If, however, you can enlarge the scope of your usefulness in the promotion of an undertaking so closely allied to the one you are prosecuting, and make a few millions of dollars more with which to extend, improve and enlarge your legitimate operations, and cover the Pacific with your steamships, then I think all will agree that the object was highly politic, proper and legitimate.

I am in the firm belief that the happiest results will attend your participation in the enterprise of the East India telegraph, and I can see nothing but results of the very highest interest to come out of it to your company.

The simple fact of your participation in the promotion of the telegraph to connect China, Japan and India, in order to protect and facilitate your own special interests, would, in my humble opinion, strengthen and add greatly to the power and standing of your company throughout the world. On the other hand I feel that the most perfect success would be assured to the telegraph company so soon as it was known that the Pacific Mail Steamship Company had become warmly interested in it.

With your assistance the whole capital would find a market, and the construction of the telegraph assured beyond peradventure.

Very truly yours,

P. McD. COLLINS.

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*Mr. Seward to Mr. Burlingame.*

No. 186.]

DEPARTMENT OF STATE,  
Washington, February 11, 1867.

SIR: I have to acknowledge the receipt of Mr. Williams's despatch of the 1st of October, No. 43.

That paper is accompanied by a copy of a correspondence between Mr. Williams and Prince Kung, upon the subject of the erection of light-houses along the coast of China. It is very gratifying to learn that proceedings have been instituted with a view to carry into effect this important object. I earnestly hope that the present movement may be followed up with vigor.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

*Mr. Seward to Mr. Burlingame.*

No. 188.]

DEPARTMENT OF STATE,  
*Washington, February 23, 1867.*

SIR: I have to acknowledge the receipt of a despatch of the 24th of October, No. 44, which Mr. Williams has addressed to this department relative to the humane conduct of the Rev. Father Gillie, in giving assistance to and successfully aiding a company of shipwrecked sailors belonging to the American schooner *Surprise* in their journey across Manchuria to Niuchwang. The government of the United States fully appreciating the kind service rendered by Father Gillie to our unfortunate countrymen on the occasion referred to, have caused a suitable testimonial to be prepared, which when completed will be transmitted to you for presentation to Father Gillie.

In the same despatch Mr. Williams informs the department of the wreck of the American schooner *General Sherman*. It is stated that the hull of this vessel was burned by the Koreans, and that the entire crew were murdered by them. I will thank you to make diligent inquiry respecting the fate of these unfortunate seamen, and acquaint me with the result.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

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*Mr. Burlingame to Mr. Seward.*

No. 131.]

LEGATION OF THE UNITED STATES,  
*Peking, March 13, 1867.*

SIR: I received a short time since a letter from Baring Brothers covering a despatch to them from you intimating the possibility of a removal of the surplus of the indemnity fund from the Oriental Bank of Hong Kong to some other place of deposit. I at once notified the bank to be ready for a draft. I have now received your despatch No. 174, conveying the same intimation, and await your instructions.

I present the present condition of the fund by a letter (enclosure A) from Dr. Williams, who had charge of it during my absence, and to whom the government is indebted for its very wise management before I came to China.

The principal was \$220,000, (two hundred and twenty thousand dollars,) which is kept in one account, and the interest accruing on it in another. Altogether there must be about \$240,000, (two hundred and forty thousand dollars,) but the exact amount I cannot know until I hear from Hong Kong.

Dr. Williams, in the exercise of the power conferred by the act of March, 1859, while in charge invested a portion of the interest in the manner pointed out in his letter, and though he did this on his own responsibility in the exercise of his own discretion, he has done it for such good reasons and with such good results that I can but commend his action to the government, with an earnest request that it may be approved and his further suggestions carried out.

After receiving the letter from the Barings I did not feel authorized to make any further investment for the purpose of executing the plan of Dr. Williams until the views of the government should be ascertained. In my judgment an appropriation should be asked for covering the amount already drawn and yet required to perfect the buildings so that the legation may belong to the government. If this cannot be done, it seems to me absolutely necessary to leave this investment where it is, and permit the still further outlay required to complete



what is so nearly finished. The investment is safe and more advantageous by one per cent. than if deposited in the bank, and just the same as if placed in our own bonds.

May I ask the favor of as speedy an answer as possible ?

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Williams to Mr. Burlingame.*

PEKING, March 12, 1867.

STR: In reply to your inquiry as to the present condition of the indemnity fund, I am unable to give you the exact amounts now on hand, owing to the delay in receiving the accounts from the depositary at Hong Kong. After the liquidation of the claims in 1862, the sums received from the Chinese government were successively placed in the Oriental Bank to the amount of \$220,000. This was kept in one account, and the interest accruing on it has been deposited in another account as it has been paid over to the depositary. The principal is ready to be moved whenever the government desires; but a portion of the interest was drawn out by me while in charge of the legation, in order to build a suitable residence for the American minister in Peking.

This fund was placed, by the act of March, 1859, under the direction of the chief diplomatic officer of the United States in China, and has hitherto been left by him on interest until Congress should decide on its disposal. I therefore had the legal authority to move it, if I thought that by so doing it could be increased or advantaged in any way.

The reasons which led me to employ these funds in building arose from the necessities of the case. There was not a suitable house in Peking where you or your successor could find lodging on arrival. When you sold your former residence, on returning to America in 1865, the archives of the legation were moved to my own house, where they remained till your arrival; but the house is small and narrow, affording no accommodation for others. It was the first house obtained in the city outside of the legations, and had been previously used as a cartwright's shop.

After your departure, therefore, and in view of the arrival of a minister, it became necessary to provide some place for him, inasmuch as it would be undesirable on every account to ask the favor of a guest-chamber at the other legations for several months until a house could be erected. When the United States legation came to Peking in 1862, circumstances were different, and we could remain as guests at the French legation for six months, while your house was undergoing repairs, without exciting remark; but after the Americans had once established themselves, propriety required that their establishment should be kept up.

In regard to this whole subject, however, I may refer to your despatch No. 25, of September 16th, 1862, where the desirableness of placing our legation on a footing of equal respectability with those of other foreign powers is conclusively shown; and also to the reply of Mr. Seward, of February 28th, 1863, (No. 27,) in which, after acknowledging the importance of the subject, and stating the impossibility of attending to it then, he adds: "The important subject you have presented so fully and so clearly will be reserved for consideration at the next session of Congress." Four years have elapsed since then, and urgent national affairs have still postponed its consideration.

It is needless, therefore, to repeat what is there said of the utter want of hotels and furnished houses in Peking to accommodate a minister, and the impossibility of getting the Chinese authorities to prepare a lodging to lease to him. In fact, there was no alternative that I could see: a house must be built before his arrival, or he must remain at Shanghai till it was built. On these grounds I decided to apply a part of the interest fund to the purchase of a suitable lot near the Russian legation, and erect a house sufficient to accommodate you and your family. I was confident of the approval of those best qualified to judge, and, moreover, the investment would be as secure as if the money remained in the bank; while I calculated that the annual rent paid to the fund by the minister would bring in rather more than the interest which had been received from the other source.

The sum paid for the land and the buildings on it was \$10,262 60. The house was commenced last March, and completed in August; you went into it in November. Its cost was \$4,894 82, and I have drawn from the interest fund the sum of \$14,586 21 for both, leaving a balance still due me of \$571 21 (E. & O. E.) on the outlay. This house, of course, does not include the whole plan; the dwelling for the secretary of the legation, and rooms for visitors, are still to be erected on other parts of the lot.

In order to complete them, the sum of \$10,000 will now barely be sufficient. When I furnished you with the estimate in 1862, and stated that \$25,000 would suffice to build a legation,

the cost of land, materials, and labor were all cheaper than now; but I still think that the balance of that sum would suffice to fit up the residence of the American minister so as not to suffer in comparison with other legations. Within their walls are accommodations in separate houses for students, for a physician, and for a military escort, none of which came into my plan. The French government has spent altogether about \$70,000, and the English nearly \$65,000 in the restoration and alteration of old buildings and erection of new ones. The latter has plans to carry out which will involve an outlay of \$40,000 more; the Russian has laid out about \$13,000 on new dwellings alone. The first two paid nothing for their land, having obtained the cession of two palaces when they came here with troops in 1860; the Russians have enlarged their original mission limits by the purchase of adjacent lots.

In comparison with their extensive precincts the United States legation seems small; but it is so much better than its lodgment during your absence, that the mortification will not again occur of being obliged to receive Prince Kung and other high officers of state in a house so small that their sedan chairs could not enter its gate, but were set down in the dirty street, while their retinue filled the gateway and obstructed the road, attracting a crowd of idlers. No wonder that one of these functionaries said, on meeting you in the new quarters, "It is now respectable." If such things here did not concern our national position, I would not mention them.

The surplus principal of the indemnity fund, as I understand, is to be strictly devoted to an educational institution, as set forth in your despatch No. 57, of November 18th, 1863. I have your approval of the outlay of part of the interest in this manner, and hope that the government at Washington will, on learning the dilemma I was placed in, likewise approve it. However, if they disallow the procedure, I am quite willing to take the property and lease it to the United States minister, or sell it to the Spanish or some other power which intends to establish a legation in Peking.

It would be more agreeable, however, to have the United States take it, and, in accordance with the suggestion made in your despatch No. 25 above referred to, to establish here the headquarters of their own extraterritorial government in China, and finish it for the residence of their minister and his suite, as other western powers have done. I think this would gratify our citizens in China, some of whom have already expressed their satisfaction at this commencement.

In building the house I economized the money as far as was consistent with durability and convenience. I hope that you will also urge the desirableness of immediately completing the original plan; so that our legation, like all the others, can be brought within the same enclosure. During its erection the superintendence of the workmen required my daily supervision, which, in addition to all the other duties devolving on me as the only person here connected with the legation, was one reason why I did not complete the plan at once. I counted too on your return early in the autumn, in time to have got up the other buildings before frost set in, and to consult with you on the best location for them.

In conclusion, I may be allowed to express my own satisfaction at seeing the representative of the United States in China settled in quarters at its capital that do not suffer in comparison with those of other nations, and that he was not obliged to adopt either of the alternatives I have alluded to.

I have the honor to be, yours faithfully,

His Excellency Hon. ANSON BURLINGAME.

S. WELLS WILLIAMS.

*Mr. Seward to Mr. Burlingame.*

No. 190.]

DEPARTMENT OF STATE,

*Washington, March 18, 1867.*

SIR: Referring to Mr. Williams's despatch of the 24th of October, No. 44, and to instruction No. 188 of the 23d of February last from this department, relative to the humane conduct of Pere Gillies, a French missionary residing at Mukten, in generously assisting the shipwrecked crew of the American schooner *Surprise*, I transmit herewith a gold watch which the President of the United States is desirous of presenting to the Rev. Mr. Gillies, as a mark of the grateful appreciation by this government of proceedings so characteristic of his sacred calling. I will thank you to cause this testimonial to be transmitted to him in such manner as you may think most expedient and safe, and at the same time convey to him an expression of the high sense entertained by the government of the United States of the noble and humane spirit evinced by him on the occasion referred to.

I am, sir, your obedient servant,

ANSON BURLINGAME, Esq., &c., &c., &c.

WILLIAM H. SEWARD.

*Mr. Seward to Mr. Burlingame.*

No. 193.]

DEPARTMENT OF STATE,

*Washington, March 25, 1867.*

SIR: This department has received a despatch dated the 11th of December last, from the consul general of the United States at Shanghai, enclosing a copy of a despatch of the 10th ultimo of that month which he addressed to yourself upon the subject of the expulsion of American merchants from the north bank of the Yangtsi at Chinkiang, together with copies of the correspondence between the consul general and the Tantai upon the subject referred to.

You will be pleased to report specially and fully thereupon to this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

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*Mr. G. F. Seward to Mr. Seward.*

No. 225.]

UNITED STATES CONSULATE GENERAL,

*Shanghai, December 11, 1866.*

SIR: Referring to my despatch No. 188, I have now the honor to forward to you a copy of a despatch which I have just addressed to the minister, in the same matter, viz: the expulsion of American merchants from the north bank of the Yangtsi at Chinkiang, together with copies of a despatch from the Tantai at that port, dated October 8, and my response of the 13th of the same month; which deal with various points involved.

I have the honor, &c., &c., &c.,

GEO. F. SEWARD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

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*Mr. G. F. Seward to Mr. Burlingame.*

No. 93.]

UNITED STATES CONSULATE GENERAL,

*Shanghai, December 10, 1866.*

SIR: On the 10th of August, I proceeded to Chinkiang in the Wachusett, which vessel was en route for Hankou, to aid the consul in settling the controversy about the north bank; or if this should be impracticable, in getting at the facts for your information. I found it impracticable to settle the matter then. A long correspondence ensued, and I have not been able in consequence, to make my report at an earlier date.

The British consul at Chinkiang was absent upon my arrival, and the vice-consul ill, so that I was unable to concert any line of action with either of those persons. I called upon the Tantai at once; he was unable to give me any information, further than that he would not, at the moment, insist upon his previous request for the removal of the receiving ships, but that he could not consent to the occupation of the north bank by our merchants, neither could he indemnify the merchants for their outlays. He was a new officer, and appeared to be ignorant of the history of the port. I procured from him copies of two despatches from the imperial commissioner, which I enclose, marked Nos. 1 and 2.

The circumstances which bear upon the question are substantially, as follows: When the river was opened, 1861, and for more than three years afterwards, the south bank at Chinkiang was threatened by the insurgents, while there was comparative safety on the north bank. The north bank, moreover, afforded a good anchorage and a ready access to the Grand Canal, which led away through a great country far to the north, and by lateral branches eastward and westward, to all parts of one of the largest and most fertile plains in the world.

It is not to be wondered at, then, that when steamers were allowed to receive and discharge cargo to and from the north bank, a populous town grew up. In five years from 12,000 to 15,000 Chinese had located themselves there, who were engaged in trade, that more or less depended upon, and at the same time aided the foreign steamers.

Our merchants were alive to the prospects of the port, and at an early date located lands sufficient for their probable wants. Those lands were, in the cases of Messrs. Russell & Co., and Messrs. Heard & Co., in actual use at the time the attempt was made, which has

since been successful, to drive away the merchants and others, natives and foreigners, from that side. It is to be noted, however, that these lands were rented for a term of fifteen years in each case, and not purchased.

In April, 1865, the Chinese authorities commenced to arrange for a salt station at Chinkiang, by opening a short canal, which was requisite to perfect the connection between districts where salt is manufactured, and the Yangtsi at that point. This new canal is the one shown in the enclosed sketch which divides Messrs. Olyphant & Co.'s land from the salt yard. By it the salt is brought to the store yard, and from thence it is shipped into junks, and carried to interior points.

In June, 1865, the work was so far advanced that the salt junks commenced to rendezvous at Chinkiang. In a few weeks not less than 1,000 junks had collected off the salt yard, as shown in the sketch. They extended in tiers 17 deep, more than three-quarters of a mile below the point, and over ground that had been used for the foreign anchorage, and quite surrounding two of the receiving ships, which latter had to be moored in consequence.

In October strenuous measures were undertaken to force the removal of all residents on the north side. These were steadily persisted in, and at the date of my visit to Chinkiang, the place where, a few months before, so large a number of people had lived, was quite deserted.

There seem to be three questions involved :

1st. Have our vessels the right to anchor on the north side of the river ?

2d. Have our merchants the right to rent lands and build houses on the north bank ?

3d. Whether the merchants, in view of all the circumstances, can justly demand indemnity for land, &c., on the north bank ?

The first question is readily answered.

The final clause of rule 6, of the supplementary treaty, declares that, "the limits of the ports shall be defined by the customs, with all consideration for the convenience of trade, compatible with due protection of the revenue, also the limits of the anchorage, within which lading and discharging is permitted by the customs, and the same shall be notified to the consuls for public information." Accordingly, as shown in enclosure No. 3, the British consul at Chinkiang and the Tantai consulted together, and concluded that the part of the river near Chih-hwa-chue and Pah-hwa-chue, both on the north bank, would be most convenient for the anchorage, and a proclamation was issued, declaring that to be the anchorage. The reasons given are such as form an admission, on the part of the native authorities, that the south side is unfit for the purpose. Upon this head, other evidence, in abundance, could be offered, if it were necessary or desirable.

Our vessels have therefore the right, under existing regulations, to anchor near the north bank, and these regulations cannot, in view of the facts as admitted by the native authorities, be altered without violence to the convenience of trade.

I have already (in my despatch No. — and its enclosure) argued that our people have the right to rent land and build houses on the north bank at Chinkiang, and it is not necessary for me to go over the ground again. I desire, however, to call your attention to that despatch, and I take the liberty to do so, because I am strongly persuaded of the justice of the views therein expressed.

The answer to the third question is ready, if the second be answered affirmatively. Our people having, as a matter of right, purchased land on the north bank, cannot be required to give it up, but they may, of course, consent to do so, making their own terms. They are willing, in view of the opposition of the authorities, to give up their lands, upon being recompensed for their actual outlays for them, and, clearly, they could not be asked to do less.

If the second question be answered negatively, there is still something to be said for the merchants, for, as nearly as I can get at the facts, they were ignorant that the Chinese had always held that the permission to trade on the north bank was only temporary, although it would appear from the circumstance that their leases were made for short terms, that they were not able to procure absolute titles. Still they may very well have thought, in the absence of notification by their own authorities, that this was due to a reactionary movement on the part of the Chinese, which deserved no special attention.

Had the Chinese, upon the opening of the river, notified to this office or to the legation that, while the temporary use of the north bank would be permitted, in view of all the circumstances, such use could only extend to the date when the country along the southern bank should be pacified, they would have taken the course which would have saved them (granting that the treaty is to be interpreted as they say) from trouble. But if it is to be held that a lapse of this kind is fatal to them, then, perhaps, the Chinese may turn upon us and say, "We notified the British consul at Chinkiang of our views. If you had sent a consul there to look out for matters, as you are bound to do under the treaty, your office would have been similarly notified."

I would not decide the question at Chinkiang simply upon the interpretation of the treaty. I know that you will interpret it liberally for each side, but it should not be forgotten that the Chinese have even been disposed to narrow the limits within which foreigners may have freedom of trade and movement, and that success, in this instance, would be likely to embolden them to action that would be far more disastrous.

I enclose various copies of letters and documents as shown in the schedule. For replies to various points raised by the Chinese, I refer you to these, instead of going over the ground here. I enclose also copies of the leases in question.

I have the honor to be, sir, your obedient servant,

GEO. F. SEWARD.

Hon. ANSON BURLINGAME,  
*United States Minister, Peking.*

*The Tantai to Mr. G. F. Seward.*

[No. 1408.]

Ying, the Tantai of Chinking, would inform the consul, in regard to the lands rented by American merchants at Tshih-hwa-chen, the Tantai has been thinking out a good plan for the settlement of the matter in such manner that the said merchants may not suffer loss.

The Tantai finds that no seal has been affixed to the deeds in question by the local magistrates, and that the deeds are not in the name of the foreign merchants, and that according to Chinese law the land should be confiscated and the vendors should be punished.

The Tantai further thinks that, although the merchants paid out their money for the rent of these lands, they violated the 12th article of the treaty in two points. The first point is that they clandestinely rented lands at a place not open to foreign trade, and the second point is that they did not send the deeds to the local magistrates for seal, which bars any claim upon the magistrate to require a refunding of the moneys paid. But the Tantai further thinks that when the transactions were gone into the merchants had no idea of the position in which they were placing themselves, or perhaps they allowed their perceptions to be fogged by their compradores, so that they paid a good price; so that, if the Tantai should not be more compassionate to them, their losses would be very heavy. But then, if the consul general expects the Tantai to refund the prices originally paid and the expenses that have been incurred, that is too difficult to be done. Besides, at the time of making the sales there were, doubtless, many vague expenses incurred by the original owners, which would render the repayment of the amount nominally paid for the land a matter too onerous to be borne by them now. On both sides (the purchasers and the sellers) there was a breach of law; and now on both sides there should be a yielding to the claims of justice.

Now, as regards the American merchant wanting the price originally paid and the interest, the Tantai thinks, on the contrary, that when the land was rented for 15 years and the price paid was 1,000 taels, as three years have elapsed, there should be a deduction of 200 taels.

The Tantai has already set forth this matter by petition despatched to the imperial commissioner, and his reply has been received that, according to the principles of justice, the half of the price originally paid should be collected from the renters and paid over to the American merchants; and this would be justice to both parties; and the Tantai has asked for permission to require the district magistrate of Kyang-too-Sufien to send this amount to the Tantai, that it may be paid over.

The Tantai thinks that the consul general will see the propriety of this plan; and wherefore the Tantai begs that the consul general will speedily make this known to the American merchants, and send him a reply, that the amount may be paid over to the consul general to be distributed.

Hereafter the lands rented at Tshih-hwa-ken will in nowise concern the American merchant, and the four deeds will remain in the Tantai's office for the record of the case.

Thirtieth day of the 8th month. October 8, 1866.

B. JENKINS, *Interpreter.*

*Mr. G. F. Seward to the Tantai.*

No. 658.]

UNITED STATES CONSULATE GENERAL,  
*Shanghai, October 13, 1866.*

SIR: I have received your despatch of the 8th instant.

I am afraid that you have mistaken the object of my negotiation with you.

I was instructed by my superior officer at Peking, to whom I had referred our correspondence touching the north-bank question, to investigate the matter.

Having proceeded to your port and satisfied myself of the justice of the position taken by the merchants, I urged, with a view to save further trouble, that you should recognize this right to remain on the north side; and, when I found that you would not do this, I told you how you might compromise with the merchants, so far as lands already acquired were concerned, viz., by paying them for their outlays. I proposed this with the sanction of the merchants, who, while they would vastly prefer to retain their lands, were not desirous of standing in a position of hostility to yourself.

As to the question of the treaty right, that would rest for discussion at Peking.

I did not go up to your port to urge a pecuniary indemnity, and I am not disposed to do so now. The question stands at the moment in this wise: if you think that the arguments which I adduced at our interview were just, you may either put the merchants in quiet possession of their several properties or pay them for their outlays. If you do not, then the only course is to submit the whole question to arbitration of higher authorities.

Touching the points raised in your despatch, I have to remark as follows:

1. *The treaty right to purchase land on the north bank.* This point has already been fully discussed by us.

2. *Absence of seals on deeds.* I do not know that it is necessary to have any seal. In the American treaty the legal fees for seals are mentioned, but there is no stipulation that deeds must be sealed. In the appropriate article of the British treaty, the word seal does not occur.

3. *Names of foreign merchants do not appear in deeds.* The Chinese names of the mercantile houses are given, I believe, although it is true that they are not described as foreign *hongs*. That such were meant, however, every one familiar with trade at the ports would, I think, understand.

4. *Land clandestinely rented.* I do not know why you should say this, for that these lands had been rented has been a matter of common notoriety, and could not well have been concealed, had there been any object for it.

5. *Proposition for partial payment.* The merchants are unwilling to claim possession of the north bank, or of anything on account thereof, if they have not a just claim based on the treaty-right, or if by informalities their titles to the land are not good. They believe that they would be put in a wrong position should they consent to do so.

6. *Proposition that the original renters should make this partial payment.* The merchants consider that their transactions with the renters were complete when they made payment for and received possession of the lands in question, and that it would be bad faith to claim against them.

7. *The requirements of justice.* It appears from the governor general's despatches, copies of which you allowed me to take, that the object of having the Chinese and foreigners removed from the north bank, was to give room for the great salt station which has been recently established there. Now, the salt commissioners ought not to take up lands belonging to foreigners without their consent, and without paying them their price. Perhaps the governor general upon further investigation would agree in this view, and not ask the present renters to give up their lands, whether or not they are willing, and the lessors, who seem to be innocent, to pay them all indemnity.

Having thus answered the points raised by you, in order that it may not appear that I acknowledge that they have force, I may say, in conclusion, that it is not desirable to spin out our discussion.

The merchants will positively not agree to different terms than those offered by them, and if you cannot come up to this standard, it is better to say so, and to refer the matter to Peking at once.

I am your obedient servant,

His Excellency TING,  
Tantai, &c., Chinkiang.

GEO. F. SEWARD.

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*Mr. Seward to Mr. Burlingame.*

No. 194.]

DEPARTMENT OF STATE,

Washington, March 25, 1867.

SIR: I recur on this occasion to a despatch transmitted by Mr. Williams in your absence, which despatch bears date August 5th, 1866, and was received at this department on the 15th of November last. The despatch communicates the proceedings which have been taken at Shanghai and at Peking in regard to an instrument which has been promulgated by the consul-general of France at Shanghai, and which is entitled "Reglement d'organisation municipale de la concession Francaise de Shanghai." The despatch is accompanied by a copy of that instrument and by a copy of a correspondence concerning it which has taken place between Mr. S. Wells Williams and George F. Seward, esq., consul-general at Shanghai, and a similar correspondence which has taken place between Mr. Seward and C. A. Winchester, esq., her Britannic Majesty's consul residing at Shanghai. Mr. Seward and Mr. Winchester, in this correspondence, have presented objections to the proceeding of the French consulate, which are

deemed worthy of consideration. If, however, I do not misunderstand the papers before me, the protest of Mr. Seward against the regulations, although made in accordance with sentiments of the same character entertained by the British, Prussian, and Russian consul general, in fact stands alone, those authorities having declined to commit themselves formally upon the subject.

In connection with this matter, the Prussian government has addressed itself to this government, through its minister plenipotentiary residing here, Baron Von Gerolt. I give you for your information a copy of the baron's letter, and of the answer to it, which has been given by this department.

The President's views of the matter are these: He sustains for the present the objections and protest which have been made against the French regulations by the United States consul general; and the imperial government at Paris will be advised thereof. This decision, however, is not conclusive of further proceedings. The decision is taken for the purpose of referring the whole matter to yourself for conference with the representatives of Great Britain, Prussia, and Russia, if they shall be authorized and willing to engage in such conference, to the end that you may be able to report whether in your opinion the rights and interest of the United States require consent on the part of this government to the proposed French regulations; and if so, whether any, or what, modifications thereof are desirable and practicable.

You will report fully upon the whole subject, without unnecessary delay.

A copy of this despatch will be communicated to the governments of France, Great Britain, Russia, and Prussia, respectively.

It is scarcely necessary to say, that while the subject shall remain unsettled you will take great care that no unnecessary collision or altercation shall arise between yourself and your associates in regard to it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, &c., &c., &c.

*Baron Gerolt to Mr. Seward.*

PRUSSIAN LEGATION,  
Washington, March 11, 1867.

SIR: The royal government has instructed me to get information as to the ground taken up by the United States government in the difference now pending between the French consul at Shanghai on one side, and the representatives of the United States, Great Britain, and Prussia, on the other, in reference to the administration of the so-called "Concession Française," at Shanghai.

It appears that since the year 1849 certain territories ceded for that purpose by the Chinese government have been settled by French, English, American, and German colonists. After some time, practical experience having shown that a separate administration by the representatives of the three first-named countries was injurious on account of the community and concatenation of interests, it was proposed to adopt henceforth for that administration cosmopolitan principles.

This plea, however, has only been executed so far as regards the English and the United States governments; the representative of France having protested against any measure tending to abrogate the executive power of the French government over the Concession Française. The latter government, moreover, published for the French territory a "règlement d'organisation municipale," against which the English and American representatives considered themselves bound to protest, to guard the interests of the numerous foreign elements, whom the said "règlements" would have placed under French rule.

The royal government, for its part, is disposed to consider that the regular proceeding on the part of the French government would have been to bring about a previous arrangement with the governments of the other interested powers as regard the foreign (that is, not French) subjects interspersed among the French population.

Previously, however, to taking any steps in the matter, my government wishes to know the position taken up by the United States government, and particularly whether the latter has indorsed the action of its representative in China.

I have the honor to be, sir, with the highest consideration, your obedient servant,  
FR. V. GEROLT.

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

*Mr. Seward to Baron Von Gerolt.*

DEPARTMENT OF STATE,  
Washington, March 25, 1867.

**BARON:** With reference to your note of the 11th instant, upon the subject of the "Concession Française" at Shanghai, I have the honor to state that, for the present at least, the government of the United States will sanction the ground taken by its consul general at Shanghai. But while we do this we shall refer the subject to our minister at Peking for a conference there with the representatives of other western powers. In order that your government may more clearly understand the views of this government upon the matter and the proceedings in relation to it, which have been adopted, I transmit a copy of an instruction of this date addressed to the minister of the United States at Peking. I invite a full explanation of the views of Prussia before making a definitive disposition of the subject.

I avail myself of this occasion to assure you of my highest consideration.

Baron GEROLT, &c., &c., &c.

WILLIAM H. SEWARD.

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*Mr. Burlingame to Mr. Seward.*

No. 133.]

LEGATION OF THE UNITED STATES,  
Peking, March 29, 1867.

**SIR:** I am happy to enclose a memorandum [A] from Robert Hart, esquire, inspector general of customs, from which you will learn what great progress the Chinese are making. They have decided to appropriate the entire tonnage dues to the building of light-houses, and for the improvement of harbors on the coast of China. This result, so creditable to the Chinese and so advantageous to us, is entirely due to the patient and enlightened efforts of Mr. Hart. It is also, with the increase of trade, an indication of the faith of those who believe in reason and kindness more than in brute force.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,  
Secretary of State, Washington, D. C.

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MEMORANDUM.

The coast of China, notwithstanding its fogs in spring, its typhoons in autumn, and its heavy northerly blows in winter, is comparatively free from the shoals, sunken rocks, and dangerous headlands which, in other parts of the world, contribute so much to swell the amount of losses by shipwreck. A properly prepared resumé of the marine mishaps of the last five and twenty years would go far to show that, typhoons excepted, the causes must be looked for not so much in the dangers of the navigation as in the carelessness of those on watch, resulting in collision, fire, or stranding, and in the reckless competition which has sent goodly vessels to the bottom with all sail set. Much therefore as the appropriation of funds to the purpose of lighting the coast may do towards insuring against the few dangers that do exist, it may almost be said to have for its object the convenience of navigators rather than the security of life and property at sea.

The alarming proportions at one time assumed by the tacking movement increased the difficulty of providing funds for the payment of the troops in this lightly-taxed country, and the government had therefore to avail itself of the bulk of the moneys which, known to Europeans by the name of "tonnage dues," and held by them to form a special fund for the carrying out of such public work as should give increased facilities to coast and river navigation, had never before been looked upon by the Chinese in any other light than as forming a branch of revenue for the support of the state derived from ships. Since the capture of Nankin, it has gradually become less necessary to divert any portion of the tonnage dues from the purposes for which foreigners hold they ought to be set apart, and the termination of the large payments made from the most reliable source of revenue, the customs, as administered by foreigners, on account of indemnities to England, France, and the United States, may be said to have completely freed the fund in question from all calls for the supply of deficiencies elsewhere.



These points premised—a coast whose natural disadvantages have been so neutralized by careful surveys as to free it comparatively from dangers, and an exceptional state of affairs imperilling the life of the government, and emasculating its exchequers—I proceed to notice what has been done, and what it is proposed to do, for the convenience of seafaring men, and to facilitate the movements of ships on the rivers and in the harbors.

*Niuchwang.*—In entering this port the only danger is the bar at the mouth of the river, a danger aggravated, first, by the storms which often keep pilots on shore, and secondly, by the want of a proper survey. The survey, thanks to Captain Townsend, of the United States sloop *Wachusett*, has now been made, and the question of lights has been seriously considered. The river is frozen for four or five months every year, and although shipmasters would like to have a light-ship constantly at the bar, its expensiveness and the dangers and inconveniences the ice would expose it to, will probably prove a sufficiently strong objection to its adoption, and a permanent light on a beacon, to be erected on the inner end of the spit, will perhaps be found most feasible, if not fully as useful. Buoys have been placed on the bar, and a light-ship (if procurable) will be anchored near it during the trading season of 1867; the necessary measures will be at once taken for the selection of a site and erection of a beacon for a permanent light. To the north of the port, at the head of the gulf, shoals and shallows are numerous and dangerous; but it is only the careless or inefficient navigator who is likely to overrun his course so much as to get among them. The proper beacon will, for all practical purposes, be a sufficient mark for the port.

*Tin-Tsin.*—The approach to this port cannot be said to be dangerous; the bar off Takee is an inconvenience, and the land lies so low that inward-bound vessels must keep a good lookout when seeking the outer anchorage. Various marks have been erected on shore near the forts, (visible from the outer anchorage,) at the mouth of the river, from which the pilots are enabled to take the bearings necessary for crossing the bar. Buoys have been ordered for the bar; a light-house is about to be placed on the Sha-ling-teen banks, the first place sure to be made by any vessel overrunning her course, and a light will probably be put on the North Fort.

*Chefoo.*—The land about Chefoo is so high, and so well marked, that ordinary care is all that is required to make that port in safety. A little to the south, the formation of the land is, however, somewhat like that of Chefoo itself; and, in order to avert the possibility of the recurrence of a mistake like that which led to the stranding of the *Swatou* and the loss of the *Ranhone*, a light of the first order has been procured for one of the island off the harbor.

*Shanghai.*—This, the port most frequented by shipping, is also the one least easy of approach; its difficulties are, however, of a kind that will always demand a good hand in the chains and attention to both helm and sails. Collisions excepted, steamers come and go in absolute safety; and for sailing vessels, it is the tug-boat that is requisite, rather than the light or the buoy. The Saddle islands and Gutzlaff are sufficient guides to the mouth of the *Yangtsi* to the south, and the high island, known as the Sha-wir-shan to the north, is a very conspicuous object. With Sha-wir-shan in sight, and a chart on board, nothing but absolute carelessness would run a vessel on the only rocky dangers in the approach to Shanghai, viz., the Amherst and Ariadne rocks. The real difficulty of the approach is to keep in the channel when once in the river. After leaving the Saddles, Gutzlaff or Sha-wir-shan, a vessel will make the light-ship—a light that has been kept up for the last 10 years—in the vicinity of which a pilot is sure to come on board. From the light-ship, the pilot has no great difficulty in taking the vessel far enough up the river to sight the beacon, a lofty tower on the shore below Woosung; and the beacon passed, Woosung is soon sighted. Inside Woosung, there is a bar in the Shanghai (Hwang Poo) river, but on a flag flying at the house of one of the harbor-master's staff, at Woosung, is always to be seen the numbers of feet of water on the bar; and, at the bar itself, marks have been put up of a kind to enable vessels of the proper draught to pass in safety. At Shanghai, a harbor-master and a large staff are employed, from the employment of whom has resulted much order and regularity in the anchorage, but whose powers require to be defined, and whose office must be respected and supported in order to—I shall not say the improvement—but the conservation of the harbor; filling in at various points to low-water mark, and the construction of wharves and jetties along its banks, have tended much to spoil it as an anchorage for ships, and, while increasing temporarily the value of front lots, have sown the seeds which will produce decay there and a rival elsewhere.

A light-house is now about to be built either on the Ariadne, or on one of the Saddles; a light will also be placed on Gutzlaff, one on the beacon, and another at Woosung. Those lights once placed, the navigation will be as easy, so to speak, as would be a walk down Regent street when the gas is lit.

Before attempting to do anything with the bar inside Woosung, a competent engineer will be brought from Holland, and on his opinion will depend the measures to be proposed. The suggestions made by some for the removal of that bar would involve an immense expenditure, and the result of the attempt would be problematical. In the absence of the opinion of a man, at once scientific and practical, who has made such works his study, my advice to the Chinese is to do nothing, rather than to bury sycee in the mud.

*Chinkiang, Kinkiang, and Hankow* vessels going up the Yang-tsi have, in ordinary times, but one danger to avoid, and that is the banks at the Lang-shan crossing. A light-ship has

been kept there for the last two or three years. During the summer, when the river rises, some difficulty is experienced in keeping the right channel, and at a few places beacons might be built with advantage; but, generally speaking, the high lands on either bank form sufficient guides for the navigation of this inland river.

From the Lang-shan crossing to Wu-hu, (above Nanking,) an additional light-ship and eight shore lights are now being placed; from Wu-hu to Kinkiang inquiries are being made as to whether lights would be useful or not, and from Kinkiang to Hankow about a dozen lights are being put up.

*Ningpo.*—A rock covered at high-water, called the Tiger's tail, is the only danger at the mouth of the river leading to Ningpo. Any miscalculation of the strength of the tide, or any mismanagement of the sails, if working in or out with any but a fair wind, will endanger vessels, be the rock buoyed or not. It has, however, been buoyed, and three lights have been placed in such a way as to make the approach to the entrance to the river easy in the extreme. In the harbor the anchoring of ships is attended to by the tide-surveyor, one of the customs employes, who performs some of the duties of a harbor-master; and, at Chihae a couple of customs officers are stationed, whose duty it is to keep the passage through the channel from being overcrowded by the Chinese junks that anchor there.

*Foo-chow.*—The formation of the land is such that the White Dogs once made, no difficulty can be experienced in finding the mouth of the river. There is a bar to be crossed, but with the aid of the pilots, who are always on the lookout, it is passed in safety and without difficulty. At the Pagoda anchorage, where some dangerous spots are buoyed, the tide surveyor, as harbor-master, attends to the anchoring of ships. It is probable that a light will be placed on the White Dogs.

*Amoy.*—The harbor of Amoy, though small, is one of the finest on the coast; but at the same time it has many sunken rocks, on all of which buoys and beacons have been placed. A light is kept on one of the seven islands through which vessels pass when entering or leaving the estuary. In the port the tide surveyor, as harbor-master, arranges the vessels on arrival, &c. It is proposed to put a light on Chapel island, the sea-mark for vessels bound to Amoy. This light will also be useful to coasting vessels generally, as it will remind them of the proximity of the Meriope shoal.

*Swatow.*—The high land around Swatow makes the approach very easy, and the pilots there settled know the place so well that accidents need never occur. The anchorage, however, is one in which vessels always suffer severely when typhoons rage. It is proposed to put a light on Double island for the accommodation of steamers entering or leaving by night.

*Formosa.*—The land is high enough to do away with the necessity for lights that its rocky shores might otherwise exhibit. For the convenience of vessels going into Ke-lung and Takow, lights will be put up at those places.

*Canton.*—No necessity for lights has ever been known to exist at the mouth of the Pearl river. The bars are sufficiently well marked by the pagodas on the neighboring hills, and on the three rocks between Honan and the city have been placed lights for the convenience of steamers plying by night. The local authorities are said to have some plan in contemplation for lighting the river. Such a plan may have beneficial results as tending indirectly to the suppression of river piracy, but it cannot be said that it is at all called for by the necessities of navigation. A light will probably be put up at the Bogue.

Having now gone through the ports one by one, I proceed to make a few general remarks bearing on the subject.

Knowing the monetary difficulties of the government, I have now attempted to prevent the authorities from diverting a considerable portion of the tonnage dues from such works as harbor improvements and lighting of rivers and coasts, to military uses, knowing that temporary pressure alone caused them to avail themselves of that fund once they began to understand the light in which foreigners viewed it. I have frequently had occasion to talk of the matter, both at the Kung-le-yamen and with the provincial officials, and I have ever found them not only ready but very willing to assist in carrying out such suggestions as were made; and from the manner in which they have received such suggestions in the past I am quite certain that they will, of their own accord, and without pressure, furnish the means for carrying out of unobjectionable plans tending to the improvement of navigation along a coast and up rivers, in which they clearly see that in a few years time they themselves will be more deeply interested than are those who now wish to initiate such improvements. The suppression of the rebellion, the quieting of the seaboard, the payment of the indemnities, and the authorization at length about to be issued by imperial decree, (which, hoping against hope, I have for more than five years been laboring to obtain,) allowing and inviting Chinese to build and own vessels of the foreign kind, both steamers and sailing craft, all combine to render easy of execution what a few years ago it would have been almost suicidal to attempt. The customs officers are now in such working order that my hands will be comparatively free, and I shall, therefore, be able to give my attention to several matters which could not be taken up, although they never escaped my notice before. Among these may be pointed out, as having special reference to the disposal of the fund created by the payment of tonnage dues, the creation of—

1st. An engineer office for advising on all matters connected with the improvement of river

and coast navigation, and of harbors, and for the superintendence of all public works undertaken with that view.

2d. A harbor-master's office to be represented at the treaty ports, superintending the anchoring of ships, the police of the rivers, and the examination and appointment of pilots.

3d. A coast-light office to take charge of the lighting department generally, and most especially of about 15 light-houses soon to be built on the most necessary points between Newchwang and Haellan.

The flourishing condition of the treasury at Hong Kong, and the energy of its official staff, will, doubtless, enable the authorities of that colony to put up such lights as its approaches require; considering that that colony deprives the Chinese government of a considerable portion of the tonnage dues that would otherwise be collected at Canton, it is not too much to expect that Hong Kong will do all that is needed for the improvement of navigation in its vicinity; and what may be then done, enlightened as are the views of the colonists on all that affects navigation, and able, as its rulers are, to command the highest engineering skill, will be a not inappropriate guide to the Chinese government in determining upon the need for sundry works at various places along the coast. Amongst the light-houses to be first built I may mention one that is to be put on the Pratas shoal, the only real danger of the Chinese seas. When that light is put up foreign governments will be invited to direct passing ships of war to visit it occasionally to see that the light-keepers are safe and well. Further, a light is to be placed on either Breaker Point or the Cape of Good Hope, but competent advice will be taken before the site is resolved upon.

The amounts hitherto expended from tonnage dues for harbor improvements, &c., have been small,\* but it may now be stated with confidence, that the Chinese government will do its share of the work faithfully and well; it will provide funds and secure services of first-class men, and that the only assistance to be asked for is one which treaty powers are, by exterritorial privileges, bound to afford, and that is, to join in the prevention of all acts on the part of foreigners settled at the ports, be they the acts of individuals or of municipal councils, pronounced to be of a hurtful tendency by the Chinese agents, and to recognize and support those agents in the performance of their duties.

During the last five years my duties have taken me up and down the coast some score of times, and my visits to the ports spoken of have been numerous; what I have written I have accordingly written as having myself seen the coast, the entrance to ports and the rivers, and as having myself heard the remarks and suggestions of the commanders of the ships and steamers by which I have travelled.

ROBERT HART,  
*Inspector General of Customs.*

JANUARY 31, 1867.

NOTE.—Since writing what precedes, I have received official instructions from the Hung-le Yamen, (board of foreign affairs,) authorizing me to carry out all that this memorandum sets forth. The annual collections under the heading of tonnage dues are not likely to exceed 300,000 taels, (£100,000,) or to fall below 210,000 taels, (£70,000.) In order, therefore, to effect as much as possible with the funds at my command, while employing professional men specially educated for special work, I shall endeavor to incorporate the bulk of those to be employed with the customs establishment rather than create a new service; the plan as about to be worked by me will not impair the efficiency of either department, but, by leaguering them together, will cause each to be a support to the other, and will enable me to use the funds that are for the special support of each in such a way as to increase the revenues of both.

In the selection of men I shall follow the principle to which I have adhered during the last six years in the customs; that is, I shall employ them just as they may be required, without respect to their nationality, provided individual fitness can be secured, and I shall not aim to exact numerical proportion, or attempt to provide a representative of every treaty power for every port. The service will continue to be cosmopolitan in its general constitution, guided by the requirements of the work to be done, and by the character and capacity of the individual. Appointments, promotion, and dismissal will be dealt out without respect to nationality. A fair attempt will be made to represent with approximate correctness the chief treaty powers, but the chief object to be aimed at will be to keep in existence on a cosmopolitan basis a thoroughly efficient service, and to carry out faithfully and well for the Chinese government the works it pays for and approves of.

Difficult as is the management of a cosmopolitan service, to attempt to carry out a system of numerical proportion, while resisting ill feeling, disputes, and jealousy, would defeat its own object by the inefficiency in which it would culminate; the fact that the door is open to all is a sufficient guarantee on the part of an honest administration for the interests of each.

R. HART.  
*Inspector General of Customs.*

MARCH 16.

\*Annually, during the last five years, about 45,000 taels, and for special purposes, during the same period, light-ships, beacons, buoys, repairs, &c., about 50,000 taels. The revenue (tonnage dues) for the five years has been, say, 1,000,000 taels, and the expenditure, say, 275,000 taels, or more than one-fourth.

*Mr. Seward to Mr. Burlingame.*

No. 195.]

DEPARTMENT OF STATE,  
*Washington, April 5, 1867.*

SIR: Referring to instruction from this department, No. 174, of the 13th of October last, I will thank you to purchase the most advantageous bills on London, payable to the order of the Secretary of State of the United States, with the surplus of the Chinese indemnity, and remit the bills directly to this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Burlingame.*

No. 196.]

DEPARTMENT OF STATE,  
*Washington, April 5, 1867.*

SIR: I enclose herewith a copy of a letter and of its accompaniment, which on the 18th of March was addressed to this department by the Hon. J. E. Stuart, in relation to the completion of the enterprise of the East India Telegraph Company.

You are instructed that while committing this government to no preference or favor over all other similar undertakings existing or to come, you will use your good offices in promoting the object sought.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

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*Mr. Stewart to Mr. Seward.*

HOUSE OF REPRESENTATIVES,  
*Washington, D. C., March 18, 1867.*

SIR: I have received from officers of the East India Telegraph Company, (an association incorporated under the laws of the State of New York,) constituents of mine, a communication herewith enclosed. I desire to call attention to the points stated in the communication, to the nature of the interests involved, the vast consequences to American commerce, the gain to civilization insured by the success of the enterprise, and, briefly, on behalf of my constituents, to request such action on the part of the government of the United States, especially through your department, as may be consistent with existing treaties, and in accordance with our established policy as a nation, for the furtherance of the object in view.

Permit me to say that the question submitted seems to me worthy of the most prompt and cordial consideration.

Very respectfully, your obedient servant,

T. E. STEWART,

*Member of Congress, 6th District, New York.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

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*Mr. Mickles to Mr. Seward.*

OFFICE OF THE EAST INDIA TELEGRAPH COMPANY,  
*No. 55 Liberty Street, New York, March 15, 1867.*

SIR: The directors of the East India Telegraph Company desire to present for your consideration the following points:

The East India Telegraph Company is organized under a special charter from the legislature of the State of New York, and is in its control and directions an American company.

After a contest of over four years in Peking, with rival English and French interests, supported by the diplomatic representatives of England and France, our opponents have abandoned the field to the East India Telegraph Company, which now receives the support of the English, French and Russian ambassadors, with that of our own minister, it being agreed that the enterprise shall be international in character, and its stock owned by the citizens of all the commercial powers, as the use of the line will be of importance to all governments having diplomatic representatives or fleets in China, or whose citizens have extensive commercial relations there.

The other great lines of the European and Asiatic telegraphic systems are for the most part built, subsidized or promoted, by government; but, while this line is the essential connecting link between the others, completing the span of the globe, it has not received, and does not now ask, any such aid.

The company proposes to lay submerged cables along the Chinese coast from Canton to Shanghai, connecting all the great Chinese ports, and has already obtained all that, under the circumstances, is obtainable from the Chinese government. The superstitious prejudices of the people render it, at present, inexpedient to attempt the construction of a land line.

The amount of trade between China and this country, already vast, is yearly increasing at a rate which entitles an enterprise like this, conceived in the interest of that commerce, to the favorable consideration of our home government. The additional facilities of local inter-communication will also be directly to the advantage of at least our diplomatic and naval services.

We therefore request an assurance from the government of the United States, that as American citizens, and in the interest of commerce and civilization, we shall receive from our government whatever countenance, aid and protection can be properly extended to us under existing treaties, and in accordance with our established policy as a nation.

The aid and protection in question might be fully secured to us through instructions to our diplomatic representatives in China, to present the matter in suitable form to the government of the Chinese Empire; through communication with other powers having treaty relations with China, calling attention at once to the national and international character of the enterprise, and through instructions to the officers of our squadrons on that coast.

Having already obtained, as it seems to us, all other requisites of success, it is our belief that the hearty indorsement of our own government will be amply sufficient, not only to secure the speedy completion of the important work which we have in hand, but its protection, its rapid extension, and its complete commercial success.

Respectfully requesting a reply to this communication, I remain, on behalf of the East India Telegraph Company,

Your obedient servant,

N. MICKLES, *Vice-President.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

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*Mr. Burlingame to Mr. Seward.*

No. 134.]

LEGATION OF THE UNITED STATES,  
*Peking, April 10, 1867.*

SIR: I am happy to bring to your attention certain Chinese memorials and replies (A, B, and C) relating to the establishment of an institution at Peking by the government for giving instruction in the arts and sciences of the west.

As long ago as 1862 the Chinese government established the "Tung-Wan-Kwan," a language school, and invited English, French, and Russian teachers to give instructions in their departments. The pupils, selected from the Manchu bannermen, lads not far from fourteen years old, have made respectable progress during the past five years. From those instructed in English by Dr. W. A. P. Martin (American) were selected two to accompany Pin Chun to Europe for the purpose of making inquiries respecting western improvements.

While this school is to be continued, the Chinese have wisely determined to establish a higher department or college, and to call upon the great scholars of the empire over twenty years of age to come forward and compete in a new field for the highest honors of the government. To this end Mr. Hart, inspector general of customs, with whom these progressive views originated, was instructed to procure eminent scholars as instructors.

He has done this, and the Chinese have now a body of distinguished savans

in their service. Dr. W. A. P. Martin, the translator of "Wheaton's International Law," is the senior professor, and by courtesy the head of the college.

The institution is under the general direction of "Sen-Ki-Yu" as president. "Sen" you will recall as a distinguished member of the foreign office, who received his promotion for his geographical labors, for which he had previously been degraded.

Could there be a greater evidence of progress than is disclosed by these papers? I marvel as I read them, and call your attention to them with infinite pleasure.

When I came to China, in 1861, the force policy was the rule. It was said "the Chinese are conceited barbarians, and must be forced into our civilization;" or, in the energetic language of the time, it was said, "you must take them by the throat." Fortunately, the representatives of the treaty powers did not listen to this view. Conspicuous among these was Sir Frederick Bruce, the British minister, who with his colleagues said that if force was ever necessary the day for it was over; that we were in relations for the first time with the chiefs of the government, and that it was necessary to proffer fair diplomatic action as a substitute for the old views, and to so bear ourselves as to secure the confidence of this people. Accordingly the policy was adopted of which you have been advised so often, and which you have approved so fully. Under this policy great development has occurred, missions have extended, trade has increased three-fold, scientific men have been employed, "Wheaton's International Law" translated and adopted, military instruction accepted, nearly one hundred able men received into the civil service, steamboats multiplied, the way slowly opened for future telegraphs and railroads, and now we have this great movement for education. Against this movement there has been continued opposition among the Chinese, and it has been frequently endangered by the inconsiderate action of foreigners impatient of delay; but there has been no successful reaction, and the intention of those now in authority is to go cautiously and steadily forward.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

A.

[Translation.]

*A careful memorial to the throne from the foreign office on the establishment of an institution for giving instruction in the arts and sciences of the west.*

The object of the present memorial is to lay before your Majesties a proposition for inviting our officers and educated men to study astronomy and mathematics, with a view to acquiring a thorough acquaintance with the arts of the west; and we respectfully request directions from the throne upon the same.

We are of opinion, that, in opening such a school, and seeking for pupils of a proper capacity, we have no ancient rule to guide us, other than the maxim, that if the principle of selection be broad, men of ability will contend for the privilege. In the autumn of 1862, our board established the tung-wan-kwan, or language school, and invited English, French, and Russian teachers to give instruction in their departments. The pupils were chosen from Manchu bannermen, lads not far from 14 years old. During the five years which have since elapsed, they have made respectable progress in speaking and writing those foreign languages. But they were mere tyros in Chinese studies, having been selected at an early age, and are still unable to express their ideas in their own tongue in a connected manner. We have accordingly directed that they continue to exercise themselves in rendering from foreign languages into their own, in the hope that they will at length become adepts in translating. But if their undivided attention be not given to this object, it is vain to hope that it will be speedily attained. Should we, in addition to this, require them to study astronomy, mathematics, and other branches, we fear that their attainments would be various rather than profound—diversified at the expense of thoroughness.

It appears that the machinery of western nations, their artillery, their steamers, and their military tactics, are, without exception, the result of mathematical (or physical) science. At Shanghai, and in the province of Chehkiang, and elsewhere, attempts are now making to build steam vessels. But if we do not commence at the foundation, and do the thing thoroughly, the superficial attainments we may make will really be of no practical utility.

We, your Majesties' ministers, have, therefore, resolved to propose the establishment of an additional department, and to invite educated men, both Manchus and Chinese, who have attained the grade of master of arts, or have been promoted among the bachelors of arts, who are over twenty years old, and well versed in their native literature, to bring certificates under the seals of their local authorities, or tickets from their banner officers proving their descent, and be examined at our office with a view to admission into this new institution. We would also admit officials of the fifth grade or under, being still young and possessed of good parts, of either race, who may be inclined to enter and pursue these studies, and compete on the same conditions, provided that they shall have risen in the regular way from either the Manchu or Chinese graduates.

After this proposed enrolment of pupils has been made, we would proceed to invite men from the west to give instruction in the college, with the expectation that the scholars would thus acquire a complete knowledge of astronomy and mathematics. Thus science being understood by those in the highest stations, the arts will be perfected by those in the lower ranks; and it cannot be doubted but that the good results, after a few years, will be evident.

As to the three departments at present in operation, (i. e., the schools for the three languages,) which will be maintained on their present basis, it is certain, that as we are able to select from a larger number and promote deserving scholars, we may reasonably expect that men of rare abilities will be discovered among their graduates.

The people of China are not inferior in talent and skill to those of the west; and if, in every department of mathematics, of philosophical research, or of mechanics, and in the modes of investigating the resources of the earth and the changes in the heavens, they become well versed and skilled, so that they can apply their knowledge, this will daily add to the strength of the nation.

We have already conferred with Mr. Hart, inspector general of customs, about inviting professors from western countries on our behalf, and he will be able to attend to it; but the regulations pertaining to the proposed institution, and the scale of rewards to be conferred on successful students, can be decided on after the general plan has received your Majesties' sanction. We will then deliberate upon them, and lay the results before the throne in another memorial.

At this time we merely most reverently state our proposition to invite candidates for the study of western arts and sciences—astronomy, mathematics, and other branches—with our reasons for it, upon which we humbly beg their Majesties, the Empress dowagers and Emperor, to send down their instructions for our observance.

A respectful memorial requesting the will.

## B.

[Translation.]

*A careful memorial, proposing rules for the study of astronomy, mathematics, and mechanics, and for the examination and selection of suitable persons of every class to enter upon these branches, respectfully prepared for their Majesties' sacred glance.*

Your Majesties' ministers previously brought this subject before the throne in a memorial proposing the establishment of a new department in the college of languages, and received a rescript on the 11th of December last, approving of the plan, and requiring it to be matured.

They now humbly represent that this plan of inviting persons to be examined for studying astronomy and mechanics is not done, because in their love for the marvellous, or admiration of the new, they have been amazed at the skill and learning of occidentals. It is rather because the modes which have been followed by them in their mechanical inventions have all sprung from their knowledge of mathematics. At this time China is devising how she can find and apply the best modes of constructing steamers and machinery; and if she does not avail herself of the guidance of western scholars, and get them to explain clearly the principles of mechanics, and the details of manufacture, your ministers think that this spirit of self-confidence will result in wasting the public money without any corresponding benefit. It is on these grounds that we have most carefully discussed the subject in all its bearings, and now embody our conclusions in the present memorial.

Cavillers, who have not so carefully examined into this question, will undoubtedly allege that there is no pressing urgency for us now to bring forward this scheme; or they will object that it is wrong to discard our national usages and arts in order to adopt those from the west; and some will even assert that it is a humiliation for China to employ foreigners instead of natives. Such men evidently do not appreciate the demands of the times; for, without contradiction, the true policy that is required for this country at this moment to pursue, is to

make herself strong; and the true way to do that is, in the opinion of intelligent observers, to avail ourselves of the skill and science of occidentals.

Among our own highest officials, men like Tso Tsung-tang and Li Hung-chang\* see the force of these ideas very clearly; they maintain them with great persistency, and illustrate them with full details, in their various memorials and minutes to court. Last year the latter established an armory at Shanghai, to which certain officers and soldiers, selected from the cantonment at Peking, were sent to learn the details of the work. Quite recently, too, the former has requested that he be allowed to open a literary and mechanical institution at Fuh-chau, in which chosen young men of quick parts and promise may be taught by foreigners to write and speak their languages, and be carried through lessons in mathematics, mechanics, and drawing, to prepare them to construct steam vessels in all their parts, and manage their navigation.

These statements will sufficiently prove to all that this conviction of the urgent need of adopting foreign skill and improvements is not alone held by the few officers who present this memorial.

But some will say, "It is better to charter steamers and purchase military weapons, as has been done at every port; it is both cheaper and more expeditious; why take all this trouble and expense?" These objectors surely do not reflect that steamers and fire-arms are not the only things which China needs to learn to manufacture; yet to speak of them alone in this connection, convenient as it may be to hire or to buy them when necessary, these men must themselves admit that laws are made for as well as by man. If, therefore, we ourselves can understand clearly the principles, and learn the construction of such things, their utility will be all our own. Even to attain this one end, then, to meet an exigency whenever it occurs, (i. e., to hire or buy what is wanted,) needs no great discussion; for the thing is too plain for dispute, if we can adopt, at the same time, a mode which will supply ourselves whenever we need these things.

The next objection, that it is impolitic to discard our national arts and modes in order to adopt those from the west, is a very prejudiced remark. Now, it has been ascertained that the foundation of western (astronomical) science was derived from the original observations of the Chinese; and, indeed, those nations believe that their arts originally came from the east. But their learned men, being skilled in deep analysis, and clever at working out an idea, were soon able to eliminate what was old (or erroneous) and develop new [thoughts and modes,] which they thereupon presumed to call foreign and outside; while at bottom they were nothing more nor less than Chinese art and science. It has been so with astronomy and mathematics, and in fact with all other things [of value;] Chinese originated them, and the occidentals appropriated them as their heritage. If, therefore, China can avail herself of their progress, and get ahead of [needing] them, seeing that she already possesses a thorough acquaintance with fundamental principles, she would not then be obliged to go abroad seeking for aid whenever an exigency occurred. The advantages and profit of such a course as is now proposed are, consequently, neither small nor doubtful.

Furthermore, the learning and arts of foreigners were highly approved by our most holy Emperor [canonized the] humane, viz., the Emperor Kanghi; for in his time western scholars were made officers in the observatory by law, and appointed to regulate the calendar. In this we recognize his boundless toleration and comprehensive wisdom, which observed everything; and it does not become us, in these days, while adhering to the old paths, to ignore these statutes and traditions.

Among the six liberal arts, mathematics holds a high place. In ancient days, even the husbandmen and the soldier knew the motion of the heavenly bodies; but when, in subsequent days, its study was strictly forbidden, then men learned in it began to diminish, and were seldom seen. But during the reign of Kanghi, (A. D. 1661 to 1722,) the prohibitions against private persons studying the heavens were all repealed, and thenceforth learned men [in this department] arose, and the science of astronomy began to revive. Scholars who studied the classics combined the pursuit of mathematics with it; examining authors on each subject, and carefully comparing their deductions and reasonings. The proverb says, "To be ignorant of a single thing is a disgrace to the scholar;" and full of shame indeed should that scholar be, who, on going out of doors and looking up to the sky, can tell you nothing of the order of the constellations or their laws. In these days, if no college such as is now proposed was established, it would be expected of him that he ought to study the science in order to learn their motions; how much more so, when the pursuit is held up before him as a target, which he is invited to hit.

The third objection, that it is disgraceful to learn from foreigners, is still more unreasonable and stupid; for of all shameworthy things in the world, the most shameful is to willingly be inferior to one's fellow. Western nations have been engaged in investigating and explaining the construction of steamers for scores of years, comparing and testing each other's plans; and in this way they have constantly made new discoveries. The Japanese, on the east of us, have recently sent men to England to learn its language, and there study mechanics and mathematics, so that they may become qualified to write treatises on the construction of steam-vessels. In a few years, at farthest, these men will attain their end.

\* The first of these men is the governor general of Fuhkien and Chehkiang provinces; the other is governor general of Kiangnan and Kiangsi provinces.



It is unnecessary to speak here of the rivalry among western nations, who are striving for supremacy on the seas ; but when even a small kingdom like Japan perceives that only by the greatest efforts can she attain a standing in the world, shall China alone stiffly adhere to her old inert and routine modes, and care nothing about reforming her practice ? This would indeed be disgraceful. Now if it be true that it is shameful to be inferior to one's fellow, how can these objectors turn around upon those who are seeking how to come up with others, if perchance they may by and by even excel them, and assert that to learn aught from them is disgraceful ? Will it wipe out their own shame to rest contented with their inferiority, and never learn anything at all ?

To the remark which some may urge, that it is the business of artisans and craftsmen to invent and make things, and altogether beneath scholars to demean themselves to such pursuits, your ministers have one observation to make. The contents of the section in the ritual of Chan, devoted to the examination of workmen and their performances, is wholly taken up with notes about working in cedar, or about making chariots and other vehicles. Why, we ask, have these arts for several thousand years been looked upon in our college and their curriculums as classical learning ? It is because, that while the artisan practices his craft, the scholar makes himself acquainted with its principles ; and when these are thoroughly mastered, their application can be vastly extended. If scholars of the present day should be asked to investigate these principles, and our literati to employ themselves in profound inquiries into the nature of all things, who suspects or argues that it is done to compel them to become artisans or experts in these crafts ?

In short, the end of learning is its fitness for present needs, and that calling is honorable which suits the times. Though the objections and doubts raised by outsiders are many, yet it is incumbent on those who, being at the helm of affairs, are better able to judge of the points involved, to decide ; and we, your Majesties' ministers, have assuredly given these questions our mature consideration.

But the plan is new in many points, and therefore requires careful attention in its details. If the course of study is, on the whole, to be severe, it will be desirable to make the allowances liberal, and in order to stimulate the students, their promotion in rank and honor should be kept constantly before them. We have agreed upon a plan for conducting the institution, and have drawn out its details under six heads ; which we now reverently present for the inspection of your Majesties, and await the reply from the throne.

On the 29th of January, 1867, the will was received, "Let the thing be established in conformity to the proposed plan. Respect this."

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C.

[Translation.]

*Imperial decree of March 5, 1867.*

The Censor Chang Shing-tsau has presented a memorial to us, proposing that the study of astronomy, mathematics, and other branches [of western science] ought to be confined to the officials of the boards of astronomy and of works ; and objecting that it is inadvisable to invite persons from the general body of graduates and literati throughout the empire to come together and study these sciences.

A short time ago the members of the foreign office laid before us a memorial with six regulations appended to it, asking our permission to establish a new department in the college of languages, and suggesting that only such graduates and officials as had taken their degree in the regular course, superior to the rank of bachelor of arts, should be chosen to study astronomical and mathematical branches in it.

At the time a rescript was issued, giving our assent to the propositions laid before us the Censor Chang now raises an objection to that proposal, on the ground that those who have attained the degree above that of bachelor of arts are devoted to literary pursuits and the study of philosophy, and could not with propriety be required to apply themselves to the practice of mere mechanical arts. True scholarship would be seriously injured by such an innovation, and the public mind much unsettled.

We have established this school of languages and directed the students to be selected from the literary class, because we consider that the sciences of astronomy and mathematics are branches of knowledge of which no scholar should be ignorant ; they can in nowise be looked upon as mere mechanical arts. These sciences will be more easily mastered by regularly educated persons, who have of course more power of application and greater intelligence, than others. The new study will, therefore, by no means prejudice or do away with the pursuit of literature and study of philosophy.

It is our will that Sen Ki-Yu take the position of president of the new institution, and let the responsibility of working it be placed in his hands. The plan is simply borrowing western science in order to supplement and illustrate that already existing in China. The sacred philosophy [of Confucius] is not thereby abandoned, nor do we enter on any out-of-the-way

path of investigation. What injury, then, can result to the public mind, or to the interests of true scholarship by its adoption? We command therefore, without further discussion, that the censor's proposal to call for a report on this whole subject, from the high dignitaries of the government, be not entertained. Respect this.

*Mr. Burlingame to Mr. Seward.*

No. 137.]

LEGATION OF THE UNITED STATES.

*Peking, April 23, 1867.*

SIR: I yesterday received, through the British minister, Sir Rutherford Alcock, a despatch from Charles Carroll, British consul at Taiwan, Formosa, covering a report of Captain G. D. Broad, of her Majesty's naval service, from which I learn the principal details of the loss of the American bark Rover, and the whole of her crew of eleven persons, who were murdered by the savages on the south coast of Formosa.

The Rover, Captain Hand, left Swatow for Neuchwang on the 9th of March, and on the 12th struck on a rock south of Formosa, (the Vele Rete rocks,) and being in a sinking condition was abandoned by the captain and crew, who left in two boats, one of which alone has been heard from. The news was brought by a Chinese sailor, who escaped in the captain's boat, and who, after incredible hardships, communicated with Captain Broad and the British authorities at Takow. He says all but himself were killed immediately after landing by a musketry fire from the woods. Captain Broad, upon learning this news, immediately tried to save the lives of those who might be living by sending offers of ransom. He subsequently, accompanied by the British consul, Mr. Carroll, with the Cormorant, steamed to the place pointed out by the Chinaman, where the murder was committed, and where the Rover's boat was found. While landing, Captain Broad and party were fired upon, and with difficulty escaped under cover of a fire from the Cormorant. After shelling the woods Captain Broad returned to Takow.

I give these brief details only, as you have doubtless heard all the particulars long before this will reach you from our consuls at the south. I had previously heard a rumor of this affair from our consul at Amoy, Mr. LeGendre, who informed me that he was about to visit the place with the war vessel Ashuelot. I immediately called the attention of the Chinese government to the above facts, and received from it every possible expression of regret for the murders, and proffers of aid to punish the guilty parties. I wrote at once to Admiral Bell, requesting him to co-operate with the Chinese authorities in such manner as the case might require. I wrote also to our consul, Mr. LeGendre, in the same sense, requesting him to thank at once the British consul, Mr. Charles Carroll, and Captain Broad, in the name of our government, and to say to them that I would thank them officially through the British minister here, and at the same time would call the attention of our government to their noble conduct.

These savages are not Chinese, but outlaws of another race, who from time immemorial have been a sort of wrecking banditti. The Chinese and the British minister unite with me in a general movement against them.

I will advise you as I learn of the progress made.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Burlingame to Mr. Seward.*

No. 138.]

LEGATION OF THE UNITED STATES,  
Peking, May 1, 1867.

SIR: I am happy to send to you a body of pilot regulations (A) proposed by the Chinese government and agreed to and notified to their countrymen, by the representatives of the treaty powers at Peking.

The old system was found not to work, from the inability of the consuls at the ports to agree upon the same regulations and from the jealousies growing out of the selection of pilots.

At Shanghai, the Prussian consul utterly refused to co-operate with his colleagues. At Neuchwang, the British consul, Mr. Meadows, not wishing to act with the United States consul, Mr. Knight, framed a body of pilot regulations for the English exclusively, which were approved by Sir Rutherford Alcock, the British minister. By these no British ship could be brought into port by any but British pilots, while British pilots might bring in the ships of other nations.

I opposed these regulations as illegal and unjust. This view was entertained by the French, Prussian, and Russian representatives, as well as by Sir Edmond Hornby, the British chief justice at Shanghai.

Sir Rutherford finally suspended the regulations from operation. We thereupon entered into relations with the Chinese government with the view of adopting a uniform system, which might be supported by all. Mr. Hart, inspector general of customs, had previously suggested that all matters relating to pilotage should be placed under the control of the commissioner of Chinese customs. This suggestion was, after much discussion, unanimously adopted—first as a matter of right to the Chinese, and second as a matter of convenience to ourselves.

The result was the preparation and adoption of the fifteen regulations herewith sent. These were mainly drawn by Mr. Bellonet, French chargé d'affaires.

I beg in this as in so many other cases to express my satisfaction with the conduct of Mr. Hart.

I also send regulations (B) respecting passengers' luggage, which have also been agreed to and notified.

Hoping for your approval, I have the honor to be, sir, your obedient servant,  
ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,  
Secretary of State, Washington, D. C.

*Prince Kung to Mr. Burlingame.*

[Translation.]

APRIL 22, 1867,  
(Tungchi, 6th year 3d moon, 18th day.)

Prince Kung, chief secretary of state for foreign affairs, herewith sends a communication.

In the month of February last year, I received a minute from Mr. Robert Hart, inspector general of customs, in which he proposed that all matters relating to pilotage at the several ports should be placed under the control of the commissioner of customs. As he was then on the point of returning home on leave, I referred his suggestions to the two superintendents of commerce of the northern and southern ports for their consideration.

Mr. Hart having returned and resumed his duties, I addressed a note last month upon this subject to the French chargé d'affaires, and received a reply, in which he observed: "If the Chinese government desires to establish at each open port an office for the uniform administration of the pilot service, and to place the pilots under the control of the inspector general of customs, let the foreign office submit the details of the arrangement to the foreign ministers for their consideration; and after they have been examined and agreed upon, I will report them to my government for its approval, so that there may be uniformity in carrying out the plan."

This suggestion has been acted upon. I immediately directed the inspector general to

draw up a body of regulations, which would be applicable to every port, and he has now submitted them, arranged under fifteen articles for my approval.

During the past few years, Mr. Hart has repeatedly brought to my notice, in carefully prepared minutes, several matters calculated to improve shipping and navigation, and involving the appropriation of funds, and as they were all likely to result in advantage to both foreigners and Chinese, the foreign office has willingly received them, and from time to time adopted them.

Last year, after his return to his post, he brought forward a proposal, whereby the tonnage dues should henceforth be set aside regularly and permanently for certain objects; and this was acceded to by the foreign office, which ordered that the inspector general of customs, in addition to the oversight of the collection of duties, should likewise attend to the erection of light-houses, the location and setting of buoys and light-ships in the channels and anchorages frequented by merchant ships and the superintendence of pilotage. It appears that the shoals near the entrances of the open ports, on which vessels frequently ground and are injured or lost, have been growing larger in the lapse of time, and obstruct the channel, and the necessary expenditure for removing or dredging them will be very large. In addition, buoys and light-ships have been to some extent placed along the coast and rivers, which will require further outlay. Furthermore, everything connected with pilotage in and out of the ports must also be regulated by such rules as will be applicable to all alike, with due regard to the greatest benefit of trade and navigation and the economical use of the public funds.

At first Chinese only were employed as pilots at all the ports, but since the opening and extension of foreign trade, foreign pilots have gradually increased, since it can well be allowed that native and foreign vessels should each choose which class of pilots they will engage. But if the supervision of the whole business be entrusted to a single head, its various details can all be regulated on a uniform principle, and to the general advantage. Mr. Hart is, therefore, to designate a competent man at each port as harbor master, who will oversee everything connected with the shipping; one well acquainted with all things pertaining to vessels and the circumstances of his port. The superintendence of the pilotage would also properly come under him, and the examination and selection of competent pilots for the port. In this way, not including natives of China, there will be no other than trustworthy and skilful pilots chosen from among the subjects of the treaty powers, who will be allowed to act.

The 15 rules upon this business which the inspector general has now submitted to me are very comprehensive. After they have been published at the ports, the harbor master will be required to make himself familiar with all the circumstances and wants of the port, and then he can draw up such by-laws as shall be deemed desirable, which will be from time to time sent to the foreign ministers for their consideration.

The present body of pilotage regulations in 15 articles are now sent to your excellency, with the request that they be forwarded to each port with directions to the consuls of the United States to co-operate with the harbor master, who shall be appointed to oversee shipping matters there on the part of the Chinese government. In this way, it is confidently expected that every occasion of contempt of his authority or restraint of his lawful proceedings will be obviated.

The other regulations respecting passengers' luggage, duty-free goods, and tug-boats, will be communicated in a separate despatch, and can be acted on after a reply has been received, and the English, French, and Chinese versions of the 15 articles on pilotage are now forwarded for your examination and approval.

His Excellency ANSON BURLINGAME,  
*United States Minister to China.*

LEGATION OF THE UNITED STATES,  
*Peking, April 25, 1867.*

I am directed by the Hon. Anson Burlingame, envoy extraordinary and minister plenipotentiary of the United States to China, to give notice that the following regulations for pilotage in Chinese ports have been communicated to him by the Chinese government and agreed to; and that they will come into operation at each port when notified by the Chinese authorities.

By order:

S. WELLS WILLIAMS,  
*Secretary of Legation.*

#### CHINESE GENERAL PILOTAGE REGULATIONS.

1. *Number of pilots.*—The number of pilots to be licensed at each port shall be determined by the harbor-master in consultation with the consuls and chambers of commerce, and may be increased or diminished, as required by circumstances.

2. *Individuals eligible as pilots.*—The subjects, citizens, or *protégés* of treaty powers shall,

equally with natives of China and without distinction of nationality, be eligible for appointment, when vacancies occur, by the board of appointment, subject to the general regulations now issued and the by-laws to be under them enforced at the several ports respectively.

3. *Constitution of board of appointment.*—The board of appointment shall consist of the harbor-master as president, the senior pilot, and two persons whose names shall be chosen by lot, by the harbor-master, from a list prepared as follows:

In the month of June each year the agents of insurance offices and of ocean mail steamship lines shall each choose one person (being, or having been, a pilot or shipmaster) for the duty, and shall forward his name to the harbor-master, by whom the list will then be arranged and published.

4. *How vacancies are to be filled.*—Whenever there is a vacancy among the pilots, it shall be duly notified in the local prints, and eight days afterwards the board of appointment shall proceed to fill it up by a competitive examination. The board may refuse to admit to the examination any one who, having been a licensed pilot, has had his license withdrawn, and also any candidate who is unable to produce consular certificates as to character, &c.

5. *Examinations to be competitive.*—The examinations shall be public and gratuitous, and the vacancies shall be given to the most competent among the candidates without distinction of nationality, provided always that the competency of the first on the list be not relative but absolute.

6. *Pilots' licenses, by whom to be issued.*—Pilots' licenses shall be issued by the commissioner of customs, in the name and in behalf of the Chinese government. Licenses issued to pilots not being natives of China shall subsequently be vised and registered at the consulate concerned.

7. *Apprentice pilots.*—It shall be allowable for each licensed pilot to take an apprentice, for whom he shall be responsible. On the application of pilots, the harbor-master will supply apprentices with certificates; but such apprentices shall not be competent to act for the master pilots in piloting ships.

8. *Licensed pilots, to whom subordinated.*—Licensed pilots may carry on their business either singly or in companies. They must pay due respect to the wishes and instructions of the harbor-master under whose orders and control they are placed, and who is invested with disciplinary powers in view of infractions of established rules. The penalties to be enforced by the harbor-master are fines, temporary suspension from duty, and (subject to the confirmation of the inspector general of customs) withdrawal of license.

9. *Local rules and by-laws to be drawn up.*—By-laws and rules necessary for the better ordering of pilotage matters at the ports are to be drawn up by the harbor-master, with whom also it rests to define the limits of the pilotage ground, and fix the tariff of charges. Such by-laws are to be communicated to the consuls, but shall not be enforced locally until approved by the authorities at Peking. They may subsequently be added to, altered, or annulled in the same manner.

10. *Punishment for unlicensed piloting and lending licenses.*—Any one piloting without a license, or making use of another's license, shall be subject to prosecution before his own authorities, who will deal with the offender in accordance with the laws of his country.

Any pilot lending his license to another will be proceeded against and dealt with in the same way, in addition to forfeiting his license.

11. *Vessels damaged with pilots on board.*—The board of appointment shall make due inquiry into all accidents occurring to ships having pilots on board. Whenever the result of the inquiry proves unfavorable to the pilot, the board may withdraw his license, and hand him to the authorities to whom he is amenable, to be dealt with as prescribed by law.

12. *Regulations for pilot-boats.*—Pilot-boats shall be registered with their crews at the harbor-master's office, where each boat will receive a certificate and a number. The words "licensed pilot-boat" shall, with the number, be legibly painted at the stern and on the head of the mainsail; and a flag, of which the upper horizontal half shall be yellow and the lower green, shall be flown. Such registered pilot-boats shall deposit their national papers with their consul or the customs; they shall be at liberty to move freely within the limits of the port and pilotage ground, and shall be exempt from tonnage dues. On the requisition of the harbor-master or his deputies, it will be obligatory on registered pilot-boats to convey from place to place, within the limits, employes belonging either to the customs or harbor-master's departments, with such stores as may be wanted for light-houses or light-ships.

13. *Compensation to pilots for losses.*—Any pilot carried off from the pilot ground, the fault not being his own, shall be entitled to compensation at the rate of five taels per diem. Any damage sustained by a pilot-boat while alongside the ship piloted shall be made good by such ship; the damage to be assessed by two competent persons, one to be chosen by the pilot, and the other by the master of the ship concerned.

14. *Liability for pilotage charges.*—Consignees are liable for all pilotage fees and charges. Disputes relative to draught of water shall be referred to the harbor-master, whose decision shall be final.

15. *Payment for pilot charges obligatory.*—It shall be obligatory on all ships and steamers arriving at or departing from ports at which there are pilots to employ pilots coming in and going out. The harbor-master, on behalf of the body of pilots, is empowered to recover from the consignees of any ship arriving or departing without a pilot, the highest amount chargeable under the pilotage tariff according to the draught of water.

*Mr. Burlingame to Prince Kung.*

LEGATION OF THE UNITED STATES,  
*Peking, April 25, 1867.*

SIR: I have the honor to acknowledge the receipt of your highness's despatch of the 22d instant, with its enclosure, relating to certain regulations for pilotage, which the inspector general of customs has drawn up in fifteen articles, wherein it is proposed to appoint a harbor-master at each port, whose duty shall be to attend to the shipping, examine and select pilots, and oversee all other matters that are connected with the office, whereby all occasion of contempt for his authority or interference in his proper functions will in future be obviated.

I have looked over these regulations, which seem to be well suited to attain the end in view, with much care. They are now submitted to the foreign ministers at the capital, so that there shall be no impediment to their being carried into effect; and I beg to express my hope that as all matters relating to the pilotage department are now under the direction of the Chinese government, they will be conducted in a manner equally beneficial to the general trade of both natives and foreigners.

I have accordingly sent instructions to the consuls of the United States at the ports that they give their aid in carrying them out fully.

I have the honor to be, sir, your highness's obedient servant,

ANSON BURLINGAME.

His Imperial Highness PRINCE KUNG, &c., &c., &c.

*Prince Kung to Mr. Burlingame.*

[Translation.]

APRIL 22, 1867, (*Tungchi, 6th year, 3d moon, 18th day.*)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication: I find in the records of this office that in the month of February, last year, the inspector general of customs, Mr. Hart, brought forward several points of great importance relating to the better regulation of trade at the ports, which would, if settled, be advantageous to all parties; and embodied them in four separate articles.

It is generally admitted that in the collection of duties the principle of promoting general advantage and removing whatever embarrasses trade, is to be followed even in comparatively small matters. The inspector general has now drawn up three regulations, all of them of much importance in carrying on customs affairs, and calculated to facilitate the collection of duties, while they will not interfere in the transaction of business, which I now submit for the consideration of your excellency, reserving for another despatch the regulations respecting pilotage. As soon as I receive your reply on these three regulations, I will cause orders to be sent to the superintendents of commerce for the northern and southern ports, directing them to carry the same into effect at all the custom-houses.

Hon. ANSON BURLINGAME,

*United States Minister to China.*

### I. PASSENGERS' LUGGAGE.

Shipmasters become liable to a fine if they allow any passenger's luggage to leave the vessel before the arrival of a tidewaiter on board.

Luggage supposed to contain dutiable goods or articles of contraband, if not at once opened by the owner for examination on board, may be detained and taken to the custom-house; the owner can there reclaim it and be present when it is opened and examined.

If not claimed within three days the customs will proceed with the examination.

The presence of dutiable goods or contraband subjects the luggage to confiscation, and the owner to a fine.

### II. DUTY-FREE GOODS.

Duty-free goods are not to be discharged until after the issue of the "permit to open hatches." Any violation of this rule subjects the master of the ship to a fine, of which the amount is fixed by the treaty, and renders the goods liable to confiscation, whether landed or merely placed in cargo boats alongside.

Duty-free goods, whether imported or exported, are to be duly manifested; they are not to be shipped or discharged without the proper permits, (as in the case of dutiable goods,) and they must in every instance be taken to the customs jetty for examination.

## III. STEAM TUGS.

The registers of steamers plying as tugs should be deposited with the consul; on the receipt of a consular report, certifying that the steamer is to ply as a tug and is not to engage in any carrying trade, the customs will register the steamer as such, upon and after which, without report to or clearance from the customs, the steamer may come and go, and move about at pleasure in the harbor and waters adjacent.

If about to proceed to any other treaty port, such steam-tugs must clear from and report to the customs in the ordinary way; and failing to do so will be liable to a fine of 500 taels.

Tonnage dues shall be payable by steam-tugs once in four months.

If discovered to be concerned in any smuggling transaction, or in the unauthorized transport of cargo the goods will be confiscated, and the steamer will no longer be regarded as a tug, but will have to report at and clear from the customs on each future occasion of arrival in or departure from the harbor.

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*Mr. Burlingame to Prince Kung.*

LEGATION OF THE UNITED STATES,  
*Peking, April 26, 1867.*

SIR: I have the honor to acknowledge the receipt of your Highness's despatch of the 22d instant, and its enclosure, relating to three regulations which the inspector general of customs has drawn up for the regulation of trade at the ports, calculated to facilitate the collection of duties, while they will not interfere in the transaction of business. I have carefully examined these three regulations for passengers, luggage, duty-free goods, and steam tugs, and find them to be carefully drawn up in conformity to the stipulations of the supplementary treaty, and calculated to promote the easier management of general traffic. I have, therefore, made them known to the consuls of the United States at the ports for their information, and the observance of all others who require it.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

His Imperial Highness Prince KUNG, &c., &c., &c.

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*Mr. Burlingame to Mr. Seward.*

No. 140.]

LEGATION OF THE UNITED STATES,  
*Peking, May 8, 1867.*

SIR: I have the honor to send you (A) a despatch from Prince King, giving information of the appointment of Wo-jin as an additional member of the foreign office. Also an extract from the "Peking Gazette" (B) disclosing the reasons for that appointment.

Wo-jin is one of the chief men of the empire and at the head of the opposition to the foreign policy of the government. He criticised severely the employment of foreigners by the government, to teach the languages and sciences of the west, and intimated that Chinese might be found to do that work. The government immediately decreed that he should find such learned Chinese and set up a school of instruction. Whereupon, Wo-jin, much disturbed, said that he could not find them. The government decreed that he should enter the foreign office. This also alarmed him, and he tried to escape this new position, but was not permitted to do so. Hence the notice to us of his appointment. This is considered by us a very skilful method of silencing the leader of the opposition.

I have the honor to be your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Prince Kung to Mr. Burlingame.*

[Translation.]

APRIL 26, 1867, (*Tungchi, 6th year, 3d moon, 22d day.*)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication : I have the honor to inform your excellency that this office yesterday received the following imperial rescript :

"The cabinet minister, Wo-jin, is hereby appointed an additional member of the board of foreign office."

The purpose of this communication is to give you notice of his appointment.

To his Excellency ANSON BURLINGAME,

*United States Minister.*

[Extract from the Peking Gazette, April 29, 1867.]

AN IMPERIAL RESCRIPT.

The cabinet minister Wo-jin having on a previous occasion memorialized the throne, stating that in his opinion before the astronomical and mathematical college was established, it would be best to search widely through the country for able scholars to manage it, and that no doubt talented men well acquainted with these branches could be found, a rescript was then issued requiring him to search and obtain the services of as many such persons as he could confidently recommend ; and then to select a proper locality where to establish his institution, which should be entirely under his own control.

The said minister has now presented a second memorial in which he says that in his opinion there are no such men as he spoke of, and that he cannot venture recklessly to recommend anybody.

Seeing, therefore, that he has nobody in view worthy of his recommendation, let him keep the subject before him, and make careful inquiries that he may inform us when he has found such scholars and can bring them forward. Let him, therefore, start his institution for learning and practicing these sciences, in order to carry into effect the proposals he formerly made. Respect this.

[Extract from the Peking Gazette, April 29, 1867.]

IMPERIAL RESCRIPT.

The cabinet minister Wo-jin having been recently ordered to act with the foreign office board, sent up a memorial in which he earnestly requested that his appointment might be rescinded ; but we again ordered the general council to give him notice that his declination could not be accepted.

To-day he has sent another memorial stating that as his understanding is very mediocre, and he is rather set in his ways, he is afraid that he will only be an impediment in the management of affairs, and therefore again earnestly requests that he be not required to act on this board.

Now the various matters brought before the office for foreign affairs are of the highest importance, and Wo-jin is himself a dignitary of the highest rank, so that it is incumbent on him at this juncture to exert all his energies of mind and body to aid in their difficult management. In this way he can fulfil the obligations resting on him. How can he excuse himself by such trifling reasons as these ?

Let Wo-jin's memorial receive no further attention. Respect this.

*Mr. Burlingame to Mr. Seward.*

No. 141.]

LEGATION OF THE UNITED STATES,  
*Peking, May 22, 1867.*

SIR : In reply to your despatch of 21st January, 1867, No. 183, covering a letter from Mr. Mickles of New York, in relation to telegraphs, I have the honor to inform you that from the beginning of my mission I have, in conjunction with my colleagues, urged upon the Chinese government the importance of telegraphs



and railways and tried in every way to secure the right to build them. The uniform reply of the Chinese up to the present time has been, that the prejudices of the people are so great against these things that it would not be safe to grant or possible to preserve them. The people believe that telegraphs would interrupt the "fung-shue" or streams of good luck passing over the country, and that railroads would disturb the dead by passing over and deranging the graves.

Finding it useless to press for a line upon the land, I brought to their notice (A) an intention on the part of an American company to place a line in the sea from Canton along the coast, and requested that there should be no interruption to the landing and working of it from the ports. Even this was resisted; but just as I was about to leave year before last, desiring aid from me in the flotilla matter, and wishing to please me, they assented to this, but not in writing. This is the only thing resembling a grant ever made to any one.

It should be understood also that a grant to me, under the favored nation clause, is a grant to all. The first to occupy the ground will have the advantage, but more than this I cannot say. I have persistently refused to advise the company, or any one else, to risk money; and however much I should be pleased as a patriot to have Americans build the first line, I must still respectfully hold that position.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Burlingame to Prince Kung.*

LEGATION OF THE UNITED STATES,  
*Peking, January 14, 1865.*

SIR: It is well known by people in western countries, that when the electrical current is produced by the friction in an electric machine, or by the action of sulphuric acid on a battery of copper and zinc plates, that if a person take hold of a wire attached to this battery, and others, it may be thousands or more, join their hands together in connection with his, that a shock is simultaneously transmitted through the whole company. This is called a "shock to a thousand." Subsequent to this discovery, an American named Morse applied this principle of the electric fluid, so that by means of iron wires connected with an electric machine he was able to transmit messages to distant places, which has proved of vast benefit to the world at large.

Several rich men in the United States have recently formed themselves into a company, and subscribed money to lay down a telegraph wire, and I have recently learned from this company the following statement of their designs: "Telegraphic lines are now in operation in all western countries for the purpose of transmitting messages; and it is reckoned that from the Atlantic ocean to the Pacific, there are within the United States already set up about 56,000 miles of lines. In Great Britain and its colonies there are more than 40,000 miles in operation; in France, 28,000; in Prussia, 36,000; and in Russia, more than 13,000; while a line has lately been extended from St. Petersburg across to near Kiakhtha, whence it is to be carried not far from the frontier of Chinese territory all the way to the mouth of the river Amoor. In India, too, lines have been set up more than 6,000 miles in length. This company proposes to lay their line down in connection with a line which the English companies are to carry from India to Singapore, and thence on to Annam and Hong Kong, laying the wire in the sea; at this last place the American company will lay their line along the coast as far as Shanghai, stopping at each intermediate port, and from thence across the sea to Japan, ultimately to connect with the Russian line at the mouth of the Amoor river, and cross the ocean to the western shores of the United States. An entire circuit of the globe will then be made, and all the nations of the earth will be in communication with each other by this means.

"The operation of the telegraph in transmitting messages is so speedy that persons at places separated thousands of miles from each other can instantaneously, almost, send news and receive replies, quicker far than the answer of an echo. People of every rank can by this means transmit information on what most concerns them in the affairs of life, to their distant friends in a moment of time, greatly to the advantage of all parties.

"It must be plain to all, that a wire laid along in the sea from one port to another must

necessarily be brought on shore to work at each one, and offices must be built for the telegraphic machinery to be put up. It is therefore requested of your excellency that you will inform the Chinese authorities of these plans, that they may not interpose any obstacles to carrying them out."

I need only observe in relation to this proposed telegraphic line, (for the telegraph itself has proved to be of the highest benefit to all,) that I take the earliest opportunity to inform the Chinese government of it; and hope that whenever the agents of the company reach this country, their laudable enterprise may be promoted, and that China will not interpose herself to prevent the completion of a circuit of telegraphic lines by which all nations will be connected in amicable and cordial relations. I may also add that private and secret despatches from government can by this means be transmitted to all the maritime provinces without any mistake, to their respective officers.

I have the honor to be, sir, your highness's obedient servant,

ANSON BURLINGAME.

His Imperial Highness Prince KUNG, &c., &c., &c.

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*Mr. Burlingame to Mr. Seward.*

No. 142.]

LEGATION OF THE UNITED STATES,

*Peking, May 27, 1867.*

SIR: I have the honor to enclose (marked A, B, C, D, E, and F) a correspondence with the Chinese government and our consul at Ningpo and several American missionaries, which involves a question of protection to the native Christians in China.

You will observe that in my despatch (E) to the members of the foreign office, I disclaim the right to interfere between the Chinese and their own authorities in questions submitted to the Chinese legal tribunals, and that in my letter to our consul, Mr. Lord, (D,) while I propose to maintain treaty stipulations, I intimate that the Chinese Christians should not be encouraged to expect protection by forcible intervention on the part of the United States.

This is the only course to pursue unless we are prepared to enter in China upon an armed propagandism.

The Chinese government favors toleration, and has repeatedly informed me that it has no objection to Protestant missionaries for the reason that they have never appeared to be political agents.

I have never yet failed to secure from it a respectful hearing for the cause of Christianity, and such official action, as in this case, against local and exceptional outrage, as was required.

The moment it should be understood that Chinese Christians would have forcible protection, as against their own authorities, the question would become political, and the voice of the missionary could be no longer heard.

I have tried to prevent the question from taking that form, and have been sustained in that view by the leading American missionaries.

These noble men, contenting themselves with all Christian means of spreading the gospel, have won their way to the hearts of the people, and secured the central government for their cause. Without invoking political aid, or armed intervention, they have planted the cross quietly and securely, not only in the treaty ports, but in the interior and along a line from the Yellow sea to the great wall.

I hope this policy will be continued and mutual forbearance exercised.

This is consistent with our treaty rights—disarms prejudice and reserves our power to act in the future as occasion may require.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

*Secretary of State.*

*Protestant missionaries to Mr. Lord.*

NINGPO, February 15, 1867.

SIR: We, the undersigned, Protestant missionaries to China, and citizens of the United States, some of whom have already had occasion to call your official notice to repeated acts of injurious interference on the part of Chinese officials towards ourselves, or those in our employ, while engaged in preaching and teaching the Christian religion, have heard with much concern that another outrage has been perpetrated by a Chinese officer, of so grave a nature that we seriously apprehend, unless some decided steps are taken to induce the Chinese government publicly to disown and punish the acts complained of, no security can be anticipated to the lives and property of such of our number as, relying upon the rights and privileges conceded and guaranteed to us by the treaties concluded between the Chinese government and western powers, have gone to reside, more or less permanently, at a distance from consular ports; and we think it is to be feared that evil-minded Chinese officers and their underlings, emboldened by impunity may proceed to the commission of, or conniving at, acts of violence which may result in the loss of life, or in serious complication in the relations of the Chinese government and our own; and we respectfully request that you will take the earliest opportunity in your power to bring the subject to the notice of the United States minister at Peking, in order that his excellency may take such measures as shall in his judgment be advisable and necessary, to induce the Chinese government rigorously to punish the offending parties, and to give greater publicity to the stipulations of the treaties with western powers, and to enjoin and enforce upon the local officers the strict observance of the same.

Herewith we enclose a statement from the Rev. D. D. Green, relative to vexatious interference upon the part of the Chinese officers at Sinshi and Shihmun, in the prefectures of Huchan and Kiabing. Also a statement, with Chinese documents, from Rev. M. J. Knowlton, showing that the district magistrate in the prefect city of Kinhwa is disposed to proscribe Christianity.

These papers, together with such additional remarks as, from your personal acquaintance with the matter, you may judge advisable to add for the information of his excellency, we earnestly request that you will forward to him, and respectfully request him to give the subject his early and earnest attention, as in the unanimous opinion of all the American missionaries resident at this port, it is of the utmost importance to our interests, and the safety of ourselves and families, that a stop be immediately put to these violent infringements of our treaty rights.

We have the honor to be, sir, very respectfully, yours,

D. B. MCCARTEE.  
M. J. KNOWLTON.  
D. D. GREEN.  
H. JENKINS.  
J. A. LEYENBERGER.  
KARL.

Rev. E. C. LORD,  
*United States Vice-Consul.*

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*Mr. McCartee to Mr. Lord.*

NINGPO, September 18, 1866.

SIR: On behalf of myself and colleagues, Rev. D. D. Green and Rev. J. A. Leyenberger, citizens of the United States resident at this port, and connected with the board of foreign missions of the Presbyterian church, I beg respectfully to apply to you, as the consular officer of the United States, for redress of direct infringement of the XXIXth article of the treaty of Tientsin, viz., of harassing interference with, and a case of persecution of a Chinese in our employ, who has been engaged in peaceably teaching and practicing the principles of the Christian religion, begging that you will make such representations to the higher officers as will put an immediate stop to the interference and persecution complained of, and prevent any future recurrence of the same.

The catechist Dzing Shihniau has been employed by myself and colleagues for the last five or six months, to occupy a house at Sinshi, in the district of Tehtsing, in Huchaufu, and preach, distribute religious books, and give instruction in Christianity to those persons at that place who wish to conform to the Christian religion. Of late he has been several times interfered with and ill treated by the underlings of the sub-magistrate of Sinshi. On the 5th instant he was arrested by them and treated with much abusive language, accused of propagating the doctrines of the long-haired rebels, and dragged nearly to the office before he was let go; and this harassing persecution has occurred several times in direct contravention of the treaty, and, as I verily believe, for the purpose of extorting money.

Tsiang Ning-kwoh, a catechist residing at Hangechau, in our employ, and a native Christian named Pin, living there in connection with the English church mission, upon hearing of the

affair, went to Sinshi, taking with them a copy of the foreign treaties to show to the sub-magistrate; but upon reaching his office were denied access to him by the underlings, and threatened if they did not go back to Hangchau, that they and all those professing Christianity should be arrested and punished.

On a like occasion of abuse and ill treatment at Hangchau last year, representations were made by you and the British consul, in consequence of which the magistrates there arrested and punished the guilty parties, and issued a proclamation, dated November 19, 1865, forbidding a recurrence of the offence under penalty of punishment. Since then no disturbance has occurred there. I therefore earnestly request that you will speedily take such measures as may seem in your judgment most expedient, for the redress of the grievances complained of, and to prevent their recurrence.

I am, sir, very respectfully, yours,

D. B. McCARTEE.

E. C. LORD, Esq.,  
*United States Vice-Consul.*

On receiving the above petition, the consul complained to the high Chinese officials, which was responded to favorably. But although no further violence has been offered to the catechist at Sinshi, the effect of the former interference has not passed away; nor has the local officer done anything to remove the prejudice against us which his former conduct excited. The reply to our consul stated that the persons complained of were not guilty of the offences charged against them, yet there is good evidence that no proper investigation of the matter has ever been made by the local authorities, as neither the assistant nor any others, except perhaps those who committed the outrage, were ever called as witnesses. So palpable has been their neglect, that I am constrained to believe that the original offence was not only connived at, but was instigated by them.

Within a month after its settlement, I sent an assistant to Shihmun, in the prefecture of Kiabing, distant from Sinshi about 10 English miles, for the purpose of renting a house while he lived there, and distribute books. The day after his arrival he succeeded in negotiating for and occupying a house; but that evening the constable of that part waited on him to inform him that the district magistrate wished to see him. The assistant said that he would be glad to accompany him (the constable) to the magistrate's office, but the man put him off for that evening, agreeing to go with him the next day, but the next morning he was not to be found. The underlings from the office were however trying to frighten the landlord. The assistant went with the constable in the afternoon to the magistrate's office, but on entering the outer court, he suddenly disappeared through a side door. After hesitating a moment the assistant went in and made himself known to the principal clerk, and stated that he had been sent for by the magistrate, and had come to inform him that his business in the city was distributing Christian books. On being asked why he dared to distribute such books, he replied that the religion of Jesus had been authorized by the Emperor, and produced a copy of the American treaty as proof. The clerk said that religion must not be taught in the city; they did not wish to see the treaty, and he must leave the city instantly, and showed him out of the office. He then went with a friend into a tea-shop to consult what was best to do. Presently the landlord came in great fight, bringing the advance money paid for renting his house, and begged the assistant to leave it at once, for otherwise he would be ruined, as the police runners were disposed to come down on him for renting to one who distributed Christian books. He was consequently obliged to give up the house and quit the town.

Sincerely desirous of propagating the gospel without appealing to consular protection, I had determined not to bring this matter up, but later outrages of a more serious nature have induced further representations to the American minister, and this statement is respectfully submitted for his information.

D. D. GREEN.

*Translation of the edict issued by the high officers of Fuhkien and Chehkiang for circulation through those provinces, July, 1866.*

Tso, governor general, and a marquis by imperial patent, issues these general injunctions :

To fast, no one can call an evil plan;  
And he who lauds Budh is not a bad man;  
But rascals who merely make a feint of fasting—  
Only thereby to stir up simple fools to rising—  
Do so to form a band, and gather round them troops,  
To violate the laws with high audacity,  
Forsake their kindred, and ruin all perversely.  
Vile doctrines now have flowed across the sea,  
Which drench and soak this province through and through.  
I plainly bid you all, both sires and squires,

To warn your kindred and your neighbors curb,  
 For if involved, they'll meet the direst fate;  
 Therefore, at once, reform your crooked ways,  
 And each man firmly fix his steadfast mind,  
 Not to implore the demons nor suspect the gods.

NOTE.—The original is written in lines of six characters each, in order to enable the people more easily to remember the substance of the edict. Printed copies were posted on the walls of Ningpo, Hangchau, and Kinhwa, in the province of Chehkiang, and probably also of other cities. The district magistrate, at the latter place, said it referred to Christianity, and based official action upon it in the case of Chang Lan-tien.

*Mr. Bur'ingame to Mr. Lord.*

LEGATION OF THE UNITED STATES,  
*Peking, May 24, 1867.*

SIR: I have received your despatch No. 18, of March 16, 1867, with its enclosures, relating to recent exhibitions of popular and official dislike to foreigners and their religion in the province of Chehkiang; and expressing your own belief that, as this anti-foreign spirit is increasing rather than diminishing, "unless it is held in check with a strong hand, it is likely to make a deal of trouble."

The "missionary-question," as it is compendiously termed, no doubt contains the germ of much trouble and revolution to this country, and its success will be complete when the entire fabric of Chinese society and government has been changed and reconstructed. I suppose, too, that none of the foreigners who are zealously engaged in advancing the work of evangelizing the Chinese, are aiming at anything short of this, whatever consequences may accompany the progress of the change. Nor do I wish to conceal this aim, for I believe that these changes will ultimately benefit the people of this land, and that they will themselves see, in their gradual development, that many blessings are springing up which more than compensate for whatever was good in the old order of things. It is an inestimable advantage, too, that this nation, while undergoing this renovation of its institutions by the introduction of pure morality and true science, has the example of western nations to follow or to shun, and need not go through their struggles in establishing free institutions, nor make their costly experiments when learning the best way. It can study the beneficial action of those institutions, and choose the most practical way of reaching it.

While I shall gladly aid in this cause as I have opportunity, the particular point raised in your despatch is one that has already engaged my serious attention. You state that your purpose is not now to ask redress in the cases complained of, but to bring facts to my notice that may be of service by and by in dealing with similar ones. The question is, what kind of protection can American missionaries expect in their work in China? and this, in its political aspect, can at present only be settled by the stipulations respecting Christianity contained in the American and other treaties. These compacts are as precise on this subject as perhaps the nature of the case admits. A declaration in regard to the excellence of Christianity is taken as the premises, and then the article asserts "that persons teaching it or professing it shall alike be entitled to the protection of the Chinese authorities; nor shall any such, peaceably pursuing their calling, and not offending against the laws, be persecuted or interfered with." This provision of the British treaty is like those of the other treaties, and covers the whole ground of appeal to the Chinese government.

I have furnished copies of the documents handed you by Mr. Knowlton to the foreign office, and stated, in my note accompanying them, that I had no jurisdiction in cases where natives were parties in lawsuits in Chinese courts, and have no desire to interfere in them; but I deemed it proper to inform the officers here that, in the present case of Chang Lan-tien, the authorities in Kinwha-fu had unnecessarily gone out of their way to defame and asperse the Christian religion, and apparently had decided the case against him on account of his having been a convert. I suggested that the edict of the governor-general was the stimulus to this course of conduct on the part of his subordinates, and alluded to the treaty stipulations. I have reason to believe that these provincial authorities will be admonished by their superiors, and a repetition of contumelious denunciation like the present be checked.

I may mention, for your information, that there is said to be a discrepancy between the French and Chinese versions of the article quoted by Mr. Knowlton in his temperate and suitable reply to the magistrate at Kinwha; and that the French version, which, by the treaty, is made the authorized text, does not contain so much as the other; but I cannot specify the differences.

In the progress of missionary labors, more and more opposition is likely to be exhibited on the part of the literati and officials; for they no doubt instinctively feel that the triumph of such doctrines as Christianity will materially weaken and imperil their standing and prescriptive influence. It is well that they cannot call in the aid of an organized body of priests to crush the growing cause; but the native converts will doubtless find that, whenever occasion prompts, both the gentry and rulers can find ways to harass and oppress them. Yet it

is both undesirable and inexpedient that they should regard themselves as under a foreign protectorate; they would be aggrieved and disappointed to find, when they needed it, that it could not rescue them from their enemies.

I do not know that such is the case among Protestant or American missions, to any extent, but the letter addressed to you by the missionaries at Ningpo seems to look to something of this kind; and it is not unlikely that some natives do join the Christian church merely to obtain the countenance of its teachers, and the powerful protection of foreigners. When a man earnestly believes the truth, it is to be hoped it will afford him consolation and reward adequate to his trials; but in his disputes with his own people he cannot look to the United States authorities for his remedy. Nor does it seem to me desirable for the missionaries to go to large outlays in the purchase or repair of buildings in the country; the cheapest buildings may prove sufficient for incipient labors until the people can begin to provide accommodations for themselves.

I do not think that the supreme government of this country is particularly averse or suspicious of Protestant Christianity; but its present attitude may be owing rather to indifference than to approbation, and would change with a fuller understanding of the tenets of the Bible. The provincial authorities are much more under the influence of the local gentry, and to please them may think they can oppress native Christians with impunity.

I do not, however, propose further to speculate on the future probabilities of this important cause, but rather to apprise you what are my views in relation to the protection of native converts, even when they suffer unjustly or for the truth's sake. My action must be confined to moral influence, and such requests for leniency and just treatment as circumstances may seem to require. While local oppression may render their condition very irksome for a time, I do not think there is any reason to apprehend the initiation of a settled purpose on the part of the imperial government to persecute them, such as took place in the reign of Tungching.

I am, sir, your obedient servant,

ANSON BURLINGAME.

EDWARD C. LORD, Esq.,  
*United States Vice-Consul, Ningpo.*

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*Mr. Burlingame to the Members of the Foreign Office.*

LEGATION OF THE UNITED STATES,  
*Peking, May 16, 1867.*

*To the Members of the Foreign Office:*

SIRS: I have the honor to bring to your notice a despatch recently received from Mr. Lord, the United States vice-consul at Ningpo, in which he encloses several documents sent to him by the Rev. Mr. Knowlton, a missionary there. Among them is an edict issued as a circular order by the highest functionaries of Fuhkien and Chehkiang containing harsh and unjust aspersions against Christianity, which had been hung up in the streets. In consequence of this edict, one of his converts, named Chang Lan-tien, who had a lawsuit with a man named Kin Tien-yuen, had lost it, and the missionaries and converts had been unnecessarily involved in the affair.

I have looked at these papers, and have only to observe that in the cases constantly coming before the courts in China, there will no doubt be many in which the professors of Christianity will be parties against their unbelieving countrymen; and I have no right to interfere in such cases in any way with the decision of his Majesty's authorities. However, when missionaries or their converts are interested in a case, for the rulers to go out of their way to publicly declare that Christianity is a base and barbarous religion, is entirely contrary to treaty stipulations and in the highest degree improper, and in the present instance, judging from the circumstances, was unjust.

It is for these reasons that I have deemed it desirable to send copies of these documents for your information, and beg to avail myself of this opportunity to assure you of my high consideration.

Your obedient servant,

ANSON BURLINGAME.

WANSIANG, PAUYUN, and others.

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*Members of the Foreign Office to Mr. Burlingame.*

[Translation.]

MAY 24, 1867, (*Tungchi, 6th year, 4th moon, 21st day.*)

SIR: We have the honor to acknowledge the receipt of your note of the 16th instant, in which you refer to a circular or general edict, issued by the high functionaries of Fuhkien and Chehkiang, and send us copies of the papers relating to the lawsuit of Chang Lan-tien

and Kin Tien-yuen. We have carefully read the documents, and in reply beg to observe, that as many evil-disposed people in those two provinces, and also in Sheusi and Kausuh, have lately been in the habit of collecting in large numbers under the pretence of worshipping, the local authorities have been obliged to exercise the greatest vigilance in searching them out and punishing the guilty. It is very probable, therefore, that this edict was posted up in order to warn ignorant and simple people against being led astray by such people; and as it does not mention American missionaries by name, it is more than likely that Mr. Knowlton quite misapprehended its object, and suspected where there was no ground.

The lawsuit between Chang Lan-tien and Kin Tien-yuen has been settled by the authorities in Kihwa in a manner that appears to us just and legal; and the first order in court given by the prefect and district magistrate has nothing exceptionable in it, but the final judgment contains expressions that should not have been used, and which they employed without due reflection.

We have already transmitted orders to the governor general of the provinces and to the governor of Chehkiang, to enjoin upon their subordinates of every grade to take the utmost heed not to use such expressions again in any of their official proceedings, lest the amity and good feeling (which should be maintained between natives and foreigners) be put in jeopardy.

We have the honor, in sending this reply, to wish your excellency the enjoyment of increasing happiness.

WANSIANG.  
PAUYUN.  
T'UNG SIUN.  
TSUNGLUN.  
SEN KI-YU.

His Excellency A. BURLINGAME,  
*United States Minister.*

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*Mr. F. W. Seward to Mr. Burlingame.*

No. 200.]

DEPARTMENT OF STATE,  
*Washington, June 5, 1867.*

SIR: I have to acknowledge the receipt of your despatch of the 9th of February, No. 129, enclosing a copy of a note addressed to you by Sir Rutherford Alcock, upon the subject of the relative rank of United States naval commanders and the consular officers of foreign countries, and to state, in reply, that the matter has been referred to the Secretary of the Navy, with a request that he would take into consideration the expediency of adopting proper measures for the establishment of reciprocal courtesies between the respective grades of the two countries.

I am, sir, your obedient servant,

F. W. SEWARD,  
*Acting Secretary.*

ANSON BURLINGAME, Esq., &c., &c., &c.

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*Mr. Burlingame to Mr. Seward.*

No. 142 bis.]

UNITED STATES LEGATION,  
*Peking, June 19, 1867.*

SIR: I have the honor to forward herewith despatches Nos. 19, 20, 21, of Charles W. LeGendre, esq., our consul at Amoy, in relation to the American bark Rover, together with a letter of thanks from myself, in the name of my government, (A.) to Charles Carrol, esq., her Majesty's consul at Taiwan, Commander G. D. Broad, of her Majesty's ship Cormorant, with the officers and crew under him, for their prompt and courageous efforts to rescue and avenge the captain and crew of the American bark Rover.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

Mr. LeGendre to Mr. Seward.

No. 19.]

CONSULATE OF THE UNITED STATES OF AMERICA,  
Amoy, China, May, 1867.

SIR: Referring to my despatch No. 17, I beg to state that I arrived at Foo-Chow-Foo on the 2d of April last. I immediately secured an interview with his excellency the viceroy of the Tohkien province, to whom I read the communication of Mr. McPhail, of Formosa, (enclosure No. 1 in my despatch to your honor No. 17,) at the same time respectfully calling his attention to articles XI and XIII of the treaty of Tientsin, (18th June, 1858,) and finally requesting him to order the civil and military authorities of Formosa to immediately rescue, if possible, such of the survivors of the Rover's crew that might yet remain in the hands of the aborigines, and to inflict just punishment, with the utmost rigor, on the perpetrators of the murder of our citizens.

His excellency complied at once with my request. (Enclosure No. 1.)

Having been detained in Taensai, I reached Taiwanfoo, with the United States steamer Ashuelot, Commander Febriger, on the 18th of April, when I wrote to the authorities of the island. (Enclosure No. 2.)

In answer to my despatch, the following day I received joint communications from the Taotai, general, and prefect, the highest official of the island. (Enclosure No. 3.)

I secured an interview with those officers, whom I visited jointly with Commander Febriger, on the 19th. We were received with the utmost cordiality and the greatest distinction; but the general, although promising to send a force to the seat of tragedy, declined to avail himself of the presence of our forces to effect a landing of his troops. He remarked with reason that, having the responsibility of the operation, he should conduct it with perfect independence of action. I observed that some of the unfortunate might then be yet in the hands of the aborigines, and that no time should be lost in rescuing them. To which the Taotai answered that he *knew* from certain and official source that all of the wrecked crew of the Rover had been murdered. I remarked to the Taotai and the general that, from my own experience of war operations, I would judge the landing of a force under cover of the Ashuelot's guns so safe that I would not hesitate one instant to land with the Chinese troops if they were only ordered to proceed at once to the seat of the tragedy. Captain Febriger offered them to tow the junks carrying the troops. To which the general said that his troops were not ready. I asked him when they would be ready, that Captain Febriger and myself might wait a few days. The general then very politely remarked that he would be happy to have our company at any time, but that he desired to do whatever would have to be done in this case alone; that the Chinese forces were adequate to the task before them, and that, although much obliged to Captain Febriger and myself for our offers, he would respectfully decline accepting them. We then left, thanking those officers for their reception, but emphatically stating that the United States would insist upon the strict observance of the treaty.

Just before we left the prefect wrote us that he had again called the attention of the Taotai and of the general upon the importance of immediately sending troops against the aborigines.

In Takao I visited her Britannic Majesty's vice-consul, to whom I showed a copy of his despatch (this copy left at Takao) to the Taotai of Formosa, in which he claims the Rover as an English vessel. He promised to rectify this error (of linguist) at an early date by writing to the Taotai a letter that would explain how it happened. The vice-consul kindly furnished me with a sketch of the bay where the Rover's crew were murdered, and which I immediately handed over to Captain Febriger. The vice-consul also told me that the Chinese authorities of Formosa had so far failed to take any steps towards rescuing the wrecked crew of the Rover and punishing the murderers of such as were reported to have lost their lives by the hands of the aborigines. (22d of April.)

At Tang-Kaiow bay, the last Chinese village (24th) south of Takao, Captain Febriger and myself examined the chief of the settlement in his own house. The chief said that he had furnished Captain Broad, of her Britannic Majesty's sloop *Cormorant*, with pilots and interpreters when he went on the 26th of March to the seat of the occurrence; that we could have the same pilots, but not the interpreters; this interpreter had returned some time since, confirming the murder of all and every one of the crew of the bark *Rover* by the aborigines. He (the chief) said, also, that so far the Chinese authorities had not sent forward any force against the aborigines, or any one to inquire about the circumstances of the murder, (24th April.)

Captain Febriger concluded to have the pilots offered to him, and we proceeded south; we came to an anchor opposite the scene of the murder without the least difficulty. A small junk that was at anchor was hauled in, and four of her crew were examined by Captain Febriger and myself. (Enclosure No. 4.)

Evidently those men were not sincere, and belong to a class of Chinese living on the coast in various Chinese villages, from Takao to the extreme south of the island, and who furnish shot, powder, and guns to the aborigines, who pay them back in wood. Yet, as the Chinese government might have afterwards claimed them to be their spies, sent there in view of future military operations connected with the wreck of the *Rover*, I did not judge it advisable to arrest, but, in conjunction with Captain Febriger, I requested them to communicate with



the aborigines for the purpose of securing the burial of the remains of our unfortunate countrymen, and the purchase of such as might remain of their effects or valuables, and for which I promised to pay a liberal price, if ever forwarded to me or handed over when I would return. They promised that they would do their best to comply with my desire, but they emphatically refused to send me to shore, when I had the strongest desire to venture as a peaceful negotiator with one capable of acting as an interpreter. They repeatedly answered that, should they make such an attempt, they would be murdered by the aborigines.

The bay at this point is navigable for any boat, but chiefly to steamers of light draught, like the *Ashuelot*; but very few rocks were noticeable, if we except reefs that outcrop at low water here and there near the shore. Under cover of guns even a very small party of men could land at any point, and to the westward of the bay a force might be thrown on shore at any time and independently of the ship's protection, the ground there being bare and having commanding heights near at hand, which, extending all along the banks of the bay, could afford a commanding road to the shore, at the centre of the bay. Then the exact position of the aborigines' village being ascertained, the landed force might advance, without fear of any serious obstacle, towards the settlements that would undoubtedly be the object of the expedition.

From my actual observation, I am prepared to say that the shore of the bay is settled by a mixed race, a cross-breed of aborigines and Chinese, most of whom wear tails, as the Chinese themselves do, and my impression is that the various settlements which that race have made along the coast, and which appear to the eye to be a few huts scattered on the flats and on the low grounds, form a mere veil to conceal the presence of the aborigines at that point. Although this mixed race affects to be in a state of constant warfare with the aborigines, I am satisfied that they kept closely connected with them, by taking each other's women for wives, by trading with them, and assisting them in their plunder and crimes, appearing afterwards as mere victims and witnesses to the strength and power of their would-be enemies, and bring it as a sort of bugbear to the Chinese or other nations that might propose to land with a view of their total extermination.

It is universally admitted that the bay at the southern coast of the island of Formosa is a point that should be kept clear from such horde; for it is the only point, with few others situated on the western shore, extending 10 miles toward the north to Loo-choo bay, that offers a sort of natural refuge on that inhospitable coast. The eastern coast of Formosa is extremely high, and falls down abruptly like a sort of rampart into the waters of the ocean, and that extends to the north as the backbone of the island.

How many unfortunate that left Hong Kong and were never heard of, being reported to have been lost at sea, were murdered on that shore; and how many more will be, until prompt and efficient measures are taken to stop the evil?

On the 24th of April we weighed our anchors, arriving in Amoy on the 26th at 9 a. m. I received there a copy of the examination of Teh-Kwang, the only known survivor of the crew of the bark *Rover*, sent to me by the United States consul at Swatow, (enclosure No. 5.) I had already left Amoy when Teh-Kwang arrived there, on board of her Britannic Majesty's *Cormorant*, and Mr. E. M. Smith, the deputy consul, had neglected to examine the man.

In connection with the foregoing, I beg to offer to your excellency the following conclusion:

1st. That so far, in concert with Captain Febriger, acting under the orders of Rear-Admiral Bell, I have simply urged upon the Chinese authorities at Foo-chow and Formosa to rescue such of the survivors of the *Rover's* crew that might yet be in the hands of the aborigines, according to articles XI and XIII of the treaty of Tientsin, and to do something that could be considered by the United States as sufficient punishment of these wild tribes for the past, and an efficient warning for the future.

2d. No other efforts were made by Captain Febriger and myself to secure the prompt action of the Chinese government in that direction, for we feared by interfering in the least way with the movements of the Chinese officials, they might claim as a redeeming point of their inaction our own intervention, and as a sequence prevent your excellency from hereafter claiming indemnities for the families of such of the *Rover's* crew that might have been saved, if the Chinese had been more prompt in allowing them the relief they were entitled by treaty to receive from the Formosa authorities.

I have the honor to be, sir, your obedient servant,

CHARLES W. LE GENDRE,  
*United States Consul.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*The Taotai and Prefect of Foo-chow to the Prefect of Formosa.*

I beg to inform you that on the 5th day of the 3d moon (9th April) the United States consul general, General Le Gendre, called on our excellency the governor and viceroy, stating that the winds blew to the port of Takoa, and the wild people killed more than 14 men, Americans. The consul, Le Gendre, takes a man-of-war there to manage this case,

and he requests him, the viceroy, to give orders to the local authorities of Formosa to assist the consul to conduct these negotiations.

The viceroy says that in consequence of the consul not writing an official letter he cannot write officially. The viceroy orders us to write you, when the consul goes to Formosa you will try to investigate this case immediately. Find out all the truth to report to the Taotai, and let the Taotai order the civil and military officers to search and seize every one, and report to them, and to carry out the government law, so that we keep friendly with other nations.

If the consul takes measures to manage the case himself, please invite him not to do so, for those savages might give him more trouble than he thinks.

Full respects to you and regards. I hope you will give a satisfactory answer.

Your young brother,

NUG-SEA-MUIG, *Lee-Kueg Lin.*

UNITED STATES CONSULATE, *Amoy, May 10, 1867.*

A true copy of the original, word for word.

CHARLES W. LE GENDRE,  
*United States Consul.*

CONSULATE OF THE UNITED STATES AT AMOY,  
*On board the United States Steamer Ashuelot,  
13th of the 3d Moon, April 19, 1867.*

SIRS: I have been informed that the American bark *Rover*, on the 12th March, 1867, (2d moon, 7th day,) ran upon a rock upon the southern coast of Formosa, and was so much injured that to save their lives the crew were obliged to take to the boats.

The master, his wife, the second mate, and three sailors escaped in the first boat and landed on the southwest point of the island, about 50 miles south of Takao, where they are reported to have all been murdered, with the exception of one Chinese sailor, who escaped.

The second boat, with first mate and seven sailors, is supposed to have landed in the same locality, and to have met with the same fate.

The Chinese who escaped from the first boat came to Amoy, at the consulate, and gave intelligence of the tragedy. I have sent him to his home, Swatow, at the expense of the United States. I now come to request that immediate investigation be made of this case, and if any of the crew of the bark *Rover* are in the hands of the natives that they be immediately recovered and delivered over into my hands; also that all persons implicated in the outrage be seized and punished in accordance with your laws as prescribed by articles XI and XIII of the last treaty concluded between the United States and the empire of China. Captain Febriger, commander of the United States steamer *Ashuelot*, informs me that in case you require any assistance he will be glad to join you in the efforts you make towards this end. I shall be very glad to hear that you have accepted his offer.

Respectfully submitted.

CHARLES W. LE GENDRE,  
*Consul of the United States for Amoy and Dependencies.*

Their Honors the GENERAL PREFECT and the TAOTAI of TAIWANFOO,  
*Island of Formosa.*

His excellency the viceroy and governor of the Fohkien province requested me to hand over to you a letter from the high authorities of Foo-Chow, relating to this affair. I shall be happy to deliver it when I have the honor of meeting you.

*The General Lin, Taotai Wee, and the Prefect of Taiwanfoo to General Le Gendre, United States Consul.*

TAIWANFOO, *April 19, 1867.*

SIR: We received your letter of the 18th April, stating—[here follows copy of consul's letter of 17th April, see enclosure No. 2.]

The Taotai states that on the 23d ultimo he received a despatch from her Britannic Majesty's consul, Mr. Carroll, stating that a British vessel on her way to Lan-chio had struck on a rock near "Red Head" island, and that 14 men were obliged to take a boat to Loong-chiao bay, called by the natives Ku-wah-lu Peh Suau: that on landing 13 men were killed and one escaped; that the latter on reaching Mian-a-Kau was assisted by an official with a cargo boat to proceed to Takao, when he visited the British consulate.

The Taotai states that on receiving this despatch he immediately requested Colonel Lin and the district magistrate to accompany soldiers to the spot indicated and to inquire into the matter, ordering that none of the people be allowed to visit the natives (aborigines) and cause trouble. On the 3d instant these two officers report that they went to Get-bu to exam-

ine and take action in the case, and also to see the British consul, Carroll, and the commissioner of customs, White, who agreed in stating that the aborigines resembled wild beasts, and cannot comprehend the usages of civilized society. Further, that the savages conceal themselves in the forest and country, open fire upon those who approach, thus making it exceedingly difficult to employ troops, &c., &c. Again Mr. Carroll wrote a letter of thanks, a copy of which we now send for your information.

On receipt of information relative to the massacre of the master and crew of the *Rover* by the savages prior to your arrival, we issued directions to the civil and military authorities to adopt measures for the management of the affair; but the savages live in a wild state in the hills, and it is difficult to employ soldiers against them, as the British consul and all others well know, and as they are like apes, and their country is unsurveyed. They are not subject to the Chinese government; hence the Chinese government has from early times forbidden commercial intercourse with them, or to enter their country, and on the borders at the passes are placed guards to prevent these fierce savages from passing to and fro. Now, in the case of this vessel, which unsuspectingly entered the place, and whose crew suffered from ignorance, if any execution of zeal can do it, no endeavor will be spared to bring the offenders to immediate and condign punishment, in order that terms of good fellowship and harmony may exist between China and the foreign powers. We cannot dare to trouble you for the military (or naval) assistance in the matter, since in the event of any accident we should feel more than ever grievous. We have again directed the civil and military authorities to despatch troops and constabulary to carry on operations. We would not request the presence of your man-of-war to assist us in these operations.

We have, &c.

—————

*Statement of four Chinamen, examined by both Captain Febriger and the United States consul of Amoy.*

AMOY, May 10, 1867.

There are four men in the junk; the junk is from Taiwanfoo; left Taiwanfoo ten days ago; anchored below Tacao, place named Pang-Leoir; is a Chinese village; was there eight days ago. When he left Taiwanfoo had cotton goods, which they disposed of at Lun-Kein to Chiend, [who] gave them a letter to buy wood; the letter was addressed to the interpreter of the Indians named Moëe; he is a Canton man; lives a mile away; the boat belongs to Nougou-Kantling in Taiwanfoo. The junk can go into the jetty. The order of Chiend on Nougou paid for the wood. They are now waiting here for the wind to cease; they have two guns. The half-breed brought the wood to the boat; [the name of the captain] cannot talk savage; talks Amoy; Gho Khwan is his name.

SECOND MAN.

Naugh-Poo; belongs to the Pescadores; is from Taiwanfoo; has been to Pang-Leoir; anchored at Lun-Kein harbor; a few pieces of goods was his cargo; sold the goods to Chiend; he [Chiend] told him to get the wood through Moëe; Moëe brought the wood to the boats; does not know if all the men were understood or not. Tung-Tung is the captain of the boat; has been near Amoy, and also to Taiwanfoo. There are Chinese living here; cannot correspond with them; they are going to bring their load to Taiwahhfoo; they hire the boat from Nougou-Kan-Tin. The captain pays them \$3 50 for pilots, and \$2 50 per month for mariners.

THIRD MAN.

Lee-Tung; is from Taiwanfoo; he got some money to buy some wood; had no cargo; Chiend gave him the money; Chiend lives in Taiwanfoo; [the owner of the boat,] Nougou-Kan-Tin; Moëe sold the wood to him for 18,000 cash; he saw Moëe on the land; does not know if Moëe is a Chinaman or not; he looks like a Canton man. He [Lee-Tung] took the wood on shore partially, and part was brought to him on bamboo lampans; did not know anything about Moëe; saw him on shore, and offered him the wood for sale; he bought the wood yesterday; had no cotton goods; stopped at Pang-Leoir to get water and rice; it is customary to get wood here.

FOURTH MAN.

Koo-Pang; belongs to the boat; gets \$2 per month as wages; is from Taiwanfoo; has nothing on board, no goods; stopped at Hong-Kong below Pang Leoir; arrived here eight days ago; bought wood from Kau-Soo-Moëe, a Canton man. Moëe will sell wood at 5 cash one bundle; that is the price; three bundles weigh about seven pounds.

A true copy:

CHARLES W. LE GENDRE,  
*United States Consul.*

*Statement of the Chinaman Tek-Kwang, belonging to Mee-O, in the Kityang district, taken by the United States consul at Swatow, with the assistance of Rev. William Ashmore as interpreter.*

SWATOW, April 9, 1867.

I shipped at the United States consulate February 28, 1867, on the bark Rover. Sailed from the port Saturday morning, March 9th. Had stiff winds and were under close-reefed top-sails. At about 11 o'clock on the night of Tuesday, March 12, we struck a rock on the larboard side. Had seen Formosa the evening before, and were keeping off. When we struck we at once backed the sails, after which she sild off the rock, went a little distance, and then struck on the other side. The captain shifted the helm and then she began to move. The captain then set the men to the pumps, but no water came; they would not draw. I think the pumps were injured by the blow; they were in good order before. The captain sent the first mate down with a light into the hold; he found that the water was already over the ballast. The captain ordered the boats; we all got into two boats; the captain's had six in it, himself, his wife, the second mate, myself, another sailor, and the cook. There was taken in the boat a bed-quilt and some clothing, some water, a little food, a small quantity of spirit, a compass, and sextant; Mrs. Hunt took a small box. The second boat had in it the first mate, the cabin boy, five sailors, and the sailors' cook. We pushed off about one o'clock; we kept in company, rowing until daylight. We staid on board as long as we could; the water was getting so high that we were afraid to stay any longer. At daylight we saw Formosa; we rowed in until about 4 o'clock p. m., the tide also setting us in. When we landed we saw no one. The captain told us that he thought we need not fear, but we must get ashore to save our lives. About 10 o'clock we lost sight of the second boat. We pulled the boat up to the shore; we took on shore all there was in the boat; our clothes were wet; we took them off, wrung out the water and laid them out to dry. The captain sent me to find some fresh water; I found it and brought some back, a bucket full. The place where we landed was a sand beach at the foot of a mountain, very densely wooded. While we were drying our clothes the savages came out of the jungles to the number of 15 or 16; they were one or two women among them, with long dresses and earrings; the men had no clothing but the breech-cloth. When they came out of the bushes they were armed; some had guns, some had knives, some had bows and arrows; the captain called out to take to the bush. At once some of the natives ran to where our things were; others pursued us into the bushes: I hid myself into the bushes; I heard them pursuing; the savages made a great noise calling out; I heard several guns fired; I do not know certainly whether they got any one or not; after a while I saw them come back and divide the plunder; then they went back the way they came. After all was still I came out; I called several times the names of the captain and others; no answer came. Then I found some biscuit, which the savages had rejected, which I took. When night came on I started off, making my way westward; I had a moon until 10 o'clock. The next morning at daylight I went to where some Chinese were. The Chinese settlement was not more than 9 or 12 miles (English) away. I got to this Chinese settlement and told what had happened, and got a man to go and beg the savages not to kill them, but let them be ransomed. I had no money to hire this man, but the kind people contributed about \$3 to hire him. The man was a Chinaman, the only one that ventures among them; this man is a Chinaman's son by one of their women. The man went and came back the next afternoon, with word that five of the captain's boat were murdered the afternoon of the attack. He also brought word that the other boat had arrived in the night, and the next morning two of them were killed. After three days I came to Taikoo; I went to the English consul; he sent a man to make inquiries about the other six men. The man came back with a report that two more men had been killed. The English consul sent a steamer and I went along with it. The boat was still there, but all destroyed; the bottom was knocked out. Three boats went ashore from the steamer with 30 or 40 men. While they were making a landing for the officers, I having gone on shore first, was fired upon; there were 30 or 40 shots fired, all in quick succession; the captain ordered the men back; one man was slightly wounded in his stomach. There were no arms in the Rover's boats. The man-of-war brought me to Amoy. I arrived in Amoy the 31st day of March.

A true copy:

T. C. A. HINYORTS,  
*United States Consul.*

AMOY, May 11, 1867.

A true copy:

CHARLES W. LE GENDRE,  
*United States Consul.*

*Mr. Le Gendre to Mr. Seward.*

No. 20.]

CONSULATE OF THE UNITED STATES OF AMERICA,  
*Amoy, China, May 11, 1867*

SIR: I have the honor to bring to your notice (art. 576, Consular Manual,) that on the 26th of March, 1867, and with a view to rescue such of the survivors of the American bark *Rover*, wrecked near the southern coast of Formosa, on the 12th of March last, that might be left in the hands of the aborigines, Commander Broad, of her Britannic Majesty's sloop-of-war *Cormorant*, having the only known survivor of the crew on board, (a Chinaman,) started for the scene of this painful occurrence.

Commander Broad found the place, and saw the *Rover's* small boat still on the beach, but, in attempting to land, was fired on from the jungle, which was so dense that it would have been folly to attempt to penetrate it, and the boats returned to the ship. A few shells drove the aborigines from the cover of the jungle to the higher and more open ground beyond; but nothing further was attempted, the force that Commander Broad had at his command being quite inadequate to the task. In this attempt Alfred Flagg, A. B., standing by the side of Commander Broad, was wounded by a spent slug in the abdomen.

On hearing of this I immediately wrote to her Britannic Majesty's consul at this port, requesting him to offer my sincerest thanks for the promptness, daring, and rare courage exhibited by Commander Broad on this occasion, stating that I would transmit a proper statement of these facts to you, to be laid before his Excellency the President of the United States, who alone could make suitable acknowledgment to Captain Broad and such of his crew who have especially distinguished themselves on this occasion, and whose names I begged him to furnish me with at an early date. Enclosure No. 1 is the copy of Commander Broad's answer to me, received through her Britannic Majesty's consul, with a list of those that were present when the commander's party were subjected to the fire of the Formosa Indians.

I have the honor to be, sir, your obedient servant,

CHARLES W. LE GENDRE,  
*United States Consul at Amoy.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Commander Broad to Mr. Le Gendre.*

HER MAJESTY'S SLOOP CORMORANT,  
*Amoy, April 29, 1867.*

SIR: I have much pleasure in acknowledging the receipt of your very handsome approval of my services on behalf of the crew of the late American bark *Rover*, who had unfortunately fallen into the hands of some savage tribes on the island of Formosa on the 12th of March last.

While deeply sensible of the high encomiums which you have been pleased to express towards myself and those who acted with me on that occasion, I can only say that I was actuated with but one idea—that of saving life, and I deeply regret my efforts in this case were so unsuccessful.

You were kind enough to request the names "of those who especially distinguished themselves on that occasion." I therefore forward you herewith a list of those who were employed in the boats of her Majesty's sloop on that service, one and all having been equally exposed to the same deadly and unforeseen attack from the savages.

I am, dear sir, yours, very respectfully,

GEORGE D. BROAD,  
*Commander.*

General LE GENDRE,  
*United States Consul, Amoy.*

List of the officers and men employed in the boats of H. M. sloop *Cormorant*, on the 12th of March, 1867, who were exposed to the fire of the savage aborigines of Formosa.

Names.	Rank or rating.	Names.	Rank or rating.
<b>WHALER.</b>			
George B. Broad...	Commander.	John Hewlett ....	Ordinary seaman.
Charles Carroll, esq.	H. B. M. acting consul for Formosa.	Wm. H. Bulley....	Shipwright.
John Flynn.....	Captain's cockswain.	George Haste.....	A. B.
John McCarthy....	Ordinary seaman.	Thomas Henley...	A. B.
John Kerswell....	Ordinary seaman.	* Alfred Flag ....	A. B.
John Every.....	Ordinary seaman.	Robert Sewes.....	2d captain foretop.
James Grice.....	1st class boy.	Michael Hickey...	2d captain forecastle.
		George W. Lay...	Caulk water.
		Francis Viney....	Ordinary seaman.
		William J. Lee...	Ordinary seaman.
		John White.....	Acting serg't R. M. A.
<b>SECOND GIG.</b>			
Edgar R. Mathias..	Senior lieutenant.	<b>FIRST CUTTER.</b>	
Leonard Lucas....	Acting surgeon.	Harry L. Rider...	Lieutenant.
Colier H. Jones....	Midshipman.	† Doctor Manson ..	Medical practitioner at Formosa.
George Sempers....	A. B.	John Richardson..	2d captain maintop.
John Morris.....	Ordinary seaman.	Isaac Barkwell ...	Corporal R. M.
Richard Tozer....	Ordinary seaman.	Henry Bookham...	Private R. M.
John Bond.....	A. B.	William Hewlett..	Private R. M.
William Knowles..	Ordinary seaman.	George D. Green..	Private R. M.
John Cunningham.	Stoker.	George Walker...	Gunner R. M. A.
James McLean....	Stoker.		
William Gibbs ....	1st class boy.		

\*Wounded by a spent slug in the abdomen.

†Volunteer.

GEORGE D. BROAD, *Commander.*

A true copy, word for word :

CHARLES W. LE GENDRE.

*Mr. LeGendre to Mr. Seward.*

No. 21.]

CONSULATE OF THE UNITED STATES OF AMERICA,

*Amoy, China, May 11, 1867.*

SIR: In conformity with article 573, Consul's Regulations, and as a complement of the information furnished in despatches 17 and 19, I have the honor to report that the bark *Rover*, wrecked on the 12th of March last, near the south end of the island of Formosa, cleared at Swatow, China, in ballast for Newchwang on March 2, 1867, and sailed a few days after.

She was owned and commanded by Captain Joseph W. Hunt, of Port Jefferson, Long island, New York. Her crew consisted of W. Harris, of Pennsylvania, first officer; Jonas Asberg, of Sweden, second officer; a cook, seven seamen, all Chinese, belonging at the port of Swatow.

There were also on board Mrs. Mercy G. (Bearnom) Hunt, wife of the captain, and a Chinese servant, also belonging at the port of Swatow.

A bold, but unsuccessful, attempt to rescue such of the unfortunates as might be in the hands of the aborigines was made on the 26th of March, 1867, by Commander Broad, of her Britannic Majesty's sloop *Cormorant*.

I have the honor to be, sir, your obedient servant.

CHARLES W. LE GENDRE,  
*United States Consul at Amoy.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

A.

*Mr. Burlingame to Mr. Brown.*UNITED STATES LEGATION,  
*Peking, June 18, 1867.*

SIR: It gives me great pleasure to thank, through you, in the name of my government, Charles Carroll, esq., her Majesty's consul at Taiwan, Commander G. D. Broad, of her Majesty's ship *Cormorant*, with the officers and crew of the same, for their prompt and courageous efforts to rescue and avenge the captain and crew of the United States bark *Rover*.

The manner of their conduct was as admirable as the motive which prompted it. "We both fully agreed that, though the vessel was American, it was our duty to render the same assistance to the crew as we should had it been a British ship." This noble language of Mr. Carroll, alluding to himself and Commander Broad, states the policy which should guide two kindred nations. It is the fruit of that co-operative system in the east approved by our respective governments. It recalls the best *souvenirs* of our history, and will awaken a new sense of obligation in the breasts of my countrymen.

I have already had the pleasure of calling the attention of my government to the conduct of Consul Carroll and Commander Broad. The names of the officers and crew of the *Cormorant* have also been brought to its notice.

May I now ask you to acquaint her Majesty's government with this inadequate expression of thanks, to the end that it may appreciate, as others do, the humanity and valor of these officers and sailors.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

J. M. LEAVY BROWN,  
*Her Majesty's Chargé d'Affaires, Peking.*

*Mr. Seward to Mr. Burlingame.*

No. 202.]

DEPARTMENT OF STATE,  
*Washington, June 20, 1867.*

The department is informed by a despatch of the 7th of April last, received from the United States consul at Honk Kong, of the wreck, off the southern point of the island of Formosa, of the American ship *Rover*, on the 12th of March, 1867, while proceeding from Swatow to Neuchwang. The circumstances connected with the loss of this vessel, as narrated in the despatch, leave no doubt that the crew, together with the wife of the master, were cruelly murdered by the savages inhabiting that portion of the island. You are accordingly instructed—

First. To inquire into the facts of the case.

Second. To report whether the Chinese government is established or acknowledged in any, or in what degree, in the region where the atrocious transaction occurred. If clearly so, then to demand investigation and punishment, with such indemnities as are possible.

Third. If no organized government exists there you will suggest what form of proceeding should be adopted with a view to obtain redress and prevent such transactions in future.

Fourth. You are advised that in no case do the United States desire to seize and hold possession of Formosa or any part of said island.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &amp;c., &amp;c., &amp;c.

*Mr. Allen to Mr. Seward.*

[Extract.]

No. 22.]

CONSULATE OF THE UNITED STATES OF AMERICA,  
*Hong Kong, April 7, 1867.*

SIR: For some days past rumors of the most painful nature have been reaching us concerning the loss of the American ship *Rover* off the island of Formosa. Our worst fears in that regard are now even surpassed by the circumstantial information communicated through the columns of the "China Mail," a daily journal published here. And, as the information thus communicated comes direct from a gentleman attached to her Britannic Majesty's steamer *Cormorant*, which vessel visited the scene of the catastrophe, I deem the information entirely reliable; and deeming it probable that no more authentic or circumstantial account of the disastrous event can ever be obtained than this now given, I have thought it advisable to lay the same before the department in the manner communicated by the correspondent himself. I therefore append hereunto the statement as published in the newspaper above referred to:

[From the *China Mail*, Hong Kong, April 6, 1867.]

**"WRECK OF THE ROVER OFF FORMOSA.—MURDER OF THE CAPTAIN, HIS WIFE, AND CREW.—ATTACK BY THE NATIVES ON THE BOATS OF HER MAJESTY'S STEAMER CORMORANT.**

"A correspondent has favored us with the following letter relating to the above events. The concluding paragraph of it deserves the serious attention of all who are interested in insuring the safety of commerce in the China seas. Her Majesty's steamer *Icarus* left Foo-chow on the 3d instant for the scene of the wreck:

**"TAKAO, FORMOSA, March 30, 1867.**

**"To the Editor of the China Mail:**

"SIR: I regret to have to communicate to you the wreck off the south point of this island of the American bark *Rover*, on her voyage from Swatow to Neuchwang, under circumstances which leave no doubt that her crew were foully murdered by the savage natives of that place.

"The news was brought here by a Swatow Chinaman, who alone was fortunate enough to escape, and who arrived at Takow on the 22d instant. His story was that the vessel left Swatow on the 9th instant, and struck on rocks (evidently the *Vele Rete* rocks) on the 12th. She floated off, but in a sinking condition, and the master (Captain Hunt) determined to abandon her. The crew took to the boats, and were divided as follows: the captain, his wife, one mate, and three Chinese in one boat, the other mate and seven Chinese in the other. They pulled northwards, but during the night were parted. The first boat sighted land after 17 hours' pulling, and its occupants landed and sat down on the beach. After sitting about half an hour they were surprised by a discharge of fire-arms from the bush close by, directed on to their party. Without waiting to see the result of this volley the Chinaman fled and hid himself till night, when he crossed the hills and reached Leangkiou, a Chinese village, whence, after a delay of six days, he got passage to Takow in a sampan. On receiving this intelligence Captain Broad, in command of her Majesty's steamer *Cormorant*, which happened to be in port, at once decided upon steaming down the coast, and, if possible, to ransom any of the crew who might have survived.

"The *Cormorant* left Takao on the morning of the 25th, having on board Mr. Carroll, her Majesty's acting consul for Formosa, and Dr. Manson, of Takao, who joined the expedition as a volunteer. She first anchored at Leangkiou, where arrangements were made for sending a conciliatory message to the savages, with promises of rewards for any lives saved. A Chinaman who understood the savage dialect was also persuaded with great difficulty and under promise of good payment to act as interpreter. About 4 p. m. the ship anchored in the bay at the extreme point of the island, where on the beach were to be seen the remains of the boat from which the unfortunate crew had landed.

"Being desirous of giving the messenger from Langkiaou time to reach the savages, and so to avoid taking them by surprise, no one landed during the afternoon nor until 9 o'clock on the morning of the 26th, when the whaler, the gig, and the cutter were ordered to be prepared.

"In the first were Captain Broad, Mr. Consul Carroll, and the native interpreters; in the second, Lieutenant Mathias and Dr. Lucas, the surgeon; and in the third, Lieutenant Ryder and Dr. Manson. The two first pulled to shore where the *Rover's* boat was lying, and the cutter lay on her oars about 30 yards from the shore, with orders to keep a lookout for any hostile movement. Everything, however, appeared quiet—no natives to be seen save on the hills about 300 yards from shore. A few buffaloes had also made their appearance on another part of the beach, with what object did not appear, and in charge of no one.

"Lieutenant Mathias was the first to jump ashore, and Captain Broad was in the act of



doing the same, when a sharp fire of musketry was opened upon the party from two points in the jungle at not 20 yards distance. The abrupt nature of the sand-beach at this spot, however, prevented this first volley from taking effect on the whaler and gig.

“The position of the foe being only indicated by the smoke from their muskets, and they themselves being quite hidden in the dense bush, Captain Broad wisely determined not to risk the lives of his men in the pursuit of an invisible enemy in a jungle, where every advantage would have been on their side. The boats were therefore ordered off, the retreat being covered by the cutter, from which was kept up a fire, which, from the cries of the savages, evidently told. Their bullets and arrows, however, now fell thickly round the boats, all of which were struck in several places, one ball passing right through both sides of the whaler only a few inches below the seat on which were sitting Captain Broad and Mr. Carroll.

“It is a cause for great congratulation, therefore, that the only casualty was a flesh wound received by one of the blue jackets in the cutter. In the same boat the stock of one of the marines’ rifles was shot through as he was in the act of firing it.

“As no doubt now remained as to the sad fate of the Rover’s crew, nothing could be done but to inflict some punishment on their murderers. On returning to the ship, therefore, a fire of shell was opened upon the thickets, out of which they now ventured. The effects were soon visible, large parties being seen to hurry up the hills in the rear of the position they had occupied. At the two points alone whence fire was opened there could not have been less than 50 men, while I feel convinced that others were stationed all along the bay, the buffaloes being only a decoy to entice the crew ashore.

“To explain this I must state that the one and great object of life of a Formosan savage is to obtain heads, and I doubt not that they were greatly disappointed at not getting a few from the Cormorant. They fired not long ago into the boats of the Swallow, and I feel convinced that the crews of half the sailing vessels which have been lost and never heard of, on their way northward from Hong Kong, have perished at this spot. The very cunning of their ambushade in this instance proves that they are adepts, and the lives of the whole party are probably due to some accident, such as one excited man having fired his musket too soon. Had they waited two minutes longer not a man in the whaler and gig could have escaped, and even as it was their escape appears miraculous. Masters of vessels leaving Hong Kong should be specially warned on no account to land at this spot, the more so now, as the sight of a foreign-made boat lying on the beach might induce them to do so.

“It is much regretted that these savage tribes should be allowed to hold possession of this beautiful and valuable anchorage, situated, as it is, so conveniently for northward-bound vessels in the northeast monsoon, and it would be a great boon to commerce could they be cleared out and a settlement of Chinese encouraged in their place. The hills are fertile and undulating, and the soil appears rich enough amply to repay the labor of cultivation. The climate in the winter is healthy and invigorating, and the summer would be cooled by the breezes of the southwest. As a sanitarium for the worn-out inhabitants of Hong Kong it would be unequalled. The mission of the Cormorant was intended as one essentially of peace and mercy, but, with the experience now gained, and with a force sufficiently strong, a single well-organized attack would drive the savages from the coast, and a few years of government protection would do the rest. I trust that the matter may be ere long taken up in the proper quarter and effectually carried out. The importance of the question affects not alone the English, the American, or any other nation, but touches all who are in any way connected with China—either its trade or its government.”

I have the honor to remain, most respectfully, your obedient servant,

ISAAC J. ALLEN,  
United States Consul.

Hon. WILLIAM H. SEWARD,  
Secretary of State.

*Mr. Burlingame to Mr. Seward.*

No. 144.]

LEGATION OF THE UNITED STATES,  
Peking, July 14, 1867.

SIR: Referring to my despatch of last spring relating to the condition of the indemnity fund, I have now the honor to acknowledge yours of April 5th, No. 195, in which you direct me to purchase bills on London and remit the surplus of the fund to you. This, though a little different from the first intimation, has been complied with; and on the 11th instant I transmitted orders to Messrs. Olyphant & Company, the depositary at Hong Kong, to draw out the sum of

two hundred and twenty thousand dollars, for which I furnished them an order on the manager of the Oriental Bank corporation. The management of this transaction was necessarily left very much to their judgment and knowledge, my directions being to get safe bills of exchange payable to your order on the most advantageous terms, and remit them directly to you. By the time that I learn the amount of interest money still remaining in the bank, I shall probably have received your reply to my previous despatch about building, and then the whole can be drawn out.

I still cherish the hope that this money will be applied to the purpose for which I have so often urged its appropriation, and the school which its income might support will yet be established to do good to this people, and be an honor to the American name in this land. I confidently rely on your own influence in its favor to aid in carrying out the plan which you have approved.

I have the honor to be, sir, your most obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Seward to Mr. Burlingame.*

No. 204.]

DEPARTMENT OF STATE,

*Washington, July 6, 1867.*

SIR: I have received your despatch of April 10th, No. 134, together with accompanying documents, namely, certain memorials to the Chinese government and its replies on the subject of enlarged institutions for scientific education.

The proceedings described in these papers are exceedingly interesting, and manifest a strong tendency on the part of the imperial government toward assimilation to the institutions and customs of the western nations.

Trusting that you will lend your best exertions to favor this tendency,

I am your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Burlingame.*

No. 206 ]

DEPARTMENT OF STATE,

*Washington, July 15, 1867.*

SIR: The department has received a despatch of the 1st of April last from Mr. Le Gendre, the United States consul at Amoy, accompanied by an extract from a letter of a Mr. McPhail, of Formosa, on the subject of the wreck of the American bark Rover, on a shoal near that island, and the subsequent murder by the savages of thirteen out of fourteen of her crew. Mr. Le Gendre says that he was about to embark in the United States steamer Ashuelot for the scene of the disaster for the purpose of inquiring into the case; that he had written to you, and had asked instructions in regard to it. The directions to you upon the subject, contained in my No. 202 of the 20th of last month, are repeated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

*Mr. Le Gendre to Mr. Seward.*

No. 17.]

CONSULATE OF THE UNITED STATES OF AMERICA,  
*Amoy, April 1, 1867.*

SIR: I have the honor to bring to your immediate knowledge an extract of a despatch just received (enclosure No. 1) from Mr. McPhail, of Formosa, and conveying to me the painful intelligence of the murder of 13 Americans.

I shall leave at once for the seat of the occurrence, availing myself of the presence, at Foochow, of the United States gunboat Ashuelot to strengthen my hands in the measures I may be compelled to take to obtain redress and compensation from the local authorities of the island.

I advise the minister at Peking of the affair, asking for instructions as to future steps.

This painful news reached me as I was furnishing a special report of the Coolie case, tried in this court during the quarter ended March 31, 1867, which I had hoped to send you by this mail; I shall do so by the next French mail. This case appears, however, in the usual quarterly report sent to the department through the consulate general.

I have the honor to be, sir, your obedient servant,

CHARLES W. LE GENDRE,  
*United States Consul.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Extract of letter of Mr. McPhail, of Formosa.*

About ten days ago the American bark Rover, from Swatow, bound to Neuchwang, in ballast, was wrecked on the "Bashas." The crew, 14 in all, made their way to a place called "Pang Livio," about 20 miles from Tachow, in the long boat, where they were all murdered by the savages, except one who has arrived at Takow.

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*Mr. Burlingame to Mr. Seward.*

No. 145.]

LEGATION OF THE UNITED STATES,  
*Peking, July 17, 1867.*

SIR: I have the honor to forward a modification of the treaty respecting the penalty to be levied on the masters of merchant vessels for overpassing the allotted time of 48 hours after entering port without reporting their arrival.

The reasons for this will be found in enclosures A and B.

It is agreed between Prince Kung and myself, pending a reference to you, that the XIXth article of the treaty of Tientsin shall be understood to include hulks and storeships of every kind under the designation of *merchant vessels*; and shall be defined for this offence by the first sentence of article XXXVII of the British treaty, and the legal penalty to be inflicted on the master for neglecting to report his arrival within 48 hours shall be a fine of 50 taels for every day's delay, but not to exceed in all the sum of 200 taels.

This modification is made known to United States citizens in China, in manner and form as set forth in enclosure C.

This change in the treaty puts no additional hardships upon commerce, but removes doubts as to construction, and prevents a violation of the spirit of the treaty.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

## A.

*Prince Kung to Mr. Burlingame.*

[Translation.]

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication :

It is on record that the collector of the port of Canton informed the foreign office in the month of October, 1866, that the American sailing ship *Tropic* had entered that port, and that the consul had overpassed the limited time without reporting her to the customs. On learning this proceeding, instructions were given to Mr. Hart, the inspector general of customs, to learn the facts of the case, and he has now sent in the following report :

"I have received a despatch from the commissioner of customs at Canton, in which he states as follows :

"The foreign treaties all contain a provision that, when a merchant ship enters port, she is allowed 48 hours within which to report her arrival at the customs, and failing to do so, she subjects herself to a fine; but the treaty with the United States does not mention any fine, though the same limit is given for reporting the vessel. On the 19th of July, 1866, the American ship *Tropic* came up the river to Whampoa, but no notice having been given by the United States consul of her arrival for half a month afterwards, the collector sent a note to him inquiring about her. He replied that, as she was only a hulk, he did not deem it necessary to report her at the customs; to which the collector rejoined, that though she was a hulk, it was incumbent on the consul to report her just the same; and that, as she had overpassed the allotted time, she had subjected herself to a fine. The consul did not reply precisely whether or not he thought that she ought to be reported; but contended that, while the British treaty expressly mentioned the amount of the fine to be levied in such cases, the American treaty did not state any sum, and argued, further, that even if it should be decided that hulks should be reported the same as other vessels, this one could not, according to the American treaty, be fined for not doing so. During the month of August the statement of the United States consul of the circumstances connected with the *Tropic* coming into port, with the letters that passed between him and the collector, were all forwarded to Peking to the American minister, and to the foreign office, that the question might be discussed and settled between them.

"In looking over this correspondence between the consul and collector, it appears that the discussion involves two points: one, whether hulks come properly under the regulation about reporting ships; and the other, whether an American ship that has failed to report her arrival within 48 hours should be fined the amount mentioned in the treaty with another country.

"As to the propriety of hulks reporting their arrival in port to the customs, it is enough to refer to the article XIX of the American treaty, in which it is stipulated: 'Whenever a merchant vessel belonging to the United States shall cast anchor in either of the said ports, the supercargo, master, or consignee shall, within 48 hours, deposit the ship's papers in the hands of the consul, who shall cause it to be communicated to the superintendent of customs,' &c., &c. Now, the expression *merchant vessel* has a wide signification. It includes the greatest and smallest craft; those made of wood, and those made of iron; those with one, two, or three masts, whether called sailing vessels or steam vessels; whatever floats that is employed to convey merchandise or passengers, whether it goes and comes at certain intervals, or remains constantly at anchor within the limits of the port, storing goods in its hold, or affording accommodation as a residence. These are all properly termed *shang chuen* or *merchant vessels*, and the *tun chuen* or *hulks* are nowise different, and, like other merchant vessels, should be reported at the custom-house. Now, it is plain that this ship *Tropic* should have been reported by the consul the same as any other trader, for she was once a regular merchantman, which had afterwards been lying in Hong Kong as a receiving hulk, and had now come up to Whampoa to go into dock to be fitted up for freighting cargo.

"In regard to the other question, whether an American merchant vessel that is not reported at the customs should be fined according to the stipulations of another treaty, as, for instance, the British, it may be observed that, when a British vessel overpasses the prescribed limit without being reported, she is of course fined according to it. But let this question be looked at from another point of view. Although article XXXVII of the British treaty contains an express provision that a vessel that is not reported subjects herself to a fine, yet it might sometimes be excused if the reason for overpassing the stated time had been owing to the captain or consignee's inability, or any other cause; but the delay in reporting this ship was entirely owing to the American consul erroneously concluding that it was needless to do so in the case of a hulk. It was, in fact, only at the end of August, after a long controversy on the subject, that he first reported her.

"Furthermore, supposing the *Tropic* had been a British ship, on this reasoning she could not have been fined even with the declaration in the British treaty of the amount of the fine; and of course still more so in the case of an American ship, judged by a provision in the British treaty. The whole argument would go to nullify the reason for fining any ship whatever. If the stipulation in this matter in the British treaty be taken as the test, and it be

undetermined whether offending American vessels can be brought under it, the whole question under discussion becomes very difficult of decision. For if, when the treaty of one country states no definite sum, and the case can be decided only by the express declaration given in the treaty of another nation, it is not permitted to refer to that treaty, the point can only then be decided by general principles of international law.

"The treaty stipulations of one country refer only to the natives of that country, and are to be carried out by its particular officers. In article XL of the French treaty it is stipulated that whatever provisions in the treaties with other countries are not contained in the French treaty, shall yet be enjoyed by all French subjects; and a similar favorable clause is also contained in the American treaty. Even if the principles of international law confirm the view, that an American vessel should be fined according to the stipulations of the British treaty, yet as both the French and American treaties contain clauses which give them its advantages, there seems to be no need of inquiring what decision international law would give in this question.

"It is known that every foreign treaty contains an express stipulation requiring the consignee of every merchant vessel on entering port to hand in a true manifest of her cargo, and that if she be detected in giving a false manifest, she subjects herself to a fine of 500 taels. But the American treaty, while stipulating that every American merchant vessel must hand in a true manifest, says nothing of the fine to be levied for infringing this requirement. The foreign office brought this point to the notice of the United States minister in 1863, and after a full examination of the subject he agreed to a modification, and sent instructions to all the United States consuls at the ports, making it a rule that whenever the consignee of any vessel gave in a false manifest of her cargo, the vessel was subjected to a fine of 500 taels, according to the provisions of the British treaty. Now it would be well if this case of the Tropic could produce another like arrangement, and a rule be made that hereafter, whenever an American ship came into port, and overpassed the time for reporting herself, her offence should be brought under the same rule. A limit of two days for reporting at the customs causes no damage or hindrance to the merchants; and as a proviso in the treaty clearly stating it is desirable for carrying on business at the custom-house in a uniform manner at all the ports, I respectfully request the foreign office to communicate and consult on the subject with the American minister, and request him to issue a notice like the one he issued in 1863, to all the United States consuls at the ports, requiring them whenever a merchant vessel of any size or description enters a port, to report her arrival at the customs within the appointed time; and if it be overpassed without reporting, that then, although the American treaty does not mention any sum, she shall be fined according to the provisions of article XXXVII of the British treaty. A notice like this will make the practice uniform at all the custom-houses, and prevent all further controversy on this point. This present case of the Tropic, charging her with not having been reported within the specified time, resulted, in fact, partly from the unintentional mistake of the American consul, and partly from the remissness of the consignee in not reporting to him; it therefore need be no further discussed, nor the amount of the fine to be levied."

On reading this report of the inspector general, I find it stated that in the year 1863, when the American traders were found on some occasions to have given in false manifests of cargo, that this office consulted with your excellency on the subject, and it was decided that in future such offences should be punished by fine according to article XXXVII of the English treaty, so that they need not be subject to any heavier mulct. It appears, too, that article XIX of the American treaty stipulates that a period of two days after entering the port is allowed every merchant vessel to report to the customs; and the phrase "merchant vessel" is a term of wide application, and includes hulks as well as all other sorts, and that when these last enter port they should be required to report within two days, as well as all others, under penalty of a fine. The American ship Tropic has committed the offence of not reporting within the appointed time, and as it appears from the inspector general's report, in consequence of the neglect of the consul at Canton. It is not clear on what grounds the consul excuses this neglect, for his correspondence does not agree with itself. It ought to be punished by the fine stated in article XXXVII of the British treaty, but as Mr. Hart explains the circumstances of the transaction, it may be overlooked, and no further discussion taken on it.

It is proper, however, to request your excellency, for the regulation of the American trade in China, to issue a notice similar to that made in 1863, to the merchants through their consular officers, directing that in all cases when an American merchant vessel of any description enters any port, that she must be reported at the customs within two days, under penalty of the fine stated in article XXXVII of the British treaty. A distinct rule of this sort will prevent a consul repeating the mistake of not reporting a vessel, and also prevent the merchants being involved in a mulct without any fault of their own, an advantage in fact, to both nations.

The adjudication of the offence of the consul at Canton in not reporting the vessel, is left entirely in your excellency's hands.

His Excellency ANSON BURLINGAME,  
*United States Minister.*

JUNE 29, 1867, (*Tungchi, 6th year, 5th moon, 28th day.*)

*Mr. Burlingame to Prince Kung.*

LEGATION OF THE UNITED STATES,  
*Peking, July 11, 1867.*

SIR: I have the honor to acknowledge your despatch of the 29th ultimo, in which you inform me that the American ship *Tropic*, which came into port at Canton in July, 1866, was not reported at the custom-house for a fortnight after her arrival, and that when the collector wrote to inquire about it, the United States consul replied that he did not deem it necessary to report hulks; to which the collector rejoined, that it was not only necessary that hulks should be reported like other vessels, but this one had subjected herself to a fine for not doing it; whereat the consul again gave answer that the treaty with the United States contained nothing about fining a vessel for failure to report; and that finally the discussion on these points could not be satisfactorily terminated by these officers.

I have carefully examined into this case and conclude that the consul, supposing it to be unnecessary to report hulks at the customs, allowed the *Tropic* to overpass the allotted time for doing so. Moreover, as he did so with a full knowledge of all the circumstances, he has sent me a report of all, so that I can understand and decide the matter. It has been the custom for many years past for hulks to come up the river to Whampoa, and there remain without reporting to the customs, so that, seeing that the usage had existed for so long a time, it does not appear that it was an unintentional mistake of the consul in not doing so.

But the reasons alleged in the despatch now under reply, why hulks should be reported like other merchant vessels, commend themselves to my judgment as being proper; and so also do those urging that when an American vessel overpasses the allotted time for reporting herself, she should be fined. I have accordingly deemed it proper to inform the consuls of the United States at all the ports, that for the present, whenever an American merchant vessel enters any port and exceeds the allotted time without reporting herself at the custom-house, she shall be liable to the same fine as stated in article XXXVII of the British treaty.

I shall send a full statement of this matter to the government of the United States, and when I have been honored with the commands of the President in reply, I shall again bring the subject to the notice of your highness.

I have the honor to be, sir, your highness's obedient servant.

ANSON BURLINGAME.

His Imperial Highness Prince KUNG, &c., &c., &c.

C.

*Mr. Williams to United States consuls in China.*

LEGATION OF UNITED STATES,  
*Peking, July 17, 1867.*

SIR: His Excellency Hon. Anson Burlingame, United States minister, having been in consultation with his imperial highness Prince Kung, respecting the penalty to be levied on the masters of merchant vessels under the treaty of Tientsin for overpassing the allotted time of 48 hours after entering port without reporting their arrival, it has been agreed between them that pending a reference to Washington, the XIXth article of said treaty shall be understood to include hulks and storeships of every kind, under the designation of *merchant vessels*, and shall be defined for this offence by the first sentence of article XXXVII of the British treaty, and the legal penalty to be inflicted on the master for neglecting to report his arrival within 48 hours shall be a fine of 50 taels for every day's delay, but not to exceed in all the sum of 200 taels.

I am directed to make known this modification of article XIX of the American treaty for your guidance and the information of American citizens under your jurisdiction.

By order:

S. WELLS WILLIAMS,  
*Secretary of Legation.*

To \_\_\_\_\_,  
*United States Consul.*

*Mr. Seward to Mr. Burlingame.*

No. 207.]

DEPARTMENT OF STATE,  
*Washington, July 18, 1867.*

SIR: I have to acknowledge the receipt of a despatch from you dated the 1st of May, No. 138.

That paper is accompanied by copies of regulations relating to pilotage, and

to passengers' luggage, proposed by the Chinese government and agreed to by the representatives of the treaty powers at Peking. While approving your action on assenting to the propositions referred to, it is deemed necessary to remark that such assent is not intended to modify our treaty rights in any manner, and that this government reserves the right of future objection to any interpretation of either of the regulations which may be found inconsistent with existing treaties.

You are instructed to make these views known to the Chinese government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

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*Memorandum on the pilot and port rules forwarded by Mr. Burlingame in his despatch No. 138.*

The pilot rules heretofore enforced in the ports of China have been promulgated by the foreign authorities. Those forwarded by Mr. Burlingame are proclaimed by the Chinese government, and assented to by Mr. Burlingame. The old system was never got to working well, as there would always turn up some impracticable consul to put obstacles in the way. The rules now proclaimed proceed from a central and undisputed authority, and are likely to be well worked in connection with the well organized customs establishment of the empire.

Under the treaty we have, perhaps, no right to interfere with such pilotage rules as the Chinese make, unless they trench injuriously on the privileges of ex-territoriality accorded to our officers and people in China, or embarrass our trade. I do not know that these do or are likely to do the one or the other.

It may be questioned, however, whether the Chinese have the right to hold the consignee of a vessel responsible for pilotages due on it, (Rule XIV.); and it should not be permitted that the customs should withhold the usual facilities to consignees or masters to enforce the decisions of the harbor-master in certain cases. (Rules XII and XIV.)

The port rules for passengers' luggage, duty-free goods, and steam tugs seem well adapted to the purposes, and in accordance with the treaty and usages, with the following exceptions: The last clause of the rule relating to passengers' luggage should not be construed as a prohibition against conveying dutiable goods as may be convenient. Should there be intent to defraud, it would be right to confiscate the luggage, but, perhaps, not otherwise. And the last clause of the rule relating to duty-free goods might be complained of, as contravening the XX article of the treaty, which provides for the examination of goods when being shipped or discharged at the vessel's side, should it be enforced with unnecessary hardship.

It is, I suppose, always understood that the assent of the minister to rules made by the Chinese government does not forestall his right to demand a change in them when in practical application they occasion unnecessary hardship, (*vide* article XXVIII,) or otherwise contravene our treaty rights.

GEO. F. SEWARD.

WASHINGTON, July 15, 1867.

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*Memorandum by E. Peshine Smith.*

It seems to me that several of the regulations are so vaguely expressed that it is impossible to see they may not be so construed as to infringe on treaty rights, and therefore, that it might be well to accompany an approval of Mr. Burlingame's assent with a notice that we find it necessary to observe that the assent is not intended to modify our treaty rights in any manner, and reserve the right of future objection to any interpretation of either of the regulations which may be found inconsistent with the treaties.

E. PESHINE SMITH, *Examiner.*

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*Mr. Hunter to Mr. Burlingame.*

No. 208.]

DEPARTMENT OF STATE,

Washington, July 24, 1867.

SIR: I have to acknowledge the receipt of your despatch of the 29th of March last, No. 133, enclosing a memorandum drawn by Mr. Hart, illustrating the

liberality of the Chinese authorities in appropriations for the erection of light-houses. This gratifying communication will be submitted to the honorable the Secretary of the Treasury, whose views on the subject will be sought and communicated to you.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

ANSON BURLINGAME, Esq., &c., &c., &c.

*Mr. Hunter to Mr. Burlingame.*

No. 210.]

DEPARTMENT OF STATE,

*Washington, July 24, 1867.*

SIR: I have the honor to acknowledge the receipt of your despatch of the 23d of April last, No. 137, concerning the shipwreck of the American bark Rover. Substantially the same account had been received through the Navy Department a short time previously to the reception of your despatch. The instructions already sent to you on this subject will, it is believed, prove a sufficient guide for your treatment of this matter.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

ANSON BURLINGAME, Esq., &c., &c., &c.

*Mr. Seward to Mr. Burlingame.*

No. 213.]

DEPARTMENT OF STATE,

*Washington, August 23, 1867.*

SIR: You are already acquainted with the tragic affair of the loss of the United States merchant vessel Rover, off the island of Formosa, and the destruction of her crew by the savages residing there.

From a report made upon that subject to the Secretary of the Navy, by Rear-Admiral Bell, I extract as follows:

I am satisfied that the barbarities of those savages cannot be permanently stopped until the government at Peking be induced, by the action of the American and other foreign ministers at that court, to occupy all the villages and bays on the east coast and on the south, and thus drive the aboriginals back to the interior of the island. They are a cruel pest to all mariners who may be so unfortunate as to be thrown on their coast; and there is no known way of dealing with them as a community.

The President desires that you will confer with the representatives of the western powers at Peking, and in co-operation with them, if it shall be practicable, earnestly urge upon the Emperor's government the policy suggested by Rear-Admiral Bell. I shall look with much interest for your proceedings under this instruction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

*Mr. Seward to Mr. Burlingame.*

No. 214.]

DEPARTMENT OF STATE,

*Washington, September 13, 1867.*

SIR: I have to acknowledge the receipt of your despatch of 13th of March last, No. 131, in relation to the disposition of the surplus of the Chinese indem-



nity fund, and enclosing a letter of the 12th of the same month from S. Wells Williams, esq., explaining the condition in which it then stood, and stating that he had made use of a portion of the interest, amounting to \$14,586<sup>21</sup>/<sub>100</sub>, in purchasing a lot and erecting a building suitable for the legation of the United States, and that the additional sum of \$10,000 from the same source would be necessary to complete the structures requisite for the purpose indicated.

While it is admitted that the facts set forth by Mr. Williams prove quite clearly that, unless some such accommodations as those described by him are provided by the government or private individuals, the minister will be compelled to seek the hospitality of his colleagues of the diplomatic corps, or to change his residence to Shanghai, I cannot find any warrant in law for the appropriation of any portion of the interest or principal of the fund referred to for such a purpose or any other, and I therefore feel constrained to instruct you to cause the money so used to be replaced.

In adopting this course I am happy to be able to say that the excellence of motives which have actuated Mr. Williams in this proceeding is not called in question; and in leaving it optional with the department to decline or adopt the arrangement, he has relieved it of embarrassment.

When Congress shall be in session, and shall be ready to engage in general business, the correspondence will be submitted to that body with a view to such provision being made as in their judgment may be necessary and expedient.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Burlingame.*

No. 215.]

DEPARTMENT OF STATE,

*Washington, September 20, 1867.*

SIR: Your despatch of the 19th of June last, No. 142, enclosing a copy of your note of the 18th of the same month to J. McLeary Brown, her Majesty's chargé d'affaires at Peking, acknowledging the services of Charles Carroll, esq., Commander Broad, and the officers and crew of her Britannic Majesty's steamer Cormorant, in their courageous and prompt attempt to rescue the captain and crew of the American bark Rover, was duly received, and is cordially approved.

Mr. Adams, our minister at London, was some time since instructed to make suitable acknowledgments to all of the British officers and subjects who took part in the friendly proceedings referred to.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Burlingame.*

No. 216.]

DEPARTMENT OF STATE,

*Washington, September 20, 1867.*

SIR: I transmit for your information a copy of a despatch,\* and of its accompaniments, of the 26th of July last, No. 109, from General Dix, our minister at Paris, in relation to the municipal regulations proposed to be adopted by the French consul general at Shanghai. A copy of my reply is also enclosed.\*

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

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\* For enclosures see correspondence with United States minister at Paris.

*Mr. Seward to Mr. Burlingame.*

No. 217.]

DEPARTMENT OF STATE,

*Washington, September 20, 1867.*

SIR: I have to acknowledge the receipt of your despatch of the 22d of May last, No. 141, recounting your laudable efforts to induce the Chinese to recognize and avail themselves of the benefits of the telegraphic and railroad improvements of the western civilization. It is presumed that time will overcome their superstition and prejudices, but efforts will be made to hasten their enlightenment by furnishing you with statements of considerations in their favor, based upon the very ingenious one contained in your note of the 14th of January, 1865, to Prince Kung, a copy of which will be placed in competent hands with that view.

Perhaps a spirit of emulation might be kindled which would facilitate the movement, by your making known the fact that the neighboring empire of Japan is about to adopt these improvements as a means of increased prosperity and defence.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &amp;c., &amp;c., &amp;c.

*Mr. Seward to Mr. Burlingame.*

No. 219.]

DEPARTMENT OF STATE,

*Washington, October 2, 1867.*

SIR: Referring to instruction of the 20th ultimo, No. 216, I now transmit for your information a copy of a communication\* of the 21st of May last, from the late Sir Frederick Bruce, concerning the French municipal regulations at Shanghai.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &amp;c., &amp;c., &amp;c.

*Mr. Seward to Mr. Burlingame.*

No. 221.]

DEPARTMENT OF STATE,

*Washington, October 5, 1867.*

SIR: With reference to your despatch of the 29th of March last, No. 133, transmitting a memorandum from Robert Hart, esq., inspector general of customs, of China, concerning the progress making by that empire in its light-house system, I now transmit, in reply to that communication, a copy of a letter of the 24th ultimo from the Secretary of the Treasury, enclosing one from Admiral Shubrick, which is accompanied by a report of a special committee of the Light-house Board through its chairman, Major General Delafield. I also enclose a copy of another letter of the same date from the Secretary of the Treasury, applying for the specific information as to the latitude and longitude of the lights, beacons, &c., enumerated by Mr. Hart, and such other facts as are called for in the resolutions of the committee at the close of their report.

The commercial interests of the world and considerations of humanity commend the generous enterprise of the Chinese government, as set forth in the memorandum of Mr. Hart, to universal approval.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &amp;c., &amp;c., &amp;c.

\* For enclosure see correspondence with the British legation.

*Mr. McCulloch to Mr. Seward.*

TREASURY DEPARTMENT, *September 24, 1867.*

SIR: Your letter of the 25th July last, submitting, for examination of this department, a communication, of the 29th March previous, from Mr. Burlingame, relating to the liberal provisions which had been made by the Chinese authorities for the establishment of light-houses on their coasts, and requesting any suggestions on the subject which this department might find reason to make, having, with the despatch of Mr. Burlingame, been referred to the Light-house Board, I have the honor to transmit herewith a copy of their report, which embodies the views of this department on the subject. The despatch of Mr. Burlingame, as requested in your communication, is herewith returned.

I am, very respectfully,

H. McCULLOCH,  
*Secretary of the Treasury.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

*Commodore Shubrick to Mr. McCulloch.*

TREASURY DEPARTMENT,  
OFFICE OF THE LIGHT-HOUSE BOARD,  
*Washington, September 23, 1867.*

SIR: I have had the honor to receive the letter from the honorable Secretary of State of the 25th July last, with accompanying despatch and enclosures from the United States minister at China, the same having been referred to this board.

I transmit herewith a copy of the report of a special committee to which the subject was referred, as embodying the views of this board.

The letter of the honorable Secretary of State and its enclosures are herewith returned.

Very respectfully,

W. B. SHUBRICK,  
*Chairman.*

Hon. H. McCULLOCH,  
*Secretary of the Treasury.*

The special committee, to which was referred the communication of Mr. Burlingame, of the 29th March, 1867, to the Secretary of State, relating to the provisions made by the Chinese government for lighting and otherwise facilitating the navigation of the coasts of that country, has examined it with attention, and now reports, for the information of the board, that it is accompanied with a report from Robert Hart, esq., inspector general of customs, of China, descriptive of the existing lights, beacons, buoys, and light-vessels; the resources annually appropriated to these purposes, and the proposed system for their preservation and future extension.

The contents of Mr. Hart's report are useful, as furnishing a reliable statement of all existing lights, beacons, and other facilities for designating the harbors and shoals on the coast of China, and serviceable to our naval and commercial marine navigating the Chinese seas.

It is interesting to be thus enabled to place on our files the fact of the Chinese government having already made much progress in lighting its coasts and harbors upon the same general system as that adopted by the United States, and common to the European powers; for which we are indebted to Fresnel, of the French engineers.

From this report it appears that the insurrection in China has, until lately, prevented the resources of the country being applied to lighting the coast. The suppression in a great measure of that rebellion has enabled the government of China to appropriate annually the "tonnage dues" to lighting the coast, and otherwise facilitating the coast and river navigation.

A careful survey of the coast and its harbors is represented as having been made, neutralizing thereby and freeing it comparatively of dangers that have been still further lessened by the construction of light-houses.

Eleven of the principal ports are now lighted and buoyed by stationary and floating lights, and the bars and shoals in the rivers are more particularly defined by buoys corresponding, in details of construction and general principles, with the system adopted by the United States Light-house Board.

The only auxiliaries and facilities used by the United States, and not apparently known to the Chinese authorities, are the fog-signals and bell-buoys, and our system of screw-pile light-houses.

In Mr. Hart's frequent conversations with the provincial officials, and other government

functionaries, he states that he has ever found them ready and very willing to carry out such suggestions as were made; and he is quite certain that they will furnish the means for carrying out unobjectionable plans, as well as to improve the harbor generally, with the aid of the engineering talent and skill at command of the Europeans, serving as examples for like structures elsewhere for the Chinese government.

The amounts hitherto expended by the Chinese government from "tonnage dues" annually have been small, for the reasons previously stated. During the last five years the annual expenditure for light-ships, beacons, buoys, repairs, &c., about \$33,000, while the revenue has been at the rate of about \$333,000.

The Chinese government will hereafter provide funds and secure the services of first-class men; and the only assistance to be asked for is one which the treaty powers (of which the United States is one) are, by exterritorial privileges, bound to afford, to wit, the prevention of acts and doings on the part of all foreigners settled at the ports pronounced to be of a hurtful tendency by the Chinese agents, and to recognize and support these agents in the performance of their duties.

The preceding is from Mr. Hart's report as inspector general of customs, of the 21st January, 1867. He appended a note of the 16th March, 1867, stating that he has, since the date of his report, received "official instructions" from the board of foreign affairs, authorizing him to carry out all that his memoir sets forth, serving to improve the navigation of the coasts and rivers. Mr. Hart further states that the suppression of the rebellion, of the final payment of indemnities to foreign powers, and authority under imperial decrees, allowing Chinese to build and own vessels for foreign commerce, and of similar model to European ships, both steamers and sailing ships, renders the lighting of the coast a subject of increased private interest and national importance.

The customs at the ports open to foreign commerce have in a great measure been under his supervision, and are now in such good working order that he proposes to apply the "tonnage dues" to three objects:

- 1st. To an engineer department for the improvement of coast and river navigation.
- 2d. To a harbor-master's department, with its functionaries at the treaty ports to superintend the anchoring of ships, the pilots and police of the rivers and harbors: and
- 3d. To a coast light-house office, to take charge of the lighting department generally, and most especially of about 15 light-houses now to be built on the most necessary points on the coast.

The flourishing condition of the treasury of the colony of Hong Kong will enable it to put up and place all needful lights, beacons, buoys, &c. The annual collections from tonnage dues do not exceed \$500,000 or fall below \$350,000.

In the selection of men for the light-house service he proposes to employ them without respect to nationality, provided individual fitness can be secured, and not attempt to provide a representative of every treaty power for every port, but continue to make the service cosmopolitan in its general construction. A fair attempt will be made to represent with approximate correctness the chief treaty powers. His chief object will be to keep in existence on a cosmopolitan basis a thoroughly efficient service, and to carry out faithfully and well for the Chinese government the works it pays for and approves of. Such is the information derived from authentic sources through our minister in China, on the system now being extended in that country for lighting the coasts and establishing other facilities for the commerce of all countries trading with it.

As one of the treaty powers referred to in the report of the inspector general of customs, the United States has certain rights and duties to perform in relation to lights, &c.

The import trade and commerce of our country with China amounts at this time to \$10,800,000, and our exports to \$10,100,000. This property is freighted in 185 vessels, that may be valued at \$15,000,000, making a total of \$35,900,000 as the value of the property in which our citizens are interested, and for the safety of which the light-houses are necessary. This value will unquestionably be greatly increased by the introduction of steamers from our western coast, and further facilities by railroad across the continent and by the Isthmus of Panama.

The committee is of the opinion that the industrial interests and welfare of the United States will be benefited by the objects in view presented in Mr. Hart's report, and that the Light-house Board should do all in its power to promote the same, and to that end recommend the adoption of the following resolutions:

1st. That publicity be given in the usual way of the existence of the light-houses, beacons, and buoys specified in the report of the inspector general of customs.

2d. That the chairman of the Light-house Board take such measures as may be in his power to ascertain the latitude and longitude of each of the existing lights on the coast of China, and publish the same; and that he endeavor to obtain the number of Americans resident in China appointed to carry out the cosmopolitan system of the inspector general.

3d. That two sets of the publications and plans of the Light-house Board be prepared and appropriately bound, and forwarded through our minister in China, Anson Burlingame, esq., for the inspector general of customs and for the imperial library of the Emperor.

4th. That the attention of the inspector general be respectfully invited to the organization of the Light-house Board, the regulations for its government under the general direction of

the Secretary of the Treasury of the United States, the rules and regulations governing the light-house keepers, and the laws enacted by Congress creating and defining the duties of the Light-house Board; to the screw-pile sea coast light-houses in sandy foundations in latitudes free from ice, and for similar iron structures in harbors; to the stone and brick towers for light-houses on the main land; to the designs for light-houses combined with keepers' houses for localities adapted thereto; the plans for light-ships and their moorings for the open sea and bays, and to the plans of beacons and buoys of various descriptions; which references it is hoped will make the system of this country fully understood, and enable the inspector general of customs to adopt any parts thereof that to him may appear advantageous for the coast of China.

5th. That the chairman of the Light-house Board cause a copy of Mr. Hart's communication, with its accompanying papers, to be placed on the files of the board.

6th. That a copy of this report be submitted to the Secretary of the Treasury in reply to his reference to the Light-house Board of the communication to him from the Secretary of State of the 25th July, 1867.

All of which is respectfully submitted, by

RICHARD DELAFIELD,  
*Brevet Major General, Corps of Engineers, U. S. A.,  
Chairman of Special Committee.*

WASHINGTON, D. C., September 2, 1867.

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*Mr. McCulloch to Mr. Seward.*

TREASURY DEPARTMENT, September 24, 1867.

SIR: At the instance of the Light-house Board I have the honor to request that our minister to China be desired to obtain such data in reference to existing aids to navigation on that coast as will enable that board to publish the usual and necessary notices to mariners, and that he also communicate the number of Americans appointed to carry out the cosmopolitan system of Mr. Hart, inspector general of customs.

I am, very respectfully,

H. McCULLOCH,  
*Secretary of the Treasury.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

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*Mr. Seward to Mr. Burlingame.*

No. 224.]

DEPARTMENT OF STATE,  
*Washington, November 11, 1867.*

SIR: Your despatch, No. 145, of the 17th of July last, upon the subject of a modification of the treaty between the United States and China, has been received. The department sees no objection to the proposed modification, but, before it can be formally accepted by the President, it must be approved by the Senate. That body will be consulted upon the subject early in the next session, and their decision will be made known to you.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

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*Mr. Burlingame to Mr. Seward.*

No. 149.]

LEGATION OF THE UNITED STATES,  
*Peking, November 14, 1867.*

SIR: I have the honor to inform you that on the 21st of October last I presented the portrait of Washington, sent by the government to Sen-ki-yu, in the presence of the members of the Tsung-li-yamun.

Dr. S. Wells Williams and Dr. W. A. P. Martin acted as interpreters.

The ceremonies were impressive, and are well described in the *memorandum*, marked A, kindly prepared by Dr. Martin.

Please find also, marked B and C, the address of presentation, with Sen's reply.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

[Enclosure A.]

*Memorandum of an interview between Mr. Burlingame and the Council for Foreign Affairs, at the Foreign Office, October 21, 1867.*

The occasion was the presentation, by order of the Department of State, of a portrait of Washington to Sen-ki-yu, a member of the council, in recognition of an eloquent tribute which he has paid, in a published work, to the character of Washington and the institutions of America. On account of the liberal sentiments expressed in that work he was dismissed from office in the former reign, and retiring from the high post of provincial governor, spent nearly eighteen years in comparative obscurity. Recalled to the public service and made a member of the council for foreign affairs, he has lately received the additional honor of being appointed to the presidency of a new college which has been established by imperial order for the express object of cultivating the languages and sciences of the west—a sufficient proof that the liberal views of which he has been such a distinguished advocate are regarded with favor by the more enlightened policy of the present administration.

The presentation of the portrait was accompanied by a complimentary address from Mr. Burlingame, a written translation of which was placed in the hands of the old minister. After the reading of the address a conversation took place, an outline of which is here furnished from memory.

Mr. BURLINGAME. The presentation of this picture indicates a commerce of thought. We have borrowed many useful ideas from you. Some of our arts were originally derived from China, and, perhaps, we may have some things to offer in exchange, industrial arts, physical sciences, and religious truth.

WEN-SIANG. Our maxim is, in everything, to inquire for the best method and to adopt it for our own, no matter where it may originate.

Mr. BURLINGAME. The institutions of our country present many points of resemblance to your own; *e. g.*, the elective principle which prevails with us is quite analogous to your practice of admitting all honest citizens to the privilege of a fair competition for the honors and emoluments of office.

WEN-SIANG. With you that excellent system descends from Washington, who refused to transmit to his successor a legacy of hereditary power, but preferred to leave it in the hands of the people.

Mr. BURLINGAME. Like your ancient sovereigns, Washington honored agriculture by himself holding the plough, and, like them, he inculcated the doctrine that rulers should employ moral influence in preference to physical force.

TAN. Nothing is more desirable than that nations should conform, in their practice, to a principle which is at once so just and so humane.

TUNG. That is the surest way to conciliate the love and respect of other nations, for our sacred books lay down the principle that "those who respect others will be respected, and those who love others will be loved."

Mr. BURLINGAME. Washington cautioned his countrymen against unjust encroachments on other nations, or violent interferences with their policy. In conformity with his teachings we systematically abstain from foreign wars.

WEN-SIANG. Is all interference so far out of the question that you cannot even lend a helping hand to your friends when they are in need?

Mr. BURLINGAME. We can and do afford them our moral support, as we have recently done in the case of Mexico, relieving the people of that country from the yoke of a foreign oppressor and leaving them free to choose their own rulers.

To this the Chinese ministers all replied by expressing their gratification in the manner in which we had enforced a policy of non-intervention, and Tung went on to remind Mr. Burlingame that America has formally accepted the position of a mediator in the difficulties of China.

Mr. BURLINGAME. Not only shall we ever be ready to give you our countenance and support in cases where you suffer wrong, but other great powers will do so likewise, if you frankly lay your grievances before their representatives, and through them before the eyes of the world. Instances are not wanting to show how promptly you may obtain redress by this method; alluding to the recall of a *chargé d'affaires* by France, last year, who had insulted

and bullied the Chinese government in the matter of Corea. Our government, proceeded Mr. Burlingame, instead of adopting a violent course in connection with that unhappy affair, has such confidence in the justice and good will of China, that I am instructed to say that we shall solicit your good offices in re-establishing friendly relations with the Coreans.

This was received with evident satisfaction, but elicited no remark from the cautious mandarins; and Mr. Burlingame proceeded to inform them that our Senate has also instructed him to exert all his influence for the suppression of the traffic in coolies.

TUNG. The Spanish minister, on the contrary, is urging us to alter our existing regulations and remove all restrictions which lie in the way of that traffic.

Mr. BURLINGAME. Against Mr. De Mas I have nothing to say; but the whole coolie system is vicious. The most objectionable point, and that which allies it most closely with the slave-trade, being the fact, that men make a contract in one country, by which their bodies are placed at the disposal of persons in another country, where no protection can be extended by the authorities of their native land.

TUNG. When the Spanish minister objected that a term of five years is too short, and wished to stipulate for an extension of the time, we replied that we could listen to no proposals on that subject; that it rests wholly with ourselves to regulate the emigration of our own people, and that he should consider whether, if we wished to hire Spanish subjects for laborers, Spain would feel pleased to have her own emigration laws set aside and new ones dictated by us.

Mr. BURLINGAME. The best substitute for such a traffic is the encouragement of free emigration, such as that which is flowing towards the shores of America. The Chinese who go there are at liberty to reside in permanence and enjoy the rights of citizenship. But, in fact, most of them return to their fatherland, not a few laden with the gold of California. Every steamer of the new line carries out several hundreds, and brings back nearly as many.

TUNG spoke of it as an interesting fact that the new work places America on the east, and they all express interest in learning that the Pacific line is already a commercial success.

Mr. BURLINGAME. The success of that line, by throwing commerce into a new channel, promises to remedy another evil. At present you take opium in payment for your tea and silk, but as specie comes in from California, the amount of the drug imported from abroad will be reduced.

TAN. Anything would be desirable that might check the trade in opium. A remark in reference to the new college here led Mr. Burlingame to speak of Mr. Hart, inspector general of maritime customs, who has taken a leading part in its organization. He warned the mandarins not to allow their confidence in Mr. Hart to be shaken by the misrepresentations of interested parties.

WEN-SIANG. Such parties are actuated by malice and envy; the rats are of course not over-friendly to the cat; but we are not inclined to listen to the rats.

Mr. BURLINGAME. Though Mr. Hart is not a countryman of mine, I assure you that he is thoroughly honest, and a man of rare ability—one whom it would be difficult, if not impossible, for you to replace.

WEN-SIANG. Mr. Hart was originally recommended by your excellency, and if he were removed we should look to you to nominate a successor. But we know the value of Mr. Hart too thoroughly to think of superseding him. Fidelity always makes enemies.

W. A. P. MARTIN.

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B.

ADDRESS.

SIR: It is now nearly twenty years since you published a geographical history of those countries lying beyond the boundaries of China. You brought to the work great labor and sound judgment, and the marvellous scholarship of your native land. You passed in review the great men of the countries of which you wrote, and placed Washington before all the rest. You not only did this, but you placed him above the statesmen and warriors of your own country, and declared that he recalled the three dynasties whose serene virtues had shed their light along the ages for four thousand years. These words have been translated and read by the grateful countrymen of Washington. To show their appreciation of them, the President has caused the Secretary of State to have made by a distinguished artist\* this portrait, and to send it over land and sea to be placed in your hands. When you look upon its benignant features do not recall with sorrow the eighteen years of retirement endured by you on account of your efforts to make Washington and the countries of the west better known, but rather exult with us that an enlightened government has for the same reason placed you near the head of the state to aid in conducting the affairs of four hundred millions of people, and, what is better, that by a kind of poetic justice you have been placed at the head of an institution whose purpose is to advance the views for which you were censured, and to instruct your people in the language and principles of Washington. By doing this you

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\* H. G. Pratt, esq., Boston.

will please all the nations, for Washington belonged not to us alone, but to the world. His life and character were such as to peculiarly commend him to your countrymen. Like them he honored agriculture; like them he was for peace, and only fought in defence of his country; like them he believed that every man is entitled to the inspiration of fair opportunity; and like them he held to the great doctrine of Confucius, spoken twenty-three hundred years ago, that "we should not do to others what we would not that others should do to us." This great rule came to Washington not negatively but positively from the lips of Divinity itself, as a command unto him, "*Do unto others as you would have others do unto you,*" and so he would have it taught to others. Why should we not exchange our thoughts? Why should we not have the maxims of Confucius and Mencius, and you the sublime doctrines of Christianity? Why should we not take your charming manners, your temperance, your habits of scholarship, your improvements in agriculture, and your high culture of tea and silk, and you our modern science, our steamboats, our railroads and telegraphs? Why should not this great nation, the mother of inventions, whence came paper printing, porcelain, the compass, gunpowder, and the great doctrine that the people are the source of power, follow up those inventions and principles, and enjoy them in all their development? Why should not the discoverers of coal have the wealth and strength derived from its use, and those who made the first water-tight vessel, guided by a compass, use the great steamers whose swiftness makes us your nearest neighbors, and which carry a thousand men on their decks? I present this portrait with all good will in the name of the people of the United States, hoping it may ever recall to you and yours their enduring friendship for your country, and their love and regard for you, its worthy representative.

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C.

*Sen-ki-yu to Mr. Burlingame.*

SIR: I yesterday perused your highly-prized address, in which you have bestowed upon me such high commendation in presenting me the painting of the portrait of Washington, the founder of your honorable country. As I and my associates again and again looked at this beautiful and elegant gift our pleasure and admiration increased, and we could all only the more value and appreciate this worthy remembrance of you.

Among all the great men of your land I think that Washington stands first for his surprising capacity. He founded and planned its enduring institutions as a pattern for all ages, and his merit makes him a perfect link to connect the great men of antiquity with those who will come in all time, so that his name will surely be honored by mankind through all cycles.

I beg to renew my thanks in sending you this answer, and avail myself of the opportunity to offer my wishes for your highest happiness.

SEN-KI-YU.

His Excellency Hon. ANSON BURLINGAME,  
*United States Minister.*



# SPAIN.

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*Mr. Hale to Mr. Seward.*

No. 65.]

LEGATION OF THE UNITED STATES,  
*Madrid, November 17, 1866.*

SIR: On the 3d instant our consul at Valencia informed me that an American vessel had been ordered from that port into quarantine at Vigo, the voyage from Valencia to Vigo requiring about three months, whilst there were quarantine stations in the Mediterranean, at Port Mahon and Carthagená. He also stated that an English and a Russian vessel had received similar orders at Valencia.

I addressed a note to Sir John Crampton on this subject, and his reply confirmed our consul's report in regard to the English vessel, and informed me that he (Sir John) had addressed a note to the Spanish minister of state on the subject. I also addressed a note to that minister and have the honor to enclose a copy of my note, and of the reply of the minister of state with translation.

On the 13th instant Mr. Andrews apprised me, from Valencia, that the affair seemed to have been satisfactorily arranged, as the vessels had all gone to Port Mahon for quarantine instead of to Vigo.

I have the honor to be, with the highest respect, sir, your obedient servant,  
JOHN P. HALE.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Hale to General Calonge.*

LEGATION OF THE UNITED STATES,  
*Madrid, November 9, 1866.*

SIR: I desire to call the attention of your excellency to the case of the American vessel I. F. Chapman, recently arrived at the port of Valencia, which has been ordered to go to Vigo to perform quarantine.

I trust I need not say to your excellency that this is a very injurious and ruinous proceeding for the owners of the vessel, and I am sure that if the same end can be obtained by another course less burdensome to the owners of the vessel, which will subserve the public interest quite as well, the government of her Catholic Majesty will not object to adopting it. Therefore, I most respectfully, but urgently, request that if it be compatible with what the government of her Catholic Majesty thinks the public interest may require, said vessel may be ordered to some more convenient port for the purpose of performing quarantine.

The undersigned avails himself of the present opportunity of renewing to the minister of state the assurance of his most distinguished consideration.

JOHN P. HALE.

His Excellency the MINISTER OF STATE.

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*General Calonge to Mr. Hale.*

[Translation.]

DEPARTMENT OF STATE,  
*Palace, November 12, 1866.*

SIR: I have the honor to inform you that under date of to-day I have transmitted to the minister of the interior government of the kingdom the contents of your note of the 9th

instant, relative to the vessel of your nation, I. F. Chapman, ordered to the port of Vigo to perform quarantine.

I will hasten to communicate to you the reply which I receive on this subject, and avail myself of this occasion to renew to you the assurance of my most distinguished consideration.

E. DECALONGE.

MINISTER PLENIPOTENTIARY of the United States.

*Mr. Seward to Mr. Hale.*

No. 52.]

DEPARTMENT OF STATE,

*Washington, December 20, 1866.*

SIR: It is known to the belligerents that the war which has for some time been carried on between Spain and the allied republics of Peru, Chili, Bolivia, and Ecuador, is attended with deep concern to the people and government of the United States. On more than one occasion the President has called the attention of the belligerents to this interesting fact and has rendered such good offices as seemed practicable with a view to bring about a pacification. These tenders have not hitherto been definitely accepted by the parties. The House of Representatives of the United States, concurring with the sentiments of the President, on the 17th of December, instant, adopted the following resolution:

Whereas wars destructive of commerce and injurious and prejudicial to republican institutions have for some time been carried on between Spain and several of the South American states on the Pacific coast; and also between Paraguay and Brazil, Uruguay and the Argentine republic, on the Atlantic coast: now, therefore,

*Resolved*, That it be, and hereby is, recommended to the executive department of the government, that the friendly offices of this government, if practicable, be offered for the promotion of peace and harmony in South America.

The President is thus called upon by the most numerous branch of the legislative department of the United States government to renew the efforts which he has heretofore made. I have, therefore, the honor to submit, by means of this circular letter, to the several parties concerned the following propositions on the part of the United States, namely:

1. That a conference be held at the city of Washington on the 1st day of April next, to consist of plenipotentiaries of Spain, Peru, Chili, Ecuador, and Bolivia, authorized to treat of all matters in difference between the belligerent parties jointly and severally, and to consider and agree upon terms of a permanent peace which shall be equal, just, and honorable to all the belligerents.

2. That Spain shall appoint one of said plenipotentiaries, and each of the allied belligerent republics before named shall appoint one; but each of the belligerent republics may, if it choose, confer its powers upon a plenipotentiary who shall be named by any other of those republics, so that it shall be within the option of the allied republics, to appear either by one or more plenipotentiaries.

3. That each of the plenipotentiaries may act under the direction of the government or governments by which he is appointed; that no resolution of the conference shall be effectual or obligatory for a determination or suspension of the war, or the establishment of peace, unless agreed to by all the members of the conference, and to be afterwards sanctioned and ratified by the governments of each and all the belligerent parties; and that in any protocol or other paper which the conference may think it expedient to submit to their respective governments or to the President of the United States; the representative of Spain may act on her part, and a majority of the plenipotentiaries of the other belligerent republics on their part.

4 That the President of the United States will designate some person to attend and preside in such conference, and use good offices, in the forms of

information and advice, in facilitating the objects thereof; but he will have no power to vote therein or to assume any obligation on the part of the United States.

5. That the President of the United States will, in case of disagreement of the plenipotentiaries, designate some state or sovereign, not the United States nor one of the belligerents, to be an umpire to decide all questions which shall be referred to him by the conference, and the decision of that umpire, he consenting to act as such, shall be made upon the protocols and other documents and proceedings of the conference, and shall be conclusive and binding upon all the parties.

6. The expenses of each plenipotentiary attending the conference will be defrayed by the state by which he is appointed. The conference will have accommodations, as to a place for transacting its business, furnished by the President of the United States.

7. An armistice shall take place so soon as all the belligerent states shall have communicated to the government of the United States their acceptance of these propositions, and shall continue until the termination of the conference.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

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*Mr. Hale to Mr. Seward.*

No. 74.]

LEGATION OF THE UNITED STATES OF AMERICA,

*Madrid, January 7, 1867.*

SIR: I have the honor to acknowledge the receipt of your despatch No. 52, dated December 20th, 1866.

It was received yesterday, and to-day I called on General Calonge, the minister of state and communicated the same to him. He expressed himself highly gratified at the offer therein made by the government of the United States for the arrangement of the difficulties pending between Spain and the South American states with whom she was at war, and he wishes me to express to you, in his name, on behalf of the government of her Majesty, their sincere and hearty thanks for the offer of mediation thus made. At the same time he suggested that the peculiar situation of Spain in this affair was embarrassing, owing to the mediation of France and England, of the result of which they had had no official or certain information; and while that was open and pending, and the Spanish government had no official knowledge of what had been done or was being done, perhaps it would hardly be decorous or proper for Spain to close at once with the offer thus made by the United States.

There was, he said, another embarrassing circumstance in this affair, and it was this: that while hostilities had been measurably suspended pending the mediation, the allied republics were improving the time for making preparations for recommencing the war with more vigor, and that imposed on Spain also the necessity of making preparations for such a contingency.

General Calonge, however, remarked that he only spoke for himself; but that to-morrow he should submit the matter to the council of ministers for their judgment and decision. He manifested a good deal of impatience at France and England not having given him any account of the result of their mediation, and said he would prefer to have that result stated, whether unfavorable or not to the present embarrassing position of uncertainty.

I have not pretended to give the precise language of General Calonge, nor indeed would that be possible, writing in English, for he spoke in the Spanish

language; but I am entirely confident that I have given you fairly the substance and import of what he said.

If I may be permitted to add my own opinion, from the manner in which the proposition which you made was received, it is that the offer was very acceptable and grateful to the Spanish government, and but for the embarrassing circumstances before mentioned, would be promptly accepted.

I presume I shall hear from General Calonge after the propositions have been submitted to the council of ministers and they have acted thereupon.

Whenever I learn anything more on the subject, I will lose no time in advising you.

With much respect, I have the honor to be your obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Hale to Mr. Seward.*

No. 78.]

LEGATION OF THE UNITED STATES OF AMERICA,

*Madrid, January 21, 1867.*

SIR: I have the honor herewith to enclose a circular, which I received from the Spanish minister of state yesterday, relative to some recent modifications of their very stringent quarantine regulations hitherto enforced by the Spanish government.

With much respect, I have the honor to be your most obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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[Circular.—Translation.]

INTERIOR DEPARTMENT, SANITARY DIVISION,

*Madrid, January 9, 1867.*

To the PROVINCIAL GOVERNORS:

The sanitary condition of Europe and of some portions of America has recently improved, and as it is no longer necessary to continue stringent health regulations, the Queen (may God protect her) has deigned to order—

1. That vessels coming from the Papal States may be admitted without quarantine if their captains present clean bills of health, signed by our consular agents, and show there has been no death on board during the voyage.

2. Vessels from France, England, Italy, Denmark, the United States, Hamburg, Holland, Sweden, and Norway, shall perform only three days' quarantine in the ports of Cartagena, Cadiz, and Santander, designated for that purpose, where the marine boards of health are charged to examine their certificates and crew-lists, to know if the vessels have touched at other ports where infectious diseases prevail, or if deaths have occurred on board, and to see that all the legal requisites have been complied with.

3. Vessels from Austria are subject to the same regulations, with all the formalities required in such cases; and,

4. In cases of doubt about the proper interpretation of this supreme decree, the chief board of health in this department must be consulted by telegraph.

I communicate this by royal order, charging you, in her Majesty's name, to use the greatest zeal and diligence in the execution of this important service.

God save you many years.

GONZALES BRABO.

*Mr. Hale to Mr. Seward.*

No. 79.]

LEGATION OF THE UNITED STATES OF AMERICA,

*Madrid, January 28, 1867.*

SIR: Last evening I received a note from General Calonge, minister of state, requesting an interview with me at his room at 2 o'clock this afternoon. On going there I found, as I supposed I should, that his purpose was to have some conversation with regard to the offer of mediation recently made by the government of the United States between Spain and the republics of Chili, Peru, &c. The first question which he asked me was if I was authorized to agree or consent to any modification of the conditions of the conference proposed to be holden at Washington. I told him I had no authority in the premises at all further than to submit the proposal, and I had no authority or instruction to consent to any modification whatever. General Calonge then remarked that his answer had been delayed thus far by the pending of the offers of mediation heretofore made by England and France. That they had heard from both these powers, and Spain was now entirely free to accept or not the offer made by the United States. That they appreciated the same with gratitude, and were ready to accept it in principle, but that they felt it necessary to propose some modifications, not in substance, but in form, of the basis or condition of the conference proposed by the government of the United States to be holden at Washington, and he had hoped that I had authority for arranging that matter with him here. But I added, as that was not so, it occurred to me that the better, and indeed the only course to be pursued, was to communicate to you and await your answer.

What the modifications were which he desired to have made he did not explain, further than to say that they were formal, merely; and although he should have preferred that it might have been so that it could have been arranged here, still, in deference to your judgment, he was willing that it should be done either here or in Washington.

He further added that while Spain was ready to accept the proposed mediation of the United States in principle, and was ready to accept it entirely with the modifications which they might suggest, still, they held themselves entirely free to accept or decline the mediation then offered in case no modification should be assented to by the United States. I think I have now given you the substance of the conversation between General Calonge and myself; but that there may be no mistake, (and this despatch relates entirely to this interview,) I shall submit it to General Calonge before I send it.

JANUARY 30, 1867.

The above portion of this despatch, as I suggested I should, I submitted to General Calonge for his inspection, and I send herewith, marked A, a copy of my note to him accompanying the same. To-day, the 30th, I received the same from him, with an accompanying note, a copy of which, with a translation thereof, I also herewith enclose. I have lost no time in sending you all that has occurred in relation to this matter as fast as it has come to my knowledge. I do not know that I exactly and fully comprehend the precise import of all of General Calonge's letter, but as I send both the original and the translation, you can form your own judgment in the premises.

In regard to the translation which I send you of it, I will remark that I am not entirely satisfied with that of the second modification proposed by him, nor do I think that the idea which he intends to convey is very explicitly expressed in the Spanish. If I may venture an opinion as to the sense intended to be conveyed, it is this, viz.: he wants to propose some restrictions in regard to the person or State to be selected as umpire or arbitrator, which arises, I apprehend,

from the disinclination of Spain to have any of the South American States, formerly her colonies, selected as an arbitrator in this war between herself, Peru, Chili, &c. I may be mistaken, but I think I am not. The copy of General Calonge's letter enclosed herewith is marked B, and the translation C.

With much respect, I have the honor to be, your obedient servant,

JOHN P. HALE.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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A.

*Mr. Hale to General Calonge.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Madrid, January 29, 1867.*

The minister of the United States has the honor of submitting to the minister of state the rough draught of a despatch to the Secretary of State of the United States, in order to ascertain if he has correctly stated the purport of the interview he had the honor to have with him yesterday. If there are any statements which the minister of state deems important to be made, and which are omitted, Mr. Hale will be glad to add them upon suggestion of what they are.

Mr. Hale will be much obliged if the minister of state will examine the enclosed as far as he wishes, and return the same to him this evening, if practicable, as it is desirable that it be sent to Washington by to-morrow's mail.

Mr. Hale hopes the minister of state will pardon him if he suggests that it may have a tendency to facilitate and hasten the conclusion of this matter if he deems it practicable to furnish, in writing, the nature of the modifications which the government of her Catholic Majesty will propose to the propositions of the United States, so that they may be submitted to Mr. Seward with the despatch which Mr. Hale proposes to send him to-morrow.

Mr. Hale improves the present occasion for renewing to General Calonge the assurances of his most distinguished consideration.

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C.

*General Calonge to Mr. Hale.*

[Translation.]

MINISTRY OF STATE, PALACE, *January 30, 1867.*

The minister of state of her Catholic Majesty has the honor to return, enclosed herewith, to the minister plenipotentiary of the United States in Spain the draught of a despatch which Mr. Hale is about to send to the Secretary of State of the United States, and in which there is accurately related the conference which took place between them on the 28th of the present month.

General Calonge desires that Mr. Hale shall represent, in the most explicit manner, that the government of her Catholic Majesty not only is disposed to accept, but that at once she accepts, in principle, the mediation proposed by the government of the United States, provided that in the form in which it is offered there may be introduced, by common consent, some modifications which she thinks indispensable to the better direction of the conference and for its most speedy termination.

General Calonge, receiving with the consideration which they merit the suggestions of Mr. Hale, is ready to declare that the government of her Majesty, besides accepting, in principle and at once, as he has just informed him, the mediation of the United States, accepts also the time fixed, viz., the 1st of April, for the meeting of the conference of the plenipotentiaries of all the belligerents for treating on the matters or points which directly have produced the state of war which actually exists between Spain and the American republics of the Pacific.

She also agrees that the said conference shall be holden in Washington, as it is proposed; also she agrees that the said conference shall be presided over in the manner proposed, by the individual designated by the President of the United States; further, she admits the proposition for the appointment of the plenipotentiaries which are to constitute the conference, and the manner in which they are to act in it among themselves with respect to their own several governments; further, she accepts at once the armistice which is proposed to last during the existence of the conference, and that the points upon which the plenipotentiaries shall not be able to agree shall be submitted to an arbitration, binding upon all parties.

The few modifications, then, which the government of her Catholic Majesty desires to have admitted, and which she thinks indispensable for its complete symmetry (*conformidad*.) may be stated thus: 1st. To fix with precision a period from which only there shall be submitted to the conference the facts from which the present war originates, upon which, and none others, shall there be a submission to arbitrament, in case the plenipotentiaries are not able to agree among themselves. 2d. To affix some conditions in respect to the arbitrator, and that the president shall be at liberty freely to select him from the foreigners or states who possess these conditions or qualifications. Finally, General Calonge desires to inform Mr. Hale that while in the seventh article of the propositions made by the government of the United States an armistice is established from the time of the acceptance by the belligerents of the terms proposed, the government of her Majesty have no difficulty in agreeing that the armistice may commence immediately from the time in which Mr. Hale shall communicate to his government, without prejudicing the right of treating preliminarily on the modifications which Spain proposes, and those also which possibly other of the belligerents may have sought, by which means humanity will be the gainer, as well as the other great interests compromised by the war.

General Calonge improves this occasion for reiterating to Mr. Hale the assurances of his most distinguished consideration.

The MINISTER PLENIPOTENTIARY of the United States.

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*Mr. Seward to Mr. Hale.*

No. 55.]

DEPARTMENT OF STATE,

*Washington, January 28, 1867.*

SIR: Your despatch of the 7th instant, No. 74, has been received.

Your execution of my instruction No. 52, proposing mediation on the part of the United States for the arrangement of the pending difficulties between Spain and the allied South American States, is entirely satisfactory. We have as yet heard nothing from the other belligerents, but their reply when received will be promptly communicated to you.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Hale.*

No. 58.]

DEPARTMENT OF STATE,

*Washington, February 13, 1867.*

SIR: The consul at Porto Rico reports that the administration of foreign wrecks at that island is withheld from consuls and exercised by local officials, with great delay and great expense to our citizens.

A reference of a question on this point by the captain general to his home government results in the reply by the latter, that it has referred to the proper committee of the council of state the consideration of the expediency of extending to the colonies the provisions of the royal decree of July 5th, 1864, which allows the administration of foreign wrecks to consuls in the kingdom.

The tenth article of the treaty with Spain of 1795 stipulates that our citizens shall be placed upon the same footing as Spanish subjects in respect to wrecks on Spanish territory. If, however, as the consul referred to reports, the business is mismanaged by the local authorities, it is desirable that it should be transferred to the consuls, you will consequently do whatever you properly can towards hastening a proper decision of the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

*Mr. Seward to Mr. Hale.*

No. 59.]

DEPARTMENT OF STATE,

*Washington, February 25, 1867.*

SIR: I have had the honor to receive your despatch of January 28th, No. 79, which is accompanied by a copy of a correspondence which has taken place between yourself and Mr. Calonge on the subject of the proposition by this government, to the several belligerents, of its good offices by way of mediation for the restoration of peace between Spain and certain allied republics of South America.

To guard against all misapprehension, I recite from the letter of Mr. Calonge his answer to the proposition which was made by me on the subject referred to on the 20th day of December last, in identical terms to each and all of the belligerent parties.

Mr. Calonge is understood to say, in behalf of the government of her Catholic Majesty, that Spain accepts the proposition of the government of the United States, subject to a certain condition, which is as follows:

Spain desires that by agreement of all the belligerents, certain amendments of the plan submitted by the United States, which Spain deems indispensable to the better direction of the conference proposed and for its more speedy termination, may be adopted by the United States, not, however, without the previous concurrence of all the belligerents.

The amendment which Mr. Calonge requires is defined by him as follows:

1. To fix with precision a period within which the matters shall have arisen which are to be submitted to the conference, upon which matters and none others shall there be a submission to arbitration in case the plenipotentiaries are not able to agree among themselves.

2. To affix some condition or qualifications in respect to the arbitrator; and that the President shall be at liberty freely to select an arbitrator from the sovereigns or states who possess these conditions or qualifications.

Mr. Calonge, having accepted the proposition of the United States, subject only to the reservation above recited, agrees, on behalf of Spain, that a conference shall be held at Washington, as proposed, and at the time proposed by the United States; that the conference shall be presided over in the manner proposed by the person to be designated by the President of the United States; that the plenipotentiaries of the several belligerent parties are to be appointed and to constitute the conference, and to act and proceed in the conference, with respect to their own several governments and with respect to all parties, in the manner proposed by the United States. Spain further accepts, subject to the same reservation, the armistice which the United States proposes, such armistice to last during the existence of the conference. And Spain further agrees that the points upon which the plenipotentiaries shall not be able to agree shall be submitted to the arbitration proposed, in the manner proposed by the United States, and that such arbitration shall be final.

According to Mr. Calonge, Spain further agrees that the armistice proposed by the United States shall begin on the day of the reception of Mr. Hale's despatch at this department, that is to say, on the 23d day of February, 1867, and it being understood that the agreement of armistice does not and shall not prejudice the right of Spain or of any or all of the other belligerents to treat preliminarily on the modifications which Spain proposes, and any other modifications which either or all of the other belligerents may have proposed or provided for proposing to the United States.

I think it proper to state in this place that at the present moment no answer upon the subject of our proposition has been received by this government from either of the allied belligerent enemies of Spain. It is therefore unknown and



uncertain whether those parties have accepted or will accept the proposition, and equally unknown and uncertain whether they, or any of them, would desire to propose any modification of the plan which was submitted to all the belligerents by this government.

Having taken the President's directions upon the matters thus recited, I have now to instruct you as follows:

1st. I shall desire to know as early as may be whether I have correctly conceived and expressed the meaning of Mr. Calonge's communication.

2d. As to armistice, the United States understand that an armistice is to be deemed established from this date, unless the allied enemies of Spain shall renew hostilities before receiving notice thereof from the United States, or, upon receiving notice by a copy of this paper furnished by me, they shall decline to accept the armistice on the terms upon which it is so accepted by Spain.

3d. As to the amendment presented by Mr. Calonge, the United States will oppose no objection to preliminary discussion between Spain and her allied enemies, with a reference to the fixing of a time within which the matters shall have arisen which are to be submitted to the conference, and upon which, and none others, there is to be a submission to arbitration in case the plenipotentiaries are not able to agree among themselves. If, in the view of the parties concerned, it will facilitate that discussion, this government would be willing that this department should be a channel of communication. On the other hand, I am authorized to express, with profound respect to the several parties, an apprehension that the carrying on of such a preliminary discussion might produce delays which would be more injurious than the advantages which it is conceived by the President would be likely to result from an ultimate agreement between the parties as to the suggested period of limitation.

In regard to the suggestion of conditions or qualifications of the arbitrator, restricting the President's liberty of choice, I am instructed to say that it would not be agreeable to this government to modify its original proposition in this respect. Impartiality and the good faith of the United States, as well as an exercise of sound discretion, are already pledged in the proposition to appoint an arbitrator in case the proceedings of the conference shall render it necessary. Should either of the belligerent parties insist upon such a condition in this respect as the one thus offered by Spain, the United States must be understood as declining to proceed further in the matter.

Finally, it being a matter of importance to save time in the negotiations which have been so happily begun, a copy of this communication, without further explanation, is transmitted to the legations of the United States near the allied belligerents, to be laid before them in the same words in which the minister of the United States at Madrid is hereby directed to submit the same to the consideration of her Catholic Majesty's government. Whatever communications bearing upon the subject may be received from either of the belligerents will, without delay, be made known to all other interested parties.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

*Mr. Seward to Mr. Hale.*

No. 62.]

DEPARTMENT OF STATE,

*Washington, March 18, 1867.*

SIR: Herewith I enclose for your information copies in translation of two notes,\* dated respectively the 30th of January and the 26th of February, and

\* For enclosures see despatches from United States Minister to Chili and Ecuador dated February 2d, 1867, and numbered respectively 39 and 25.

addressed to our diplomatic representatives at Santiago and Quito, by the ministers of foreign affairs of the republics of Chili and Ecuador, on the subject of the proposition by this government to mediate by the use of its good offices for the restoration of peace between Spain and certain allied republics of South America.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

*Mr. Hale to Mr. Seward.*

No. 83.]

LEGATION OF THE UNITED STATES OF AMERICA,  
*Madrid, March 26, 1867.*

SIR: Your despatch, No. 59, dated February 25th, 1867, was received on the 23d of this present month, and agreeably to your instructions I communicated the same to the minister of state, General Calonge, by furnishing him a copy. I see by the newspapers of this city that the news by telegraph is that Chili and all the other belligerents in South America, except Peru, have been heard from, and that they have all accepted the proffered mediation of the United States, except Peru, and that no doubt was entertained that she would do the same.

With much respect, I have the honor to be your obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Hale to Mr. Seward.*

No. 85.]

LEGATION OF THE UNITED STATES,  
*Madrid, April 10, 1867.*

SIR: In the absence of any official information to give you in relation to Cuba, I have thought that the following statement, which may be relied upon as substantially correct, would not be without interest:

The newspapers of Madrid and at Cadiz have lately published a paragraph to the effect that this government had entered into negotiations for obtaining a loan of two thousand million reals, (\$100,000,000,) nominal, the interest and capital of which debt to be paid by the colonial chest, as it is called, of the island of Cuba.

On making some inquiry into the truth of this statement, I find that, in fact, the minister of the colonies has been in frequent communication lately with the agents of the French Credit Mobilier, on this subject.

The sum to be furnished to the Spanish government by these parties is understood to be 300,000,000 francs in cash, (\$57,000,000,) and the debt is, in fact, to be a Cuban debt, for the payment of which the revenues of Cuba are to be pledged, and the chest of the island is to be directly liable.

I am not aware whether these French negotiators are supported in any way by their own government in this transaction, nor am I informed as to the details of the negotiation, but its existence on the basis stated is beyond doubt.

Within three days past we have had alarming rumors here in regard to the state of things between France and Prussia, some parties supposing war to be imminent. The fall of the funds in Paris seems to confirm, to some extent, these reports, but whether this alarm in France will have any effect to retard

or prevent the favorable termination of the negotiation for a loan in that quarter on a mortgage of the revenues of Cuba, I cannot say.

Again there has been in session for some months, in this city, a council for deliberation on the affairs of Cuba and Porto Rico, composed of delegates sent from each of these islands separately, and also of some selected by the government of Spain.

The functions of this assembly I understand to be advisory merely, and they have agreed upon certain reforms relating to the matter of customs and taxes generally which they have recommended to the government of Spain, and which have been sanctioned by royal decree, which has all the force of law.

The subject of slavery has not yet appeared in any of the proceedings of this body, and probably will not. Nevertheless, I learn from undoubted authority that it has engaged very much of the attention of the delegates from Cuba and Porto Rico, those from the latter island being, or a majority of them at least, decidedly and unequivocally in favor of emancipation, and they have informally so stated to the government of her Majesty, both on grounds of expediency and humanity; those from Cuba, or a majority of them, are also in favor of emancipation, but not so decidedly nor immediately as those from Porto Rico. These Cubans are talking of some substitute for African laborers before emancipation is actually effected. Still the preponderance of the sentiments of the delegates from Cuba is decidedly on the side of emancipation.

Though this subject does not appear in any report of the proceedings of this body, still it is one of the ideas most prominent in the minds of the individual members, so much so that I am informed they take their seats on one side or the other of their place of session according to their sentiment on this great question of the age.

I am further informed that it is the opinion of those friendly to emancipation in those islands, that not only has the Spanish government not moved in this matter, but that they will not so long as the movement can be delayed. On this question I have no knowledge, but simply give you what has been told me. I learn that the public mind in those islands is very sensitive on anything which is said or done in the United States on this question, and they hope much from the moral influence of our government on it.

I have the honor to be, with the highest respect, sir, your obedient servant,  
JOHN P. HALE.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Hale to Mr. Seward.*

No. 88.]

LEGATION OF THE UNITED STATES OF AMERICA,  
*Madrid, May 1, 1867.*

SIR: You will recollect that in my despatch No. 85, dated April 10th, 1867, I gave you some account of the proceedings of a meeting or advisory council, which was being held here in Madrid by certain delegates from the Spanish islands of Cuba and Porto Rico, in conjunction with other delegates appointed by the Crown. Knowing the very lively interest felt by the government and people of the United States in the abolition of slavery on the American continent and throughout the world, I have thought that the proceedings of this meeting or council would not be without interest to them.

That meeting or convention, or whatever it may be called, have just finished their labors, and I am able to give you a report of their proceedings so far as they relate to the subject of slavery.

From Porto Rico there were four delegates, and three of them, all slaveholders, presented a written report to the home government containing a full and eloquent description of the evils and horrors of slavery—its moral and material bad influences in a country where it is permitted, and recommending its abolition either with or without indemnification to the owners. In case of indemnity, an arrangement was proposed by which an amount of some more than \$10,000,000 was to be appropriated for that purpose, the principal of which was to be repaid by Porto Rico in 21 years; that is to say, \$500,000 annually for 21 years.

The number of slaves in this island was estimated at about 42,000.

The proposition presented by the delegates from Cuba was substantially as follows, viz :

1. All children born of slave parents after the proclamation of emancipation to be free, remaining in the capacity of bound apprentices, the females till 18 years of age, and the males till 21.

2. All slaves of 60 years of age to be declared free at once, without any indemnification to their owners, and if such do not accept this boon of freedom their owners or masters to be obliged to maintain them for life.

3. All slaves under seven years of age to be declared free, but to remain apprentices, the females till 18 years of age, and the males till 21.

4. The slaves not included in any of the foregoing provisions to be emancipated in 13 years, with indemnification to the owners.

The plan of indemnification proposed was somewhat complex, and was connected with a lottery, by which a part of the sum necessary therefor was to be raised, and another portion was to be raised by a small part of what would be considered fair wages for the slave, which was to be paid by the owners for the purpose of increasing the fund for the ultimate indemnification of the slaveholders.

It is not my purpose, however, to undertake to give you a minute analysis of the mode by which the indemnity to the owners was to be raised, but the great fact to which I am desirous of attracting your attention is that for the first time, it is believed, since the curse of slavery has afflicted the world, in a country where it has been so long established, have the owners of the slaves primarily moved in the cause of emancipation themselves. You may be disposed to ask how these movements were received by the government of her Catholic Majesty? To this I am not able to answer positively, but I am perfectly and entirely persuaded that they were received with the most dignified silence, or if any response at all was deigned it was in the temper and spirit with which Queen Elizabeth advised the Commons of England that they do not meddle with "matters of state;" when she said to them, "be assured that such things are altogether beyond the compass of your narrow understandings." Indeed, since this council has been in session, it was rumored here that they were advising or consulting about slavery, and a newspaper in Madrid, in an article on the subject, said that it could not be so, for slavery was not one of the subjects to consult about which the council was convoked. But although the government of her Catholic Majesty may and undoubtedly will turn a deaf ear to all these representations of the colonists on the subject of slavery, I am informed from the best authority that the holders of slaves themselves in the islands are exceedingly sensitive in regard to everything coming from the United States on that subject, and the friends of emancipation in those islands watch with the most lively interest every indication from that quarter relating thereto. Indeed, it is the opinion of those whose judgment on that subject is entitled to respect, that this whole movement on the subject of slavery is directly and immediately due to the attitude of the United States on this subject, rather than to any and all other causes combined; and when emancipation takes place there, as it ulti-

mately will at no remote period, it will be due more to the action and influence of the government of the United States than to that of their own.

With much respect, I have the honor to be your obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. F. W. Seward to Mr. Hale.*

No. 72.]

DEPARTMENT OF STATE,

*Washington, June 5, 1867.*

SIR: I have to acknowledge the receipt of your despatch of the 1st of May, No. 88, in which you give an interesting account of the proceedings of a recent colonial council held at Madrid, which had for its object the discussion of the subject of slavery in the Spanish islands near the United States.

It is hoped that this discussion will result in removing slavery from those islands, which is the only place in this hemisphere where it now remains sustained by government. Your despatches Nos. 89, 90, and 91 have also been received.

I am, sir, your obedient servant,

F. W. SEWARD,

*Acting Secretary.*

JOHN P. HALE, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Hale.*

No. 73.]

DEPARTMENT OF STATE,

*Washington, July 23, 1867.*

SIR: I have received your despatches to No. 95, inclusive. Herewith I enclose for your further information a transcript of a note\* which was addressed to the minister resident of the United States at Quito, by the minister for foreign affairs of the republic of Ecuador, on the 17th of June last, on the subject of the proposition by this government to mediate by the use of its good offices for the restoration of peace between Spain and the allied republics of South America.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

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*Mr. Hale to Mr. Seward.*

[Extract.]

No. 105.]

LEGATION OF THE UNITED STATES OF AMERICA,

*Madrid, San Ildefonso, September 11, 1867.*

SIR: I have the honor to inform you that on the 6th of the present month I received a telegraphic communication from Mr. Hancock, consul of the United

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\* For inclosure see despatch No. 39, June 18th, from United States Minister to Ecuador.

States in Malaga, in the Spanish language, of which the following is a literal translation, viz:

SEPTEMBER 10, 1867.

*To the Minister of the United States:*

The governor of this province received a telegram from Madrid, declaring New Orleans and all the American ports infected with yellow fever. The board of health of this city interprets said telegram to include all the ports of the United States. Be pleased to inform me immediately by telegram if such is the sense of the order, also if the quarantine of Gibraltar has been reduced to three days. Various vessels are here awaiting your answer.

HANCOCK.

I immediately sought an interview with the minister of state and submitted the telegram of Mr. Hancock, the consul, to him. He asked me to leave the same with him, as he should have to telegraph to Madrid before he could give me an answer; which I did, and on the 9th of September, instant, I received from him an answer, of which the following is a literal translation, viz:

MINISTRY OF STATE,

*San Ildefonso, September 30, 1867.*

MY DEAR SIR: The minister of la Gobernacion, to whom I communicated the telegram of the consul of the United States in Malaga, which you delivered to me and which I herewith return, tells me by telegraph the following:

"Having been declared that the "colera" is in New Orleans, and there not appearing what sanitary precautions have been adopted in the United States, all vessels from that country have been declared infected, by telegraphic despatch of the general direction of the date of the 31st August last."

Which I have the honor to communicate to you for your information, improving this opportunity for reiterating the assurances of my most distinguished consideration.

ANAZOLEE.

The MINISTER PLENIPOTENTIARY of the United States.

Upon receiving this answer from the minister of state, this morning, viz., the 11th of September instant, I addressed to the minister of state a letter, a copy of which, marked A, I herewith enclose, which is all the information I have to communicate on the subject, further than to add that I have advised Mr. Hancock, the consul, of all that has transpired thus far.

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I remain, very respectfully, yours,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

LEGATION OF THE UNITED STATES OF AMERICA,

*Madrid, San Ildefonso, September 11, 1867.*

SIR: I have had the honor to receive your excellency's note of the 9th instant, in which you inform me that the sanitary order in regard to the United States, lately issued by her Majesty's government, applies to the United States without any discrimination.

Having the fullest confidence that the enlightened government of her Majesty would feel, equally with myself, unwilling to impose any unnecessary restrictions upon the peaceful commerce of the two nations, I cannot but think that this order has been issued under influence of a caution which has not been sufficiently discriminating, and that its application to all the United States is much more stringent than is necessary for that protection from contagion which it is the object of her Majesty's government to attain. I am not able to state the precise distance from the New England States to New Orleans, where it is said the cholera prevails, but I think I am safe in asserting it to be more than 1,500 miles, and there is, as will appear when the facts of the case are fully known and considered, no more necessity or propriety in declaring Boston, or indeed all the New England States, to be infected because a disease has been found to exist in New Orleans, than there would be in making the same order because some other part of North America, Mexico for instance, had been found to be thus infected. In the absence of any news from the United States, or of any instructions from my government on this subject, I cannot, in justice to my own clear convictions of duty, refrain from urging this matter upon the attention of her Majesty's government, in the hope that when the facts in the case are fully known, her Majesty's government will so modify this order, that it shall not be made to apply to those States of the federal Union as

shall be found to be not only entirely free from the existence of any contagious disease, but also from the suspicion thereof.

The undersigned avails himself of the present occasion for renewing to his excellency the minister of state the assurances of his most distinguished consideration.

JOHN P. HALE.

His Excellency the MINISTER OF STATE.

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*Mr. Seward to Mr. Hale.*

No. 80.]

DEPARTMENT OF STATE,

*Washington, September 30, 1867.*

SIR: Herewith I enclose a transcript of a communication from Mr. Emmons Clarke, secretary of the Metropolitan Board of Health, relative to the sanitary condition of certain ports of the United States. In consequence of the recent severe quarantine restrictions which have been imposed by the government of Spain upon vessels of the United States entering the ports of that country, I will thank you to bring the statements therein contained to the knowledge of the Spanish government.

I am, sir, your obedient servant,

JOHN P. HALE, Esq., &c., &c., &c.

WILLIAM H. SEWARD.

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*Mr. Clarke to Mr. Seward.*

OFFICE OF THE METROPOLITAN BOARD OF HEALTH,

*No. 301 Mott street, New York, September 27, 1867.*

SIR: I am directed by the Metropolitan Board of Health to forward to you the enclosed copy of a communication from Dr. Elisha Harris, corresponding secretary, and to inform you that it is the opinion of this board that the statements contained therein in respect to the health of the ports of the United States are reliable and correct.

I have the honor to be, very respectfully, your obedient servant,

EMMONS CLARKE, *Secretary.*

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Harris to Mr. Clarke.*

OFFICE OF THE METROPOLITAN BOARD OF HEALTH,

*No. 301 Mott street, New York, September 25, 1867.*

SIR: I have the honor to call your attention to the fact, stated in the Washington despatches this morning, that the Spanish government has officially declared "all ports in the United States foul with epidemic cholera and epidemic yellow fever."

Though the amount of commercial intercourse with the ports of Spain and the countries up the Mediterranean is not so great as with the Atlantic ports of Europe, it still is sufficient to render the operation of the Spanish quarantines vexatious and burdensome to the commercial interests of the northern ports of the United States; and unless those ports are actually foul, the sanitary authorities and the merchants of Spanish ports will probably be as glad to forego the application of quarantine restrictions as our own shipping merchants to those ports would be to escape such embarrassments.

Permit me, therefore, to state the fact that, from the ports of the Chesapeake, or 38 degrees north latitude, to the most northern limits of the United States, east of the Allegheny mountains, neither yellow fever nor cholera now prevails, and that no port upon all this northern section of our coast has been infected by either of those epidemics the present year. And, further, that the small amount of Asiatic cholera that has existed at military posts, and in a limited district of New York, has not endangered commerce, and is not, and will not, be a source of danger to Spanish ports. Moreover, that yellow fever never has been conveyed to any European port from any portion of this northern coast, even when it was epidemic in some of its ports; and that, as it is not epidemic in any port north of Mobile, (latitude 31°,)

and does not exist in any form in New York, except in West Indian and Gulf ships, under strict quarantine, it seems to be a duty to suggest to his excellency the Secretary of State at Washington, that it is desirable the government of Spain, and especially that the United States consuls at Malaga and Port Mahon should be informed of these facts.

Very respectfully, your obedient servant,

ELISHA HARRIS, M. D.,

*Corresponding Secretary and Reg. M. B. H.*

EMMONS CLARKE,

*Secretary Metropolitan Board of Health.*

Hon. I. S. SHULTZ,

*President Metropolitan Board of Health.*

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*Mr. Seward to Mr. Hale.*

No. 81.]

DEPARTMENT OF STATE,

*Washington, October 4, 1867.*

SIR: I have received your despatch No. 105, dated September 11th, concerning a recent order of the government of her Catholic Majesty declaring vessels arriving in Spain from all ports of the United States, without discrimination, to be infected, and imposing upon them severe quarantine restrictions.

Your despatch is accompanied by a copy of a note addressed by you to the minister of state of her Catholic Majesty, in which you very properly remonstrate against the unnecessary stringency of the order of the Spanish government, the humane object of which would, it is confidently believed, be fully effected should the order be so far modified as to exclude from its operation ports in the United States free not only from the existence of malignant disease, but from the suspicion thereof.

While it is not denied that the yellow fever prevails in a greater or less degree in the ports of Texas, Louisiana, and Florida, it is certain that the disease has not extended to ports lying north of those named, by the proper authorities of which every necessary sanitary precaution has been taken to prevent its introduction.

Under these circumstances it is hoped that the Spanish government will favorably consider your suggestion for a modification of the order in question.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

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*Mr. Perry to Mr. Seward.*

No. 2.]

LEGATION OF THE UNITED STATES,

*Madrid, October 8, 1867.*

SIR: I have the honor to enclose 10 original papers from our consul at Mahon, concerning a case of hardship on various American vessels from the objectionable manner in which the quarantine regulations of this country are executed.

These papers arrived in this legation before Mr. Hale's departure, and the affair was disposed of by him, as will appear from the enclosed copy of a letter in reply to the consul, dated October 4th.

As I find these papers here after his departure, he must have inadvertently omitted to forward them to you. I do not, however, feel at liberty under the circumstances to make any other disposal of this case than that dictated by him.

With the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*



*Mr. Robinson to Mr. Hale.*

UNITED STATES CONSULATE,  
Port Mahon, September 26, 1867.

SIR: I have the honor to enclose the papers and proceedings relative to four ships from Callao, Peru. Said ships arrived in August last at Algeciras. All were given free pratique, and in due time the ships Eastern Star, Florence Treat, and Baden, sailed for Valencia.

The Sabino sailed for Barcelona. All were refused entrance and ordered here to perform 10 days' quarantine, with clean bills of health issued from the authority of Algeciras.

Nos. 1, 2, 3 and 4, are copies of letters addressed to this consulate. Nos. 5, 6, 7, and 8, are true copies of the bills of health brought from Callao, and touched at Algeciras, certified by two consuls. Also No. 9, copy of a protest against the proceedings by which said ships were ordered here with clean bills of health to perform 10 days' quarantine. It appeared to me right and proper that this protest should be made, which was confirmed by legal advice.

I think some of the authorities are pleased that the protest was made, as they acted only from compulsion in detaining the ships, and are anxious to have this question settled, which may lead to the explanation of other doubtful and vexatious proceedings here. The director of the lazaretto said, when the said ships arrived, that he did not know why they were sent here, but that he thought if sent away without performing 10 days' quarantine they would be sent back.

The British ambassador has a similar case of an English ship from Callao. The authorities have given every facility they could, and have behaved in a more liberal manner throughout the proceedings than I ever have known them to do before.

When the ships arrive at their destinations the captains will make their protests, send me a copy with bills of damages, which I will forward.

The ship Baden left Callao in May instead of April, as is said in the protest. I trust my action will meet with the approval of the legation.

I have the honor to be your obedient servant,

H. B. ROBINSON, *Consul.*

Hon. JOHN P. HALE,  
*United States Minister, Madrid.*

*Mr. Curtis to Mr. Robinson.*

AMERICAN SHIP EASTERN STAR, OF BOSTON,  
Port Mahon, September 18, 1867.

SIR: On the 8th of April last I sailed from Callao, Peru, with a cargo of guano for Spain. On the 22d of August last, at 9 a. m., I arrived in Algeciras (Spain) for orders; at 10.30 a. m. was visited by the port authorities; handed my bill of health to an officer in the boat; after counting all my crew he asked me if they were in perfect health, and said I was admitted to free pratique; that I could go on shore when I wanted to. I soon after went on shore in my boat and bought some fresh provisions, and they were taken on board by the market man of the same port. My ship lay in that bay until the 28th of August last, when I received orders to proceed to Valencia, cleared my ship and paid the customary port charges, and proceeded on my voyage to the port of destination, (Valencia.) That evening, at 8 p. m. the 7th instant, without communicating with any vessel at sea, arrived at Valencia at 5 p. m. The pilot came alongside and ordered me to go to Port Mahon, as he said by the authority of the captain of the port; feeling sure that there must be some mistake, I refused to do so until those orders were confirmed. After anchoring a health boat came alongside and informed me that I must go to Port Mahon to perform quarantine. I remonstrated and told them that I had already obtained free pratique for six days in another Spanish port, and wanted to show my bill of health; but the officer would take no paper from me, and would have no further communication; finding I could do nothing I started that evening at 6 p. m. for Port Mahon. Therefore, as I have complied with the sanitary rules of the country, and have had six days of free communication in Spain, I consider it an injustice that my ship has been sent to this port, and will pay all my port charges and quarantine charges under protest, holding the Spanish government responsible to refund the same, also to pay (all) whatever expenses, detentions, and damages, may be incurred by the said ship Eastern Star, from the day she left Valencia until she returns to the same port. I will thank you, Mr. Consul, to forward this to the ambassador of the United States at the court of Madrid, and request him to lay my claim before the Spanish government. Failing then to get that justice which in law and equity my ship is entitled to, I and my owners will apply to the Congress of the United States for that equity which I feel I and my owners are fully entitled to.

Respectfully yours,

A. CURTIS,

*Master of American ship Eastern Star, Quarantine Station, Port Mahon.*

H. B. ROBINSON, Esq.,  
*United States Consul, Port Mahon.*

PORT MAHON, *September 17, 1867.*

I, John Short, master of ship *Florence Treat*, 798 tons or thereabouts, of Bangor, Maine, United States of America, do hereby certify that I sailed from Callao on the 18th of April, 1867, with a cargo of guano bound for Spain. Arrived at Algeciras on the 20th of August, 1867, ship in good order, crew of seventeen (17) men all in good health; was visited by the doctor and other government officials; crew examined by them and found to be in good health. I was then allowed free communication with the town; my papers were taken to the captain of the port of Algeciras, and remained in their possession until the 24th instant, (of August last,) when I received orders to proceed to Valencia and there discharge my cargo; my papers were then given to me, also a free pratique for the port of Valencia: paid my port charges at Algeciras and sailed the same day for Valencia. During the passage I stopped at no other port or had no communication with any other ship or vessel during the passage, arrived at Valencia the 6th of September, 1867. Pilot came alongside and took the ship to her berth and moored her; on the 7th instant was visited by government officials, doctor included; crew mustered and examined and found to be all in good health, and all correct. My papers were shown them, including my free pratique for that port. They then ordered me to Port Mahon to perform ten days quarantine. I demanded written orders, but was refused, saying it was not customary or necessary, and ordered me to leave immediately, which I was compelled to do, and I further notified them, verbally, that I should do so under protest, and I sailed on the 7th of September, 1867, for Port Mahon. Arrived at Port Mahon on the 12th instant, and am now performing my quarantine. I consider, as I have fully complied with the rules of the port of Algeciras, that I have a perfect right to be admitted to the port of Valencia. Shall pay my quarantine charges under protest, also (claim) damages from the time I left Valencia until I return there again.

JOHN SHORT,

*Master American Ship Florence Treat.*

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*Mr. Stilphin to Mr. Robinson.*

AMERICAN SHIP BADEN, OF NEW ORLEANS,

*Port Mahon, September 20, 1867.*

On the 8th of May last I sailed from Callao, Peru, with a cargo of guano for Spain; on the 19th of August last, at 10 a. m., arrived in Algeciras, Spain, for orders; at 3 p. m., same day was visited by the port authorities; handed my bill of health to an officer in the boat; after counting all my crew, asked me if they were in perfect health; my reply was, yes; nor that there had been any sickness on the voyage; then he said I was admitted to free pratique, by hoisting the quarantine flag at the fore. At 4 p. m., same day, went on shore and bought fresh provisions, and returned in my boat. My ship lay in that bay until August 25, which day I received orders to proceed to Valencia, cleared my ship and paid the customary port charges, and proceeded on my voyage to the port of destination, (Valencia,) at 7 p. m., the 5th of September; without communicating with any vessel at sea, I arrived in Valencia roads and came to an anchor. *The pilot came on board and anchored the ship*, where the ship remained until the 8th of September; the same day was ordered by the port authorities to proceed to Port Mahon, there to lay 10 days' quarantine; therefore, as I have complied with the sanitary rules of the country, and have had six days of free communication in Algeciras, (Spain,) I consider it an injustice that my ship has been sent to this port, and shall pay all my port and quarantine charges here under protest, holding the Spanish government responsible to refund the same; also to pay whatever expenses, detentions and damages that may be incurred by the said ship Baden from the day she left Valencia until the ship anchors to the same port. I will thank you, Mr. Consul, to forward this to the ambassador of the United States at the court of Madrid, and request him to lay my claims before the Spanish government; failing then to get that justice which in law and equity my ship is entitled to, myself and owners will apply to the Congress of the United States for that equity which I feel that myself and owners are fully entitled to.

Respectfully, yours,

J. STILPHIN,

*Master of ship Baden, quarantine station, Port Mahon.*

H. B. ROBINSON, Esq.,

*United States Consul, Port Mahon.*

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*Mr. Mitchell to Mr. Robinson.*

AMERICAN SHIP SABINO, OF BATH,

*Port Mahon, September 16, 1867.*

SIR: On the 18th of April last I sailed from Callao, Peru, with a cargo of guano, for Spain: on the 22d of August last, at 5 p. m., arrived in Algeciras, Spain, for orders. The following

morning, at 7 a. m., was visited by the port authorities; handed my bill of health to an officer in the boat; after counting all my crew, asked me if they were in perfect health, and said I was admitted to free pratique; that I could go on shore when I wanted. I soon after went on shore in my boat, and brought some fresh provisions, and was taken on board by the marketing man of the same port. My ship lay in that bay until the 28th of August last, which day I received orders to proceed to Barcelona; cleared my ship and paid the customary port charges, and proceeded on my voyage to the port of destination (Barcelona) that evening at 7 p. m., on the 8th instant, September, without communicating with any vessel at sea; arrived at Barcelona late in the afternoon; *the pilot and two boatmen came on board and piloted the ship in*, and informed me that it was customary to go on shore with a quarantine flag in the boat to the port office. I started the following morning, and met the officer on his way off; handed my bill of health properly indorsed to the said officer, who informed me that I would have to go to perform quarantine, but he would let me know. My ship lay in the bay until Tuesday, 10th instant, when my bill of health was returned, and ordered to Port Mahon to perform quarantine. At 3 p. m., the same day, I sailed for the said port; therefore, as I have complied with the sanitary rules of the country, and have had six days of free communication in Spain. I consider it an injustice that my ship has been sent at this port, and will pay all my port and quarantine charges under protest, holding the Spanish government responsible to refund the same; also to pay whatever expenses, detentions and damages may be incurred by the said ship Sabino, from the day she left Barcelona, until the ship returns to the same port. I will thank you, Mr. Consul, to forward this to the ambassador of the United States at the court of Madrid, and request him to lay my claim before the Spanish government; failing then to get that justice which in law and equity my ship is entitled to, I and my owners will apply to the Congress of the United States for that equity which I feel that I and my owners are entitled to.

Respectfully, yours,

T. G. MITCHELL,

*Master of ship Sabino, quarantine station, Port Mahon.*

H. B. ROBINSON,

*United States Consul, Port Mahon.*

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*Mr. Robinson to the Governor of Minorca.*

UNITED STATES CONSULATE,

*Port Mahon, September 21, 1867.*

SIR: I have the honor to inform your excellency that the following regularly documented ships, Eastern Star, Captain Curtis; Florence Treat, Captain Short; Baden, Captain Stilphin; Sabino, Captain Mitchell; all carrying the flag of the United States of America, left Callao, Peru, in April last, laden with guano, for Spain. Said ships arrived respectively at Algeciras, a port of Spain, in the month of August last; complied with all of the laws of the port, and of Spain, as they were informed; paid all customary bills demanded of them; took free pratique for all of the ports of Spain from the proper authorities; communicated freely with the town, both officers and crews. The bills of health are dated the 21st and 24th of August last, signed and sealed by the proper officers of Algeciras, a city and port of Spain. By virtue of this legal act of the authorities of Algeciras, and in pursuance of orders, the said ships proceeded to ports of discharge, said ports being Spanish ports, subject to the same laws of Spain as Algeciras, to wit: the ships Eastern Star, Florence Treat, and Baden, proceeded to Valencia; the ship Sabino proceeded to Barcelona, both cities and ports of Spain, all with clean bills of health, issued to each and all of the ships, none of which bears date after the 24th of August last, six days prior to the date of the order, under which I am informed the said ships were denied entrance at Barcelona and Valencia, and were by the authorities of those ports summarily ordered to Port Mahon to perform 10 days' quarantine, all with clean bills of health issued by the proper authority of Algeciras, a city and port of Spain. This action of the authorities of Valencia and Barcelona has caused great inconvenience and loss of time, as well as heavy expenses and damages to the aforesaid American ships, amounting in the aggregate to many thousands of dollars, for which a claim will be made against the Spanish government, and forwarded to the minister of the United States at Madrid for his action thereon. The bills against the said ships, which may be demanded here for quarantine and other charges, will all be paid before the order of this consulate is presented for clearance, but paid under protest.

I do now, most respectfully, as consul of the United States of America, in the name of the captains, owners, underwriters, and all and everybody whom it has concerned, or whom it may now or hereafter concern, enter this solemn protest against the authorities of Valencia and Barcelona, every and all persons and authorities who denied the above-named ships that hospitality which is accorded to all friendly powers, and ordered the said ships here with clean bills of health, issued by the proper authorities of Algeciras, a city and port of Spain, thus changing the voyages of the said ships, to their great damage and detriment, and by the acts of the authorities aforesaid, Valencia and Barcelona, have virtually declared Algeciras

a foreign port. I respectfully protest against the authorities of Port Mahon for detaining the said ships here with clean bills of health 10 days at great expense and loss of time, when said ships came here with clean bills of health, issued by the proper authority of Algeciras, a city and port of Spain. Further, I respectfully protest against any and all accidents, detentions and loss of time by sea or otherwise, which said ships may suffer from the time they leave this harbor, or while in this harbor, until they are safely anchored in the respective ports from whence they were summarily ordered.

All of which is respectfully submitted.

I have the honor to be your excellency's obedient servant,

H. B. ROBINSON,  
*United States Consul.*

His Excellency the CIVIL GOVERNOR, *Minorca.*

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*Mr. Hale to Mr. Robinson.*

LEGATION OF THE UNITED STATES,  
*Madrid, October 4, 1867.*

SIR: I have received and examined your communication of 26th ultimo, with its inclosures, concerning a case of hardship under the improper execution of the quarantine regulations of this kingdom. I do not hesitate to qualify it as such from the data furnished by you and in the absence of any other. But I have very little hope that any satisfaction for this apparent abuse will be obtained from this government. I am tired of complaining of their sanitary regulations, and of the abuse of these, in their execution, by the authorities who have this duty in charge, and in no case has any satisfactory result been obtained. I suppose I should only add one more to the already long catalogue of grievances of this description I have heretofore presented to the notice of the Queen's government without obtaining any remedy, or the manifestation of any desire to restrain the authorities, culpable of these acts, in the course they see fit to pursue. Under these circumstances I will forward your letter and papers to the Secretary of State of the United States, and wait his instructions. You can, yourself, address to him any further information you may have to offer touching these cases, and I will gladly execute here whatever he may direct to be done.

Very respectfully, your obedient servant,

JOHN P. HALE.

H. B. ROBINSON, Esq.,  
*United States Consul, Port Mahon.*

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*Mr. Perry to Mr. Seward.*

No. 3.]

LEGATION OF THE UNITED STATES,  
*Madrid, October 14, 1867.*

SIR: On the 12th instant I received from our consul at Teneriffe two communications, dated September 26th and October 1st, which came by the same mail steamer, and covered various documents relating to the dismissal from that port of the American whaling vessels Albert Clarence, Mattapoisett, and Minnesota. It will be borne in mind that, by the Spanish sanitary system, only two full quarantine stations are established—one at Vigo, on the Atlantic coast, and another at Mahon, in the Mediterranean.

Thus vessels proceeding from ports declared foul by Spain, although they bear clean bills of health, are immediately dismissed from all other Spanish ports to the lazaretto of Vigo or Mahon.

The three vessels above mentioned were but the forerunners of a much larger fleet of whalers, accustomed to touch at the Canaries at this season to leave their oil, refresh their crews, and lay in provisions for their winter's cruise. The merits of their case will be found succinctly stated in the memorandum sent by me to the Spanish minister of state, to which I beg leave to refer you.

On receiving the consul's letters I immediately took the papers to the state department; and finding the minister engaged in cabinet council, saw and explained verbally to the sub-secretary of state and to the chief of the commercial bureau the condition of things at Teneriffe, translating verbally the

documents and urging upon them the necessity of prompt action. I then returned and addressed to the minister, in Spanish, the official note and memorandum, of which I enclose copies translated. Yesterday was Sunday; nevertheless I found means to again see the sub-secretary of state and two of the chief officers of the department of state on this business. Not finding the minister, however, I addressed him the official request for an interview, of which I enclose a copy.

To-day, Monday, I have been early into the office of the bureau of public health, and found that an officer from the state department, Count Nava de Tajo, had already been sent in person to request the immediate action of that bureau on the statement contained in the memorandum I had furnished. I had, therefore, the satisfaction to see the orders prepared to be transmitted by telegraph to Cadiz immediately, to go out by the mail steamer which starts to-morrow, it being already too late to reach her by post from Madrid.

The result is satisfactory. I have addressed a telegram to our consul at Tenerife announcing it, which, translated, you will find enclosed.

I have as yet received no official answer to my note, nor will it be likely to reach me before the departure of the mail which takes this despatch.

With sentiments of the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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[Translation.]

LEGATION OF THE UNITED STATES,

*Madrid, October 12, 1867.*

SIR: I have the honor to enclose herewith a memorandum of what has happened at Tenerife relative to various whaling ships of the United States, and to call your excellency's attention to the special manner in which the recent sanitary dispositions of her Majesty's government have been interpreted in that island, applying an order, based on the supposed sanitary condition of America in August, 1867, to vessels which left those countries in May and November of the year previous and have not since returned.

Without exaggerating the importance of the traffic which the provisioning of this numerous whaling fleet brings to the Canary islands, forming a great part of their commerce at this season, and which, once turned aside by the measures, no doubt unpremeditated, of which they complain this year, can hardly be expected to return in coming years, I would beg your excellency to notice the circumstance that the mail steamer which leaves Cadiz on the 15th of this month will be perhaps the last which can carry to Tenerife, in time to arrive opportunely, the resolution her Majesty's government may think proper to dictate.

The consul, whose information serves as a basis for this communication, says that the whaling vessels, which usually resort to the Canary islands at this season to refresh their crews and lay in their provisions for the coming winter, will have all passed by before the 15th of the next month of November.

Thus your excellency will not fail to be impressed with the urgency of some resolution in the matter. And I avail myself of this occasion to renew to your excellency the assurance of my most distinguished consideration.

HORATIO J. PERRY.

His Excellency the MINISTER OF STATE of her Catholic Majesty.

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*Memorandum.*

On the 11th September last orders were received by the local government of the island of Tenerife, (Canary islands,) declaring foul all the ports of the American continent, and subjecting to vigorous quarantine all vessels proceeding from them.

On the 16th September, arrived at Tenerife the whaling schooner Albert Clarence, which left the State of Massachusetts, in the United States, on the 18th day of last February, and, after being occupied seven months in the whale fishery, made this port in search of a surgeon to set the leg of a man whose leg had been fractured by a fall. She was immediately dismissed from the port without receiving the succor she asked.

On the 18th September, arrived the whaling bark *Mattapoisett*, which left the United States on the 13th day of November, 1866, and, after being engaged nearly a year in the fishery to which she is destined, came into these islands, as is usual, to refresh her crew, purchase fresh provisions, and prepare for the cruise of the approaching winter.

On the 21st September, arrived also the whaling bark *Minnesota*, which left the United States on the 29th May, 1866, or, in other words, a year and three months before the publication of the sanitary order which declares those ports foul and subjects vessels proceeding thence to quarantine. Nevertheless, all these vessels were dismissed from Teneriffe under that order.

The consul of the United States in those islands made to the governor of the same such observations as he thought the case required, and it is presumed that the latter has consulted the Queen's government at Madrid, for the consul claimed that a date should be fixed on after which the bill of health issued at those ports should be considered foul, but which should exempt from this measure vessels that left the United States months, and even a year, previous to the circumstances which were the motive for that order.

The decision is urgent, because the whaling fleet of the United States, which seeks these islands at this season of the year, to prepare for the fishery of the approaching winter, will have all passed by before the 15th of November; and if the desired amendment of this sanitary order should not leave in the mail steamer from Cadiz on the 15th of October, there will be no other mail to the islands in time to prevent the dismissal of almost all of these vessels. And it is to be feared that this numerous fleet, being thus dismissed this year, will not return, the Canary islands thus losing what is for them an important and lucrative trade.

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[Translation.]

*Telegram sent to Cadiz October 14 to be transmitted by the mail steamer of October 15 from Cadiz to the Canary islands.*

To the CONSUL OF THE UNITED STATES at Teneriffe:

The quarantine question is arranged. Orders go out to admit to free pratique all vessels which had left the United States previous to the 1st of July.

HORATIO J. PERRY,  
*Chargé d'Affaires.*

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*Mr. Perry to Mr. Seward.*

No. 4.]

LEGATION OF THE UNITED STATES,  
*Madrid, October 19, 1867.*

SIR: I confirm my last, of the 14th instant, relative to the proceedings of this government in regard to various whaling ships of the United States dismissed from Teneriffe under recent sanitary orders, which, at my instance, were modified as therein stated.

Since that writing, a despatch from the consul at Teneriffe, dated October 5th, has reached me by way of England, which recites two additional cases, as follows:

Since writing to you on the 3d instant, the whaling bark *Ohio* has arrived from Fayal with a clean bill of health, duly certified to by the Spanish consul at that place. She was 28 months out, having left the United States May 16, 1865; and in consequence of her originally sailing from the United States, was "despedido," (dismissed.) This day the whaling bark *Globe*, 25 months out, arrived, and hearing of the barbarous treatment awaiting her, left at once, without awaiting to be told to go.

WM. H. DABNEY.

It must be expected that still other cases like these will have occurred before the order sent off by telegram on the 14th, and which was carried out by the mail steamship which started from Cadiz at three o'clock in the afternoon of the 15th instant, can have reached Teneriffe.

The urgency of obtaining some practical relief for our whaling fleet in the few available hours which intervened between my receiving the consul's advices on the afternoon of the 12th instant and the departure of the new orders on the 14th—the intervening 13th instant being Sunday—compelled me not to complicate that with any more general question.

But the absurdity of putting a whole continent under sanitary disabilities because a few ports of the Gulf of Mexico are infected, will not fail to arrest your attention.

The clean bills of health borne by our ships, and duly signed by the Spanish consuls in our northern ports, are disregarded.

Perhaps even you may be led to consider whether the especial circumstances of some of the whaling ships which touched at Teneriffe in demand of succor for wounded men or provisions necessary to continue their voyage, and were peremptorily dismissed without either, may not constitute such a palpable violation of the stipulations of the treaty of 1795 as to lead to some further action on your part or that of the President.

With the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Perry to Mr. Seward.*

No. 5.]

LEGATION OF THE UNITED STATES,

*Madrid, October 19, 1867.*

SIR: I have the honor to enclose part of the official gazette of to-day, containing a royal decree, by which the present duties paid in Spain and her adjacent islands upon the importation of agricultural tools and machinery of all descriptions are reduced to one per cent. *ad valorem*, when they are brought in Spanish ships, and one-fifth part more if they are imported under a foreign flag.

American agricultural implements, I am glad to say, are gradually but steadily being introduced, to the great benefit of the husbandry of this country, and to-day's decree will no doubt stimulate that trade.

With sentiments of the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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[Translation.]

ROYAL DECREE.

In view of the reasons suggested by the minister of finance, in accordance with the advice of the council of ministers, I decree as follows:

SINGLE ARTICLE. Machinery, iron work, apparatus and mechanism of foreign construction destined for agricultural uses, or such as may serve for distributing the benefits and improving the products of husbandry, shall pay one per cent. on their value under the national flag, and one-fifth additional under a foreign flag.

Done at the palace the 18th day of October, 1867.

Under the royal rubric.

MANUEL GARCIA BARZANALLANA,

*Minister of Finance.*

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*Mr. Perry to Mr. Seward.*

No. 6.]

LEGATION OF THE UNITED STATES,

*Madrid, October 26, 1867.*

SIR: I take pleasure in enclosing the official gazette of to-day, which contains a royal decree extending the time for the free admission of wheat and wheat flour into Spain to the 30th day of June, 1868.

A former decree, dated August 22d, limited this privilege to four months, and restricted it to certain ports of the kingdom.

To-day's decree makes the measure extensive to all the ports of the kingdom, and establishes it until the next year's crop of wheat can be harvested.

The same gazette also contains the official report of the price of wheat at Madrid on the 25th instant. This price continues to rise throughout the kingdom, and the local authorities have just authorized an advance of one cuarto (about three-fourths of a cent) in the price of bread at Madrid for every two-pound loaf.

In a country where bread is almost the sole aliment of great masses of the people, and where the *paternal* authority of the government is looked to as more or less responsible for the price of bread, this is a matter of some concern.

With sentiments of the highest respect, sir, your obedient servant,  
HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Seward to Mr. Perry.*

No. 2.]

DEPARTMENT OF STATE,  
*Washington, October 30, 1867.*

SIR: Mr. Dabney, the United States consul at Teneriffe, has forwarded to the department a copy of a letter and of the accompanying correspondence which he addressed to Mr. Hale under date of the 26th ultimo, upon the subject of the ordering away of the United States vessels from that island, by the governor, on the ground of a mandate from Madrid, to the effect that all ports of this country are afflicted by contagious or infectious diseases, so that vessels from them cannot be admitted into Spanish ports, without danger to the public health. The proceeding referred to is so obviously arbitrary and unnecessary and must result in such serious inconvenience to the vessels of the United States, that it is presumed you will have made proper representations upon the subject to the Spanish government.

Though every country has a right to enforce such sanitary regulations as it may choose for the protection of the public health, this power should always be reasonably exercised, and any abuse of it to the detriment of commerce should be studiously guarded against. For some months past yellow fever has prevailed in some ports of our southern States. Vessels from them entering foreign ports might reasonably expect to be at least subject to quarantine. The ports of the northern and middle States, as well as those on the Pacific, have, however, been entirely free from any pestilential diseases. The Spanish mandate referred to, so far as it may relate to vessels clearing from those ports, must consequently be regarded as either unfriendly in purpose or as based upon erroneous information.

It must be protested against accordingly.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Perry.*

No. 3.]

DEPARTMENT OF STATE,  
*Washington, October 31, 1867.*

SIR: The department has received your despatch No. 2, of the 8th instant, relative to the detention of several United States vessels ordered to Port Mahon



pursuant to Spanish sanitary regulations. You were yesterday fully instructed upon the general subject on the occasion of a despatch to the department from the United States consul at Teneriffe.

The case of the vessels at Port Mahon does not seem to require any other special instructions than that you should let the Spanish minister for foreign affairs understand that this government will expect full indemnification for any unjust or unnecessary detention, or other injury to United States vessels resorting to Spain, when such proceedings are based upon quarantine laws obviously abused and unjustifiable.

I am, sir, your obedient servant,

HORATIO J. PERRY, Esq., &c., &c., &c.

WILLIAM H. SEWARD,

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*Mr. Perry to Mr. Seward.*

No. 7.]

LEGATION OF THE UNITED STATES,

*Madrid, October 31, 1867.*

SIR: I have the honor to enclose a copy of the Madrid Gazette of yesterday, containing a royal decree reducing the duties upon foreign-grown wheat flour imported into the island of Porto Rico.

It will be seen that the preamble of the decree confesses that Spain is not in a condition to export wheat or flour, and that there is no good motive for continuing other or heavier duties upon United States wheat flour in Porto Rico than those exacted from us by the decree of March 12th, of this year, in the island of Cuba.

The duties upon our flour imported into Porto Rico, on and after the 1st day of January, 1868, according to the decree now forwarded to you, will be as follows:

If imported in Spanish bottoms, \$2 45 per 100 kilograms weight, including the weight of the barrel or sack.

If imported in vessels under any other flag than that of Spain, \$3 26 per 100 kilograms weight, including the weight of barrel or sack.

You will, perhaps, consider it proper to put this information within the knowledge of our shipping merchants.

With the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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[Translation.]

ROYAL DECREE.

In view of the reasons laid before me by the minister for ultramar, in concert with the council of ministers, I decree as follows:

ARTICLE 1. Flour made from wheat of Spanish growth, proceeding from Spanish ports under the Spanish flag, shall continue to be duty free on importation at the island of Puerto Rico; and until the 1st of January, 1868, wheaten flour, the importation of which would not be free from the payment of duty, shall be charged in the said island as follows:

Spanish wheat flour coming from Spanish ports, under a foreign flag, shall pay for each 100 kilograms, including the weight of the barrel, one escudo 630 thousandths.

Flour coming from foreign ports, under the Spanish flag, for each 100 kilograms, including the weight of the barrel, four escudos 891 thousandths.

The same under foreign flag, for each 100 kilograms, including the weight of the barrel, six escudos 522 thousandths.

ART. 2. In regard to the imposition of duties on wheat flour proceeding from the United States there shall be observed what is provided for as a general rule in article five of the

decree of the 12th of March of this year, which approved the tariffs of duties of the custom-houses in force in the island of Cuba.

ART. 3. The provisions contained in my decree of June 27, 1865, respecting the importation of flour at the island of Puerto Rico, are abrogated.

Given at the palace the 29th of October, 1867.

Under the royal signature,

CARLOS MARFORI,  
*Minister for Ultramar.*

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*Mr. Seward to Mr. Perry.*

No. 4.]

DEPARTMENT OF STATE,  
*Washington, November 4, 1867.*

SIR: With the instruction from the department, No. 62, of the 18th of March last, Mr. Hale was furnished with a copy of the answer of the Chilean minister for foreign affairs, of the 30th of January, to the offer of this government to mediate between Chili, and other Spanish American republics, and Spain, for the purpose of bringing about a peace.

That answer was not definitive, but expressed a wish for consultation with the other republics at war with Spain. A copy of General Kilpatrick's despatch,\* No. 49, of the 1st of May last, with a translation of the note of Mr. Covarrubias to which it refers, is herewith transmitted.

It will be seen from this that Chili proposes to adhere to the offer of the United States, but only upon precedent conditions which this government is not authorized to accept.

Acting, however, in a spirit of perfect equality, the President directs me to submit the reply of Chili to the consideration of Spain. Such terms as Spain may propose will be made known to Chili.

The substance of the despatch of General Kilpatrick was made known to Mr. Goñi soon after the despatch reached here.

It was also the President's intention that the despatch itself should at once have been communicated to the legation at Madrid. By some oversight, however, that intention has not until now been carried into effect.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c.

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*Mr. Seward to Mr. Perry.*

No. 5.]

DEPARTMENT OF STATE,  
*Washington, November 4, 1867..*

SIR: I transmit a copy of a letter of the 31st ultimo, addressed to the department by Messrs. Thompson and Hunter, and of the letter to them, to which it refers, from Captain Upton, of their brig Machias, from Vigo, to which port that vessel was compelled to proceed to perform quarantine, though Cadiz was her destination.

According to Captain Upton's statement he not only had no sickness on board when he reached Cadiz, but he carried thither from Madeira a clean bill of health from both the Spanish and Portuguese consuls.

The Spanish sanitary edict, pursuant to which the Machias was ordered to Vigo, may be regarded, under the circumstances, as tantamount to a refusal of entry of all vessels from the United States.

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\* For enclosure see correspondence with the United States minister to Chili.

It will certainly be the duty of this government to expect that of Spain to show probable cause for such a measure, and if no probable cause be shown the parties aggrieved will be entitled to reparation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c.

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*Messrs. Thompson and Hunter to Mr. Seward.*

NEW YORK, October 31, 1867.

DEAR SIR: Enclosed we send you an original letter that we received yesterday from Capt. Ryland Upton, of brig Machias, from Vigo, October 11, 1867. As agents for the owners of the brig Machias we on the 26th day of July last chartered her for a voyage from this port to Madeira to land there 18,000 staves and 20 barrels rosin; the balance of her cargo was to be landed at Cadiz. On the 8th of August we cleared the vessel from the custom-house, and on the 9th we got a clean bill of health from the Portuguese and Spanish consuls. On or about the 1st of September the Spanish government at Madrid issued an order declaring all ports in the United States foul, and ordering all vessels from here to Vigo or Port Mahon to ride out quarantine. We this morning called upon the Spanish consul here for a copy of that order, and he informs us that he has never received a copy of it. You will observe by Captain Upton's letter he obtained another bill of health at Madeira.

The object of this inquiry is to know if we have no redress for time or expenses, and if the Spanish government had a right after we have been to an intermediate port, discharged cargo and got another bill of health, and after being about fifty days from the United States, to send us to Vigo to ride out quarantine.

We are, respectfully, your obedient servants,

THOMPSON & HUNTER,  
50 South street.

Hon. WILLIAM H. SEWARD,  
*Secretary of State of the United States, Washington, D. C.*

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*Mr. Upton to Messrs. Thompson and Hunter.*

VIGO LAZARETTO, October 11, 1867.

GENTLEMEN: On my arrival at Cadiz I was ordered to this place to perform 10 days' quarantine; it is about 500 miles from there here, and I was two weeks getting here; had continued head winds, and one gale of two days' duration; this will use up one month's time, if not more, besides the expenses.

I feel terribly annoyed at this, and if only my own interest had been at stake I should have proceeded to New York direct; it completely spoils the voyage. I could not think it possible after landing part of my cargo at Madeira, having a clean bill of health from there, and one from New York, that I should be quarantined, (with all hands well on board, and ordered so far off too.) I took my freight money from Madeira with me, thinking to remit it from Cadiz, therefore I have funds for my expenses. They have declared all American ports foul, in order, I suppose, to raise funds to put down their rebellion.

Great folks say our relations with Spain are amicable; in that case I am being amicably robbed.

Very respectfully, yours,

RYLAND UPTON.

Messrs. THOMPSON & HUNTER, *New York.*

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*Mr. Perry to Mr. Seward.*

No. 10.]

LEGATION OF THE UNITED STATES,  
*Madrid, November 7, 1867.*

SIR: I have the honor to enclose copy of a letter just received from the consul at Teneriffe, showing that the royal orders sent out on the 14th instant had been efficient, and our whaling fleet relieved.

With the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Dabney to Mr. Perry.*

TENERIFFE, October 29, 1867.

SIR: On the 18th instant I received your telegram of the 14th of same, and by same mail our civil governor received a similar one, ordering him to admit to free pratique all whalers which have sailed from the United States previous to June 1st of this year.

Already seven vessels have in consequence been admitted at our port which would have otherwise been "despedido," (dismissed,) to their great inconvenience and loss.

I beg to thank you, sir, for this timely relief, and remain, your most obedient servant,  
WM. H. DABNEY.

HORATIO J. PERRY, Esq.,  
*United States Chargé. &c., Madrid.*

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*Mr. Perry to Mr. Seward.*

No. 14.]

LEGATION OF THE UNITED STATES,  
*Madrid, November 13, 1867.*

SIR: Mr. Hale returned to this city yesterday.

In taking leave of you as chargé d'affaires *ad interim*, I ought perhaps to inform you that the subject of quarantine disabilities imposed upon vessels proceeding from ports of the United States not infected by any contagious or epidemic disease, and which was brought to the notice of the Spanish government in the way stated in my No. 11 and its enclosure, marked D, has subsequently followed its course in the Spanish departments.

But the answer of the minister of the interior government of the kingdom, to whom your remonstrances were referred, is, I am sorry to say, unfavorable.

He sets forth that the highest state of infection in our gulf ports has been such as reported in the newspapers, and notoriously, that ships coming around to our northern ports had, in many cases, lost half their crews by the sickness aboard; that there was no evidence that proper sanitary precautions had been established in our northern ports to prevent the spread of the contagion there, certainly not such as were deemed by the sanitary authorities of Spain sufficient; and that therefore, whilst this is the case, the sanitary measures adopted by Spain cannot be relaxed.

I have the honor to remain, with the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Seward to Mr. Hale.*

No. 92.]

DEPARTMENT OF STATE,  
*Washington, December 2, 1867.*

SIR: Mr. Perry's despatch No. 14, of the 13th ultimo, upon the subject of the quarantine in Spain of vessels from the United States, has been received.

It is noticed with regret that the remonstrance, which by the instructions from this department, Nos. 2, 3, 4 and 5, he was directed to address to that government, has proved unavailing.

The reasons which he represents as having been assigned by the minister of the interior for justifying the quarantine are founded upon obvious misconceptions of fact in regard to the existence of contagious disease, especially yellow fever, in this country.

That epidemic was restricted to a few ports only of the southern States. If vessels from those ports had been subjected to the quarantine, there would have been no ground of complaint.

The rule has, however, been applied without discrimination to vessels from all ports of the United States, even when bearing a health certificate, attested by the Spanish consul at the port whence they may have sailed.

This seems to be unreasonable and unjust. It has given rise to numerous complaints which have from time to time been made known to your legation.

The letter of Mr. Alpheus Hardy, of Boston, a copy of which is enclosed, relates to the case of his bark "Young Turk," which has been subjected to the quarantine without apparent necessity and to the great loss of her owner.

It is hoped that the Spanish minister of the interior may see cause to rescind his order, and that, seeing the serious mistake which he has committed, the government of Spain will make good the damages which United States citizens have sustained. If the Spanish secretary of the interior persists in maintaining the quarantine, we must protest with energy, and will expect indemnification.

I telegraphed to you to day on this important subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

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*Mr. Hardy to Mr. Seward.*

BOSTON, November 27, 1867.

SIR: Permit me to call your attention to the great wrong practiced upon the United States shipping trading with Spain—I cannot better do this than by stating my own case. My bark, Young Turk, sailed hence the last of August with a cargo wholly of staves, bound for Malaga, Spain. At that time our port was entirely free of any contagious disease; the officers and crew in good health. The bark was cleared at the custom-house with a clean bill of health, duly and properly certified by the Spanish consul at this port. After a passage of about 25 days she arrived at Malaga, all on board in good health, but was not allowed to enter the port because the yellow fever was in New Orleans, or the cholera in some port of the United States. The bark was ordered off to Port Mahon, kept there 10 days, compelled to pay port charges and quarantine fees, doctor's bill, &c. Was 37 days in getting to and from Port Mahon, and at a large expense for time, wages, provisions, &c.; besides throwing the voyage wholly out of its place, bringing her here too late for the best sale of her cargo, and making a difference to the owners of several thousand dollars.

The Spanish government make no difference between New Orleans and Boston, and pay no regard to the certificate of our authorities backed by their own consul, to whom we paid a fee for his name, but send our vessels off without reason, much to our damage. Our masters assert it is mainly to secure fees. Their vessels are not so treated with us, nor do they treat other nations as they do us.

For instance, they put Gibraltar down as a foul port, but by the remonstrance of the British government they withdrew that edict and allowed British vessels from Gibraltar to enter Spain, while our vessels hence, after being admitted at Gibraltar, and unloading there side by side with those from England, and associating with their crews, were ordered off. This whole system is unjust as I view it, and I trust may commend itself to your attention.

We are large customers for Spanish products—taking from Malaga more than half of all the fruit she exports (from 800,000 to 1,000,000 boxes, out of a crop of 1,200,000 to 1,500,000)—and it is a peculiar hardship to be thus troubled and taxed from this port when and because there is yellow fever in Louisiana or Texas.

Pardon my free expression of a felt wrong, and allow me to remain, sir,

With high regard, yours, &c.,

ALPHEUS HARDY.

Hon. WILLIAM H. SEWARD,

*Secretary of State for the United States, Washington, D. C.*

Reference to United States senators from Massachusetts.

*Mr. Hale to Mr. Seward.*

No. 111.]

LEGATION OF THE UNITED STATES OF AMERICA,  
*Madrid, December 3, 1867.*

SIR: I have this morning received from you by the Atlantic telegraph cable the following despatch, viz: "Has Spanish quarantine been rescinded or relaxed?"

Immediately upon the receipt of the same, having no knowledge myself on the subject, I addressed the proper inquiry to the minister of state, and as soon as his answer is received I shall transmit it by telegraph to you.

With much respect, your obedient servant,

JOHN P. HALE.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Hale to Mr. Seward.*

No. 113.]

LEGATION OF THE UNITED STATES,  
*Madrid, December 6, 1867.*

SIR: Yesterday I received from his excellency the minister of state a formal answer to the inquiry of your telegram, a copy of which, with a translation thereof, I herewith enclose.

The answer before sent by me, though perfectly correct, was not strictly official, but I sent it by telegraph, supposing you were anxious for the information.

After I had communicated the contents of your telegram to the minister of state, and thought a reasonable time had elapsed for an answer which I did not receive, I requested Mr. Perry, the secretary of this legation, to call at the office of the minister of state and suggest that an early answer was desirable. He went, and enclosed I send you the report which he made to me of the result of his said application.

With the highest respect, sir, your obedient servant,

JOHN P. HALE.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Señor Arrazola to Mr. Hale.*

[Translation.]

MINISTRY OF STATE,  
*Palace, December 5, 1867.*

SIR: I have the honor to inform you that as the minister of the "gubernacion," to whom I sent your note of the 3d instant, informs me, not being satisfied with the general sanitary state of the Americans, and the cholera having broken out in the island of Cuba, where it has caused great ravages, as well as the yellow fever in New Orleans, the government of her Majesty have found themselves under the imperious necessity of continuing with rigor the measures which they had adopted in regard to vessels proceeding from America, it not being possible, though they regret the necessity, to modify the regulations which they have adopted with the object of not exposing this peninsula to the introduction of these epidemic diseases.

I avail myself of this occasion to renew to your excellency the assurance of my most distinguished consideration.

L. ARRAZOLA.

The MINISTER Plenipotentiary of the United States.

*Mr. Perry to Mr. Hale.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Madrid, December 5, 1867.*

DAER SIR: I have to inform you that at your request I have seen the assistant secretary of state, the assistant secretary of the home department, and the chief of the bureau of charities and the public health of the latter department, on the subject of Mr. Seward's telegram asking if any change had occurred relative to Spanish quarantines. Your note on this subject will be promptly answered, but I am sorry to say, unfavorably. The chief of the bureau explained to me that the subject of relaxing their measures in regard to our ports had very recently been under discussion in that department, and that the necessary orders to that effect were about to be issued, when news arrived of the breaking out of the cholera at the Havana, and it was resolved to maintain the rigorous quarantine now existing on all vessels proceeding from the United States. My observations on their conduct in putting our ports under sanitary disabilities for the contagion existing in their own ports of the Havana, whilst our ports were free from all such diseases, drew forth again the often repeated explanation that they quarantined all ports when they did not know that quarantine regulations had been adopted and enforced against the ships proceeding from the infected ports. They knew in this instance that communication by ships between the Havana and New York was frequent—every day—while they had no information that at New York any quarantine measures had been adopted to prevent the propagation there of the disease raging at the Havana. My own remarks on the absurdity of this system need not be repeated. The answer was in substance, that it was their system, and that they found the public health of this peninsula to be very well kept by it; better than in other countries which had been more lax.

And to my explanations relative to the quarantine station and system of New York, from such data as I could remember, the answer was, that nothing in reference to that system or its application and working was known to them. They said also that if the authorities, whoever they may be, who have the quarantines of New York and of our northern cities in charge, would take the trouble to give them information upon our system of quarantines, and inform them from time to time when any port was put in quarantine by us, they could gladly take cognizance of such official information, and act upon it. They would not put into quarantine in the Spanish ports vessels proceeding from our ports, where they were thus informed adequate sanitary precautions were taken against the spread of disease imported from ports acknowledged to be infected.

Yours, very respectfully, &c., &c., &c.,

HORATIO J. PERRY.

Hon. JOHN P. HALE,  
*United States Minister Plenipotentiary, &c., &c., &c., Madrid.*

## CORRESPONDENCE WITH THE SPANISH LEGATION.

*M. Goñi to Mr. Seward.*

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,  
*Washington, September 9, 1867.*

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, has the honor to make known to the honorable Secretary of State of the United States that the Spanish legation having withdrawn from Mexico, and as the consular agents must have done the same, Spanish subjects who are now residing in that country are in want of their natural protection. For this reason the government of her Catholic Majesty, holding in consideration the sentiments of mutual esteem which unite Spain and the United States, and the friendly relations which exist between their respective governments, would desire that the Spaniards established in Mexico might count, in case of need, on the protection of the agents of the United States. Therefore the undersigned, in the name and by order of his government, addresses himself to the honorable Mr. Seward, Secretary of State, making known to him that it will be gratifying, if there be nothing unsuitable in it, that he would please to issue proper instructions to the official agents of the United States in Mexico, in order

that while existing circumstances continue they may give their protection and aid to Spanish subjects resident in the territory of that state.

The undersigned renews on this occasion to the honorable Secretary of State the assurance of his highest consideration.

FACUNDO GOÑI.

The Hon. SECRETARY OF STATE  
*of the United States, &c., &c., &c.*

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*Mr. Seward to Mr. Goñi.*

DEPARTMENT OF STATE,  
*Washington, September 19, 1867.*

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of her Catholic Majesty's minister of the 9th instant, in reference to extending the protection of the United States to subjects of her Majesty residing in Mexico, and in reply has the honor to inform him that his request in regard thereto shall be complied with.

The undersigned takes this occasion to offer to her Majesty's minister renewed assurances of his very distinguished consideration.

WILLIAM H. SEWARD.

Señor Don FACUNDO GOÑI, *&c., &c., &c.*



# A U S T R I A .

*Mr. Motley to Mr. Seward.*

No. 216.]

UNITED STATES LEGATION,  
*Vienna, December 10, 1866.*

SIR: I send herewith a copy of the official Vienna Gazette, for December 8th. It contains a letter from the Emperor to the Imperial Royal minister of war, in regard to General Benedek and Generals Henikstein and Krismanie. A preliminary investigation as to the conduct of those officers in the late Bohemian campaign was made by high military authorities, assembled at Wiener, Neustadt, immediately after the battle of Königgratz. The letter of the Emperor is as follows:

[Translation.]

I take notice of the decision of the supreme senate of military justice to ordain a trial by military law against general of ordnance, (Feldzergmeister,) Chevalier von Benedek, Lieutenant Field Marshal Baron von Henikstein, and Major General Chevalier von Krismanie, on account of their conduct in the late campaign, but think proper to decree that any further judicial action against those three generals shall be pretermitted.

In the same way are other generals and staff officers to be dealt with, who, on account of similar tactical or strategic faults have been or were to be held to account. You are to do the needful for the execution of this my decree.

FRANZ JOSEF, M. P.

SCHÖNBRUNN, *December 4, 1866.*

It will be perceived that this decree is in the nature of a pardon, it being assumed that the result of a judicial prosecution, following upon the preliminary investigation, could not help being a sentence of severity.

The generals in question have already been placed on the pension-list, and of course removed from active service for the future. The publication of the Emperor's letter is accompanied by a leading article of great length in the same number of the Vienna Gazette. The censure thus officially, but anonymously, pronounced upon the unfortunate commander in chief is very bitter, as may be judged by the following extract:

Painful as it is to us, we must repeat the hard word that General Benedek was not equal to such a great task; that there were mistakes in his plans and dispositions, which cannot, by any means, be justified according to the rules of military art, and which, looked at by themselves from a judicial point of view, might even afford sufficient grounds for the continuation of a legal action, if there were not the weightiest reasons for a milder treatment of the case.

Had there appeared, by the investigations held, only the slightest sign of a bad intention or premeditated neglect, the severest interpretation and application of the law would have been justifiable, and would certainly have taken place. From the examination, however, no such sign appeared. Not from carelessness nor from a want of energy, not from indifference nor imprudence, resulted the faults in Benedek's tactics. No one could have striven with a better will or greater zeal for the victory of our army; for the glory of Austrian arms. But political and military circumstances which, as it is known, existed before, and during this unfortunate war, could only be vanquished by one of those generals gifted with genius, of which there are at all times so few, and among whom General Benedek cannot be counted, notwithstanding his prominent qualities as a soldier. That this is so, we must deeply regret, after the misfortune which has occurred, and which is hardly to be measured in its full extent; but there is no statute which declares the want of the highest mental gifts to be punishable, and nothing remains in such cases but the unavoidable expiation which lies in the immediate removal of the persons concerned from a sphere of action to which they

are unsuited—an expiation which is the harder to bear the higher and more honorable was that sphere.

The loss of the confidence of his imperial chief, the annihilation of his military reputation in the eyes of the present world and of posterity, the knowledge of the immeasurable misfortune, which, under his direction, and through its defects, the whole monarchy has suffered, must be—for the honorable and high-minded man Benedek has always shown himself to be—a harder expiation than any punishment which might have struck him, had the legal action been continued.

I have not time to translate the whole article, but I thought it probable that it might have interest for the War Department and the military authorities of the United States, and I accordingly forward it for reference, if necessary.

The article concludes with an intimation that the official report of the late campaign will soon be published. I record these proceedings as part of the current history of the war, abstaining from all comment upon them for the present. It would seem hardly possible that some answer on the part of the late commander-in-chief should not be made to this severe and unusual denunciation from an official source.

I have the honor to be, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Motley to Mr. Seward.*

No. 217.]

LEGATION OF THE UNITED STATES,

*Vienna, December 10, 1866.*

SIR: Since my despatch of November 14th, No. 215, the debates in the various diets (Landtags) have been continued. Much excitement and even acrimony have been manifested in the cis-Leithan assemblies, and there is an almost general demand for the restoration of the constitution of 1861, suspended, as you are aware, by the imperial edict of September, 1865, and for the re-convocation of the Reichsrath. With the exception of the diets of Bohemia, in which, however, the minority in favor of the constitution is very large, and that of Galicia, in which, too, the Ruthenians opposed the vote of confidence in the ministers, the excitement in regard to what is called the "suspending policy" of the present government is very great.

The diet of this province (lower Austria) has just presented its address to the Emperor, moving him to restore the constitution. His Majesty received it with the simple expression that it should be reserved for closer consideration.

On the other side the Leithan, the debates of the Hungarian diet have been stormy. It seems to be well understood that the imperial rescript of this year has indicated the widest concessions to Hungary that it is possible for government to make. Yet the most advanced party, or left, has manifested its entire dissatisfaction with the course of policy thus proposed. On the other hand, the more moderate party, led by Francis Deák, has shown an inclination for the present to support the government. A vote was taken a few days ago on the question whether the labors of the commission appointed last winter by the diet for devising a plan of treating affairs common to the kingdom of Hungary, and to the hereditary provinces of the imperial house, should be suspended or continued.

Koloman Tisca moved that those labors should be suspended until the Hungarian constitution was restored, and a responsible Hungarian ministry appointed.

The motion was defeated by a very large majority, (227 yeas, 107 yeas, and 53 absent.) Subsequently, Deák's motion to continue the labors of the commission was sustained by a large majority, the yeas and nays not counted.

You are aware that the elaboration of a plan for the common affairs was

intrusted to a committee of 67. Of this number, a sub-committee of 15 has been at work for many months.

When their report has been accepted by the great committee, and subsequently by the house, it will be offered to the chamber of magnates, and then laid before the government.

In order to place before you an accurate picture of Hungarian politics at the present moment, I translate, and append to this despatch, a few extracts from Deák's speech on making his motion. The speech was received with infinite enthusiasm, and the vote is considered by the government as very satisfactory.

Time must soon show, however, whether there is any essential difference between the two great parties in Hungary. All claim entire and absolute independence for the kingdom. It is not pretended that any arrangement can be made except in the way of a treaty between two self-dependent and sovereign states, both of which happen to have the same monarch.

Yet how is such a theory compatible with any idea of national or imperial union? The solution of the problem now before the government still seems too much like squaring the circle. At least it is difficult to reconcile the ideas of dualism and unity. Practically, the Austrian empire exists as a fact, and it is the obvious interest of Hungary that it should continue to exist.

On the other hand, the more Germany tends to unify itself, the greater in the future must be the attraction of Germany upon the German provinces of this empire.

The greater the concessions to Hungary, the more intense becomes the dissatisfaction of those cis-Leithan provinces in which the German element preponderates. Thus, the situation becomes day by day more grave. It seems impossible, however, in view of the mutual dependence of Hungary and the whole monarchy each on the other, as a matter of fact, that some constitutional union for the empire should not be devised, after the legal independence of Hungary has been sufficiently demonstrated as matter of law.

Unless this is done without any great delay, a catastrophe may occur, for an absolute government such as now exists seems scarcely possible.

[Extract from Deák's speech.]

GENTLEMEN: The country bleeds from numerous wounds. When the question is to heal the wounds, the physician when dealing with dangerous injuries will not continually inquire for the hand that struck the wounds, but for the means of healing them. Consequently, when healing is in question, I will never concern myself with persons. To judge of the actions of persons belongs to history. My objections are principally and exclusively directed against the system, that absolute system which is the cause of all our misfortunes. The absolute system exists, and the question is not what is the name of one or the other of his Majesty's advisers, for it is impossible to expect anything good from the absolute system, except that it would destroy itself, and so re-establish constitutionalism. [Applause.]

My highly valued friend Ghiczy has said, we will be consistent in our proceedings in this diet, for the foundation of our actions was the hope of the fulfilment of our wishes. This hope has vanished. This is clear. No one is here who could assert that our transactions have produced a result; that our constitution is re-established even in the smallest part. I, however, and I believe the whole house with me, wish so deeply and warmly for the restitution of the constitution that I am not capable of giving up the hope forever. [Lively applause. The speaker continued, raising his voice:] This hope is our all, and weak as may be the ray of hope, I shall never bring myself to extinguish it in my breast, or in the breast of another. [Enthusiastic assent.] For terrible would be the effect produced in the whole country if the delegates, if the men of trust should say, not in discourse, but in a resolution, we have assembled in the hope of the re-establishment of our constitution; we have repeatedly begged and striven for the re-establishment of our constitution, and we have chosen a committee for preliminary matters, because we hoped for the re-establishment of our constitution, and now we forbid the committee of 67 to continue its work, because every hope of the re-establishment of the constitution is vanished. [Hear, hear.] I say if the house pronounced such a resolution the last hope would be torn from the people, everything would be taken away from them, and only two things would remain to them: first, endless suffering; second, I do not name it, for it agrees not with the calling of this body, which is here to consult; which is here on the basis of the pragmatic sanction; which is here to work peacefully, and to make laws. I will lay down my opinion of this simply and concisely. [Thundering cheers, many

minutes long, throughout the house and in the galleries; many delegates wave their hats toward the speaker, who, visibly moved, proceeds.] When the present diet was called together by his Majesty, the wishes of the people were, as the house remembers, two in number: 1st. Re-establishment of the constitution. 2d. An honorable adjustment. On this ground the diet came together—I admit, not on an entirely lawful basis, but still it assembled to work for the attainment of both these ends. The house has urged the re-establishment of the constitution; has appointed the committee of 67, which, in its turn, appointed the 15 sub-committee. What was the sphere of action of this sub-committee? It was designed especially by the circumstance that the house recognized. This do also the 1848 laws. [Murmurs on the extreme left.] It was the duty of the members of this sub-committee to compose this design in the way they, according to their own consciences and their own conviction, judged the most to the purpose. This duty they have faithfully performed. It may be that the committee has failed. It may be that the plan contained things not to the purpose. It may be that in some point it went farther than the house wished. [A voice on the extreme left, "Very much."] But has the sub-committee made final resolutions? No. It will lay its work before the committee of 67, which, in its turn, will lay it before the house, and the latter will decide. Our opinions did not always agree; on some points they essentially differed. Neither should I wish that in such highly important affairs a determination should be arrived at without the conflict of different opinions. All this was to me not unexpected. Neither was it unsuspected by me that the conflict of opinions should show itself more and more sharply. But one thing was entirely unexpected by me: that the sub-committee should be accused of endangering the independence and self-dependence of the country, that it should be accused of wishing, because the government will not recognize our full right, to sacrifice the substance of that right so as to save its splinters. Public opinion pronounces itself only on two points:

1st. That we must have the complete constitution with both good and bad details, because otherwise the bad is not to be altered.

2d. An honorable agreement with the preservation of the independence of the land. It does not concern itself with details, and in the main point the fulfilment of these two wishes all are agreed. [Applause on all sides.] True to the principles mentioned at first, I say nothing further. I avoid refuting single arguments. Finally, as I judge it superfluous to explain that I shall vote for my propositions, [laughter,] only a few more words. Where different political opinions arise, there the harder the situation, the more necessarily parties arise. Let us oppose each other as political parties. Let us consult each other with every arm of consideration and reflection; but let us make no use of passion or bitterness, for these lead to misunderstanding, and this again to increased bitterness. [Prolonged applause from all sides of the house; stormy cries for the question. The deputies hurry towards the speaker and press his hands.]

I have the honor to remain, sir, very respectfully, your obedient servant,  
J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Motley to Mr. Seward.*

No. 219.]

UNITED STATES LEGATION,  
*Vienna, December 17, 1866.*

SIR: I have had the honor to receive your despatch No. 207, of November 16th, in which you inform me that the President instructs me to ask an audience of his Majesty the Emperor, in order to congratulate him in the name of the United States upon his providential escape from an attempted assassination. Since my despatch No. 211, of October 31st, relating to that event, the process against the accused person has not been terminated. I am very happy to say, however, that the impressions prevalent at the first moment at the imperial royal foreign office, and among the public at large, have now been very much modified.

I have just received information from the imperial royal ministry of foreign affairs that the judicial investigations made thus far, in regard to the case, are highly unfavorable to the accuser, that the tale is now disbelieved, and that the acquittal of the supposed criminal is highly probable.

As the process at Prague is not yet ended, I have not alluded again to the subject in my despatches, preferring to wait until I could send an exact and authentic account of the trial and of its result.

Meantime, after receiving the above-mentioned instructions of the President, I have, after consultation with the imperial royal minister of foreign affairs, taken the liberty of so far departing from them, in consequence of the change in circumstances from those which existed when my first despatch was written, as to omit asking for the audience suggested; but to express the sentiments of the President and of the people of the United States in a note to the minister.

I send herewith a copy of that note, and trust that it may meet the approval of the President. Such answer as may be received by me will, of course, be at once forwarded to you.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Motley to Baron de Beust.*

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to state that he has just received a despatch from the Secretary of State of the United States, conveying the instructions of the President that the undersigned should ask for an audience of his Majesty the Emperor, in order to congratulate him in the name of the United States upon his providential escape from the assassination attempted at Prague.

The instructions of the President were given immediately upon the receipt of the first intelligence sent by the undersigned at the moment when it was feared by the imperial royal government that an infamous attempt upon his Majesty's life had really been made. The undersigned having at once called upon the imperial royal minister of foreign affairs to express in his own name and that of his government those sentiments of horror at the crime and of sincere joy that it had been unsuccessful, which were so universally felt, conveyed to the United States government the impressions in regard to the event at that moment prevalent.

Since that time he has been informed at the imperial royal foreign office that, although the process against the supposed criminal is not yet finished, the investigation as to his accuser, who claims to have been the savior of the Emperor's life, are unfavorable, and that it is highly probable that the unfortunate person accused will be acquitted of the odious charge. These new circumstances would seem to make it inconsistent with decorum for the undersigned to ask for the honor of that audience which the President of the United States, under different impressions from those which now so fortunately prevail, had instructed him to request.

The undersigned, unwilling to revive in the mind of his Majesty those painful sentiments naturally inspired when so infamous and causeless a crime was believed to have been attempted, would now content himself with respectfully requesting his excellency Baron de Beust, minister of the imperial house and of foreign affairs, to intimate to his imperial Majesty the above-mentioned instructions of the President received by the undersigned, together with the assurance that nowhere in the world will the disapproval of the existence of the crime be received with more unalloyed satisfaction than in the United States.

The undersigned seizes this occasion to renew to his excellency Baron de Beust the assurance of his very high and distinguished consideration.

J. LOTHROP MOTLEY.

VIENNA, *December 17, 1866.*

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*Mr. Motley to Mr. Seward.*

No. 220.]

UNITED STATES LEGATION,

*Vienna, December 17, 1866.*

SIR: I have had the honor to receive your despatches Nos. 205, 206, 209, dated respectively October 16th, November 7th and 17th, which are replies to my despatches.

I have also had the honor to receive your despatch No. 208, of November 16th, in reply to my No. 210, relating to the voluntary retirement of Count Mensdorff

Ponilly, in which you express your high approbation of the ability and integrity of that statesman, sentiments in which, as you are already aware, I most cordially concur.

In regard to your intimation of an apprehension that the change in the Austrian ministry is indicative of a new and startling policy, I am inclined to doubt whether that apprehension will be justified. I consider the present ministry as not essentially changed in its policy. That policy I believe to be one of conciliation abroad and of reformation at home.

I doubt whether there is likely to be any general opposition to the pacific principles by which the imperial government is at present actuated. The axis on which the present policy of Austria turns is the Hungarian question. I cannot say that much progress has yet been made in this respect. I have done my best hitherto to keep you informed as to this subject, and you may rely upon me for accurate and careful statements of anything that may occur.

Meantime, I have the honor to remain, sir, your obedient servant,  
J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Motley to Mr. Seward.*

No. 221.]

UNITED STATES LEGATION,  
*Vienna, December 24, 1866.*

SIR: I send herewith a copy and translation of a note received from the imperial royal minister of foreign affairs.

It is in answer to the note which I addressed to him under instructions from the President of the United States, as modified in consequence of the changed circumstances, and after conversation with the minister, in order to express to his imperial royal Majesty the satisfaction of the President and of the people of the United States, that the attempt once believed to have been made upon the Emperor's life at Prague had been frustrated.

As I have already explained the reasons of the slight departure I have ventured to make from my instructions, I have only to repeat my hope that my course may be approved.

I have the honor to remain, sir, your obedient servant,  
J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Baron de Beust to Mr. Motley.*

[Translation.]

The undersigned, minister of the imperial household and of foreign affairs, has hastened to lay before the Emperor, his most gracious master, the note which the honorable envoy of the United States, Mr. J. Lothrop Motley, under instructions from his government, was so obliging as to address to him in regard to the flagitious attempt brought to notice during the latest visit of his imperial royal apostolic Majesty in Prague.

Hereupon his Majesty has been pleased to command the undersigned most respectfully to request the envoy kindly to inform the President of the United States, that although the judicial investigation instituted in regard to the said occurrence has not yet resulted in a confirmation of the grave accusation raised, still the proof of friendly sympathy offered on this occasion by the President of the United States to his Majesty has been received by him with the heartiest thanks.

The undersigned profits by this occasion to renew to the envoy the assurance of his most distinguished consideration.

BEUST.

VIENNA, *December 23, 1866.*

*Mr. Motley to Mr. Seward.*

No. 223.]

UNITED STATES LEGATION,

*Vienna, January 1, 1867.*

SIR: I have had the honor to receive your despatches Nos. 211, 212 and 213, of dates November 30th and December 12th, 1866, in answer to sundry despatches of my own.

I send herewith the official Gazette of Vienna, of December 31st, 1866. It contains: 1. An imperial decree upon the basis of the patent of September 20th, 1865, (by which the Reichsrath was suspended,) establishing a finance law or budget for the year 1867. 2. The detailed estimates of receipts and expenditures for the years 1867 and 1868. 3. A report from the finance minister, Count Larisch Münnich, addressed to the Emperor. As the document may have interest for the honorable Secretary of the United States Treasury, I beg respectfully that it may be handed to him. It will be seen that the expenses for the year 1867 are estimated at 433,896,000 florins; the receipts are estimated at 407,297,000 florins. The deficit for 1867 is, therefore, assumed to be 26,599,000. To this is to be added the deficit of the previous year, viz: 51,034,000 florins, making a total deficit of 77,633,000 florins.

On the other hand, there remains at the disposition of the minister, in funds to be realized from extraordinary resources, under the laws of May 5th and August 21st, 1866, a sum of 79,495,000 florins.

These figures show a much less formidable deficit than in previous years, while, according to the statement, there will be at the end of the year 1867 a balance of 1,862,000 florins to the credit of the government, after covering the regular liabilities of the past and current years. There will thus remain only the deficit to be met, which appears very moderate after the late disastrous war.

The emission of notes has been limited to a certain extent by having recourse to other means.

This was done, says the minister, by issuing the new five per cent. loan under the law of August 25th, 1866, and by the raising of the 30,000,000 florins for war expenses paid to the Prussian government.

To raise these 30,000,000, being payable in silver, by means of notes was not advisable, because the purchase of silver, or of exchange, would have enormously raised the premium on specie. An arrangement was accordingly made with an association of bankers and credit institutions here, who, upon a deposit of securities, pledged their private credit with the national bank for the cash payment of the required 30,000,000 of florins, and were reimbursed by the successive receipts of the indemnification sum of 35,000,000 of florins, stipulated by treaty, from the kingdom of Italy.

The operation will be completed in the course of the year 1868, without being brought into the regular estimates, and there will remain a balance of 5,000,000, which your Majesty has decided to employ for defraying the expenses of extraordinary works of fortifications.

The minister continues:

The emission of five per cent. tax, free of state obligations, for the sake of producing an effective amount of 50,000,000 florins, was resorted to, because it is by no means indifferent whether the non-circulation amounts to 50,000,000, more or less; because, further, a channel ought to be provided for carrying off the superfluity of money certificates; and because, lastly, through the successive sale of obligations, the placing of a portion of them abroad may be reckoned upon, by which an inflow of specie must result, and a counter-check be established to the rise of the specie premium.

The somewhat favorable condition of the finances, as compared with what might have been expected, is ascribed to the brief duration of the war, and to the subsequent and rapid increase in trade, especially of export trade. A great reduction of expenses in all departments is insisted upon and expected by the minister.

After exclusion of the receipts and expenses of the Lombardo-Venetian kingdom, the state expenses for 1866 amount to 507,921,000 florins; those for 1867 to 433,896,000; hence, there is a diminution of 74,025,000 florins, and it is superfluous to call your attention to the fact that, on the correctness of these

calculations and provisions must depend that disappearance of the deficit at the end of 1868 on which the minister reckons, in case there should, meantime, be no foreign war.

The power to emit paper currency has been used up to the extreme limit allowed by law, viz: 400,000,000 florins, in order to provide for the exigencies of 1867. The minister, far from wishing, however, an extension of this limit, expresses a strong desire and intention of gradually reducing the currency and of taking every means for moderating, beforehand, those convulsions and sacrifices usually caused by a return to specie payments after a long period of inconvertible currency.

The extraordinary credits opened for the war department since May, 1866, over and above the estimates in the budget, at the beginning of the year, amount to 164,551,000 florins. This sum was chiefly met by the emission of paper money.

Within the limits of this despatch, it would hardly be in my power to go any further into details. The accompanying official report gives every item of receipts and expenditures. The report is severely criticised, in the absence of any legislative body, by the journals opposed to the government, and much doubt is expressed in regard to the retrenchments in almost every branch of administration, on which the minister relies. Only the very sanguine, I should think, have great confidence that, for instance, the total army and navy expenditures for the year 1867 will be kept within the present estimates of 81,158,000 florins.

These figures, as compared with the expenditures not only of the year just ended, but with those of many previous years, seem extremely moderate. On the other hand, the perfectly straightforward and honorable character of the finance minister does not permit a doubt as to his sincerity in making up his general budget.

The sum total of the public debt has not been again reported since my last despatch in regard to that subject. I find in the present report of the finance minister the estimates of interest to be paid on the debt, funded and floating, stated at 120,812,000 florins. This, of course, does not include the "*Grundentlastungs obligationen*."

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Motley to Mr. Seward.*

UNITED STATES LEGATION,

*Vienna, January 15, 1867.*

SIR: The progress made since my despatch No. 217 in settling interior questions in this empire may be briefly stated. No arrangement has yet been arrived at with Hungary. The committee of 67 has not yet made its report to the Hungarian diet. Nevertheless, it is well known that the basis of any possible transaction, in the opinion of the majority of that diet, remains as before. Reform the laws of 1848 so that they shall not be incompatible with the interests and with the very existence of the whole Austrian monarchy, and you shall have a responsible ministry, and the re-establishment of the Hungarian constitution, says the imperial government.

Re-establish the constitution first, and, as a necessary consequence, appoint a responsible Hungarian ministry to sit in the diet, and then we will revise the laws of 1848, says Hungary. Until that is done, no revision will be legal or



constitutional. The laws of 1848 exist and have been duly sworn to by the Crown. Our constitution has never been forfeited; the continuity of our laws has, in every possible way, been proved. And in this vicious circle the process has not yet ceased to revolve.

Meantime, a new cause of complaint has been found by the Hungarians in an imperial decree signed on December the 28th last, concerning some changes to be made in the law of September 28th, 1858, for increasing the army.

This decree is valid for the whole empire. I send with this despatch a copy of the official Gazette of Vienna, for 31st December, 1866, in which it was first published.

I do not think it necessary to analyze or to translate any portion of this new project, as its particulars can hardly have very great interest for you.

By its chief provisions every man in the empire is obliged to serve twelve years in the army—six years in the line and six years in the reserve, (Article IV;) and exemption on payment of the former liberation tax is no longer allowed, (Article XI.) There are exceptional arrangements in favor of students, professional persons, public officials, which need not here be indicated.

In order, however, to throw light on the situation, it is as well to allude to a project of address from the Hungarian diet on this subject, drawn up by Francis Deák and just made public. I suppose there is little doubt of its speedy adoption. (It has, since this writing, been unanimously voted.) It is a vigorous protest against the introduction of this new military law into Hungary. The Emperor is reminded of the request contained in the last respectful address of the Hungarian diet, that he would restore that solemn treaty, the basis of the mutual relations between Hungary and the empire, the violated pragmatic sanction, and the constitution guaranteed therein, but suspended by absolute power. Hope, however, has given place to anxiety and doubt, now that not only in the executive, but the legislative domain, absolute power is perpetually exerting itself over the most holy interests of Hungary, and especially by this late decree stretching far into the future.

The decree is described as a new denial of the unquestionable right of Hungary to decide, through its legislature, upon even the slightest change in the military law, a right which she will never renounce.

When, on the very threshold of the unexpected fulfilment of the Emperor's promise to restore the constitution, come instead, imperial absolute decrees, clothed with the full power of laws to be instantaneously enforced, it is inevitable, says the address, that confidence just beginning to awake should disappear again. It is easy to see, therefore, how far from satisfactory is the present state of feeling in Hungary. Such is the result, after many months of stormy debates in the diet, in which it was thought that something like a compromise with the government had been effected. On the other hand, the feeling in the German provinces is worse than it has been for a long time. The indignation felt by the party of the constitution of February, 1861, (suspended by the decree of September, 1865,) grows daily more intense. That this constitution can ever be resuscitated and accepted by the Hungarians, there are few to imagine possible. The exasperation at its violation and destruction is increased by an imperial patent issued on the second of this month, summoning the provisional diets of the cis-Leithan provinces to hold their election for a new six years' session under the provisions of the constitution of 1861. These diets, which, according to that constitution, had the right to elect members to the suspended Reichsrath, are now ordered to choose such members to an extraordinary Reichsrath to meet on the 25th of February, solely to discuss the constitutional question. This means that an assembly of deputies from the cis-Leithan provinces are to hold debate on whatever proposition may come by the 25th of February from the diet of Hungary, in regard to the common affairs of that kingdom, with the rest of the monarchy. It is merely a convention *ad hoc*, therefore—neither a parliament nor a constituent body, having power to deliberate, not to decide.

Moreover, the question is raised whether those of the cis-Leithan Diets which have a Slavonic majority, such as Bohemia, Gallicia, and Moravia, will not choose their deputies by general ticket (as we should say in America,) and not by districts or groups, as prescribed by the constitution of 1861. In that case, the Germanic element would be completely swamped in the extraordinary Reichsrath, and the majority of Czecho and other Slavonic nationalities opposed to the constitution of 1861, and to anything like a centralized parliamentarism, would at once proceed to bury that system forever. Even dualism, as recently hoped for, would be made impossible.

Meantime it is agreed among the leaders of the German party that they will not send deputies at all to the extraordinary Reichsrath. It is probable, therefore, that this convention will be completely abortive, and absolutism may, therefore, be indefinitely continued over the whole empire.

I describe the situation as briefly as I can, and I think that a statement of the facts carries its own commentary with it.

A united Austria seems more and more impossible except so far as the power of the sword can hold its different and varying nationalities together. But how long under absolutism can the purse supply the demand of the sword? In truth, the continued existence of the Austrian empire, as at present constituted, would seem to depend far more upon the growth and movements of external bodies than upon changes in its interior organization.

Great empires seem to be rapidly forming around her. Should a united and liberal Germany crystallize about the new North Bund, towards which even Bavaria, with the rest of southern Germany, is manifestly tending, it is difficult to see how the attractive force of that mighty body can fail to absorb the German portion of Austria. The consent extorted at the peace of Prague that Austria should be excluded from Germany would then mean that Germans were excluded from Austria. Where is the countervailing force to keep Germanic Austria within the imperial control?

On the other hand, would Italy consolidate itself into a great Roman empire, how are the Italian territories still left to Austria, to escape absorption? The East remains, and the Oriental question becomes, more and more pressing.

The object of the present government is to stave off as long as possible the solution of that ever-impending question.

But the partition of Turkey draws nearer and nearer. England will scarcely risk another Crimean war. Prussia is not likely to interfere with Russia's plans.

France is not ready for action; Austria, in her present condition, could offer little effective assistance. It would seem to be Russia's golden moment, and already the telegraph, whether truly or falsely, announces that the rupture between the Porte and Greece had taken place.

It is obvious enough that the elements of a conflict are fast ripening, and it is quite possible that even the Paris Exposition may not be all-powerful to prevent the outbreak.

Nevertheless, means may be devised for covering over the smouldering fires for a longer period than now seems possible.

But that this is an epoch of great transitions and catastrophes in Europe seems certain.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Motley to Mr. Seward.*

No. 229.]

UNITED STATES LEGATION,  
*Vienna, February 20, 1867.*

SIR: I have the honor to send with this despatch the official Vienna Gazette of yesterday, 19th February, containing the rescript of the Emperor to the Diet of Pesth, formally announcing the restoration of the Hungarian constitution, and stating that he had appointed Count Julius Andrassy to be minister president of Hungary, with power to propose the other members of a cabinet for the approval of his Majesty. The other documents published in the Gazette are relative to this very important step.

The various diets of the cis-Leithan provinces met yesterday at the respective capitals. Their chief business is to choose members of what is designated as the Reichsrath, before which body, when assembled, the propositions of the Hungarian Diet will be laid.

I have the honor to be, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Motley to Mr. Seward.*

No. 233.]

UNITED STATES LEGATION,  
*Vienna, April 29, 1867.*

SIR: I think it proper to state that at the reception at court on Wednesday last, April 24th, his Majesty the Emperor took occasion to express to me his warm and sincere appreciation of the intercession made in behalf of his brother Maximilian in Mexico by our government. The Emperor alluded energetically to this prompt and friendly response to his request made at Washington. I replied by expressing my gratification at the humane intercession and my hope that it would prove successful, adding that I trusted that a new proof would be seen in this action of the desire of the government and people of the United States to maintain not in phrase, but in fact, a warm and cordial friendship with the sovereign and the people of Austria.

I have the honor to be, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Hay to Mr. Seward.*

No. 1.]

LEGATION OF THE UNITED STATES,  
*Vienna, August 21, 1867.*

SIR: I have the honor to inform you that I have entered upon the duties of my office as acting chargé d'affaires of the United States in Vienna.

I was yesterday presented by Mr. Lippitt to Baron Von Meysenbug, who has charge of the department of foreign affairs during the absence of Baron Von Beust from the city. He received me very cordially. In the course of our conversation he expressed his gratification at the numerous utterances of sympathy and regret to which the death of the unfortunate Archduke Maximilian had given rise in America.

I am, with great respect, your most obedient servant,

JOHN HAY.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Hay to Mr. Seward.*

No. 3.]

LEGATION OF THE UNITED STATES,

*Vienna, August 27, 1867.*

SIR: The *Abend Post* of yesterday contained the following communicated announcement:

We have already indicated, in our last number but one, that the meeting at Salzburg had found a conclusion wholly in the interest of peace.

It is now impossible for any unprejudiced person to understand the matter in any other light than that the interview of the two sovereigns affords an open manifestation and clear proof of their reciprocal confidence and mutual affection; that at present no divergence of interests exists between their empires, and that the respective governments regard pending questions from the same point of view.

We have before shown that this interview had in no direction an offensive character: that is, to speak more clearly, that no combinations were made, nor any intended to be made, against any other power whatever. With this statement fall to the ground all together the announcements of various journals which, for example, assert that other powers were to agree to a convention; that a recent one had fallen through on account of the opposition of South German States; that stipulations had been entered into for the proper observance of the treaty of Prague, and other reports of the same nature.

This official statement was clearly needed to convince intelligent and impartial men that the Salzburg interview was destitute of political character and results. The only idea that probably influenced the Emperor Napoleon was, by renewing the friendly personal relations with the Vienna court which had been apparently weakened by the events that found their culmination at Queretaro, to endeavor to assure the friendship, or at least the neutrality of Austria, in view of possible European complications. But since the announcement of the visit undertaken with this purpose and intention, many rather startling rumors of active and even offensive alliances have been set afloat by the public press. At Berlin especially, a statement, where the wish was the evident prompter to the thought, has obtained general credence that the South German states had refused to consider a formal overture to enter into a confederacy at the head of which Austria was to place herself. The illogical character of such a position has been no impediment to its popular circulation. It would be absurd for Austria to form a combination, in violation of the treaty of Prague, of which the only ostensible object was to be the maintenance of that treaty. It was almost equally improbable that Austria should form an alliance with France, of which the Emperor Napoleon would reap the entire profit in case of a war between France and Prussia. Yet so generally has this rumor been circulated in Austria that it has been for the past fortnight the cause of the gravest popular preoccupation. So that the apparently gratuitous announcement in yesterday's *Abend Post* seemed to the government to be demanded for the purpose of quieting the apprehensions thus excited, and formally denying the inferences of the Prussian press.

There seems to be no war party in Austria at present. There is felt in all quarters a pressing need of years of peace and quiet, to recover from the losses and fatigues of recent wars. It is painfully recognized that the new constitutional system is not as yet thoroughly rooted throughout the empire, and that, in spite of all plans and temporary expedients as yet tried, the financial situation is as far as ever from satisfactory. The demands of the Hungarians are considered extravagant and unreasonable, yet it is hard to decide between the evils which will result on the one hand from refusal, and on the other from concession. In the face of all these perplexing and difficult questions, it is thought that it would be in the highest degree imprudent for Austria to bind herself by any alliances which would compromise her liberty of action and inevitably retard and perhaps fatally impede the work of reparation upon which she is at present entering. Especially unwise would it be to place herself at the orders of the Emperor of the French in case of a war between France and Prussia, where for all her toils and sacrifices there would be nothing to gain but revenge in the case of success, and much to lose, either

in success or failure. An alliance with France in any European question would surely alienate the already lukewarm sympathy that exists for Austria among the South German states.

I am, sir, with great respect, your obedient servant,

JOHN HAY.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Hay to Mr. Seward.*

No. 5.]

LEGATION OF THE UNITED STATES,

*Vienna, September 19, 1867.*

SIR: The question of a financial compromise between Austria and Hungary, which has for several months engrossed the attention of the people of this empire, to-day appears in a fair way to definite settlement. The negotiations of the respective deputations of the Austrian and Hungarian legislative bodies have made no progress for some weeks, and there seemed to be no immediate prospect of any solution from them. The two ministries have therefore taken the matter in hand, and have in concert elaborated a scheme of compromise which has at once received the concurrence of both deputations. Their prompt acceptance of this arrangement gives rise to general wonder that they have not been able of themselves to originate something analogous.

The more important points of the arrangement thus concluded are the following:

1. The portion of the realm represented in the Austrian Reichsrath is to pay 70 per cent. of the current expenses of the government, and the regions appertaining to the Hungarian crown 30 per cent., for a period of 10 years from the 1st January, 1868.

2. Out of the yearly interest on the public debt of the empire is to be subtracted the sum of 25,000,000 guilders annually, to be paid by Austria alone, as representing sums disbursed for the exclusive benefit of the cis-Leithan provinces; and the remainder is to be divided for payment between the two halves of the realm in the proportion of 70 per cent. to Austria and 30 per cent. to Hungary.

3. By subsequent arrangements between committees of the two legislatures, the entire national debt is to be reduced to a uniform standard of interest, and the present wide diversity in the value of national securities to be done away with.

4. The sinking fund is to be for the present abolished, for it is a singular fact that during all these years of financial distress the Austrians have kept up their sinking fund, paying off bonds at a low rate of interest by borrowing at a higher one.

These propositions must be accepted or rejected altogether. It will be seen that the curse of the provisorium, which seems inseparable from everything in this realm, still clings to this place. But as the provisional state of things it contemplates is to last for ten years, it is hoped that by the expiration of that period the constitutional system will have passed through its era of probation and experiment, and that definite arrangements can then be made for the future.

It still remains for the Austrian and Hungarian legislative bodies to accept this agreement.

I am, sir, with great respect, your obedient servant,

JOHN HAY.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Hay to Mr. Seward.*

No. 10.]

LEGATION OF THE UNITED STATES,  
*Vienna, October 24, 1867.*

SIR: The Emperor has gone to France, and every one is now glad to consider that his Majesty goes to Paris as a guest merely and not as an ally. The few weeks that have elapsed since the Salzburg interview have shown the wisdom of the counsels that then decided him to the strictest reserve and neutrality. When the question of an alliance between France and Austria was at first discussed, it was most earnestly opposed here by the more liberal classes, on the ground that it would divert to foreign affairs the attention of the country, which ought at this moment to be exclusively concentrated upon the important questions of internal government. Never did a nation have greater need of a laborious and conscientious statesmanship. The entire structure of society is to be founded and consolidated. The work which 18 years of revolution and war have only postponed, refuses to be longer deferred. The claims of conflicting nationalities must be heard and satisfied or reconciled. A scheme of finance must be devised to put an end to the chronic deficit of the treasury. Society must emancipate itself from the fetters of that ecclesiastical domination to which the state submitted, in the reaction that followed the terrible fatigues of 1848.

The last task has seemed to be the one most dreaded. The influence of the clergy has always been so powerful in the highest and lowest classes of Austrian society, that it was very seriously questioned whether the middle classes would be strong enough to carry their point of the abolition of the concordat against the combined powers of aristocracy and ignorance. The contest, it was foreseen, would be a bitter one. Both sides were very thoroughly in earnest. The opposition to clerical rule has been very strongly exhibited during the past summer, in the conversations of men, in the public journals, and in the official utterances of municipal bodies. Nearly a hundred petitions for the abolition of the concordat, from as many different towns and communes, headed by Vienna, have been presented within a few weeks to the Reichsrath. On the other hand the priests have been untiring in their efforts to excite the prejudices of the catholic masses against the national assembly on account of this intended sacrilege. Especially in the Tyrol, in Dalmatia, and Galicia, was this crusade against the Reichsrath preached. An ecclesiastical convention was held at Innsbruck, the object of which was, in the language of their organ, "to restore the Lord God to his rights." The system of flattery to the throne, which has so often succeeded here, was again put in practice in this assembly, a portrait of the Emperor being hung side by side with a picture of the immaculate conception, and the walls of their hall adorned with alternate crucifixes and Hapsburg arms.

But when the house of representatives reassembled, and the intention of attacking the concordat became only more manifest, it was thought that a more solemn and direct protest against such action should be made by the church. For this purpose a meeting of the bishops of the empire, 25 in number, was held, in which it was resolved that an appeal in behalf of the endangered church should be made to the head of the state. A forcible and passionate address was drawn up and sent directly to the Emperor, passing over both Reichsrath and ministry. This proceeding occasioned great uneasiness and anxiety for several days, until the answer of his Majesty appeared.

This is an autograph letter addressed to the Cardinal Rauscher Prince, archbishop of Vienna, in which the Emperor briefly acknowledges the receipt of the address and says it has been referred to his responsible ministry. He willingly appreciates the pastoral zeal and the well-meaning intentions which have made it appear to the bishops to be a conscientious duty to stand forward again, as in 1849 and in 1861, with a solemn declaration in favor of the preservation of the

rights and interests of the Catholic church. Yet he complains that instead of supporting, as he had wished, the earnest endeavors of the government in important pending questions, and instead of advancing their most pressing solution in a spirit of mutual conciliation, the bishops have preferred to increase the difficulties of the task at a time when, as they themselves very correctly remark, harmony is so necessary, and when an increase of the causes of dissension and complaint is to be so earnestly avoided. He trusts that the bishops will be assured that he shall at all times protect and defend the church, but he hopes they will also remember the duties which he as a constitutional ruler has to perform.

This letter has been greeted with an enthusiasm and joy that best indicate how deep were the anxieties which it dispelled. It is seldom that an act, apparently so simple, contains a meaning so significant. The liberalism of Austria receives this utterance of the Emperor as indicating that he means to carry out in good faith the new constitutional régime—that he rejects at once the dictation of the church and of those family councils which have formerly been so powerful in the politics of this empire—and that this action is taken heartily and in the spirit of liberalism and progress, since he has not waited for the formal promulgation of the law on this subject to declare his ministry responsible and himself a constitutional ruler. The legislative body received this letter, as read by their president the morning after its appearance, with hearty cheers, the whole assembly rising to their feet. It is unanimously applauded by the liberal press, and forms an endless subject of congratulation among apparently all classes of society. In ecclesiastical circles it is regarded with consternation and rage. So far is this feeling carried that the Cardinal von Schwarzenberg absented himself from the ceremonies which took place last Sunday on the unveiling of the statue of the illustrious soldier of his family, Marshal Prince Schwarzenberg, and the higher clergy were conspicuous by their absence from the stations at Vienna and Salzburg, at the Emperor's departure for Paris.

Meanwhile the Reichsrath has gone quietly about its work, and yesterday, after an interesting and prolonged debate, struck the first blow at the life of the concordat by adopting a law for the legalization of civil marriage. There was little opposition in debate. The priestly members of the legislative assembly contented themselves with protests against the impiety of the house, and threats of vengeance from the people, more or less hysterical. The time seems to have gone by, here as elsewhere, for any serious appeal to the reason of men in favor of ecclesiastical domination in civil matters. To-morrow the debate upon the project for enfranchising the common schools of the empire from the shackles of the concordat will begin, and there is no doubt that the same result will follow. The public attention has been very much called to this matter since the convention of schoolmasters held here last month, which exhibited an unexpected degree of intelligence and independence, and earnestly appealed to the representatives of the nation for redress of injuries inflicted upon the cause of education and enlightenment by the oppressive and useless regulations of the ecclesiastical power.

The deepest interest is taken in Vienna in the pending political questions. They are discussed in the journals with a freedom and boldness to which it would be difficult to find a parallel in Europe. The right of reunion does not as yet exist, but the people exhibit in every way possible their desire to hear the discussion of matters in which they are so vitally concerned. The galleries of the legislative body are daily crowded long before the hour of debate. The theatres are continuously producing plays of a purely political and liberal tendency, the announcement of which never fails to bring together large and quick-witted audiences, who reward with the loudest applause every allusion in the popular sense to the questions of the day.

So far everything appears to have advanced smoothly in the direction of the popular desire for constitutional and liberal government. But many questions

of the utmost importance, involving the very existence of the realm, yet remain to be considered. The settlement of the demands of the different nationalities in the formation of the new ministry, and the apportionment of representation; the financial arrangement with Hungary, of which I sent you some weeks ago the sketch proposed, but which has not as yet been adopted by either the Austrian or Hungarian parliaments, and the final settlement of the domestic economy of the empire, are matters demanding not only the highest statesmanship, but a steady persistence of purpose, and a spirit of sacrifice and conciliation on the part both of parties and populations. Whether these will be found in proportion to the emergency, is a question upon which I forbear conjecture.

I am, sir, very respectfully, your most obedient servant,

JOHN HAY.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Hay to Mr. Seward.*

LEGATION OF THE UNITED STATES,  
*Vienna, December 3, 1867.*

SIR: The Austrian houses of congress continue their labors of reconstruction with great industry and persistence. The house of lords has been busily engaged during the past week in considering the laws passed some time ago by the house of representatives for the revision of the constitution of February, for the establishment of a permanent judicial system, and for the defining of civil rights. The deliberations upon these subjects are now almost concluded. The peers have shown an unexpected disposition to accept the results of the labors of the lower house, and to pass, with very unimportant amendments, the bills submitted by that assembly. The lords spiritual have shown greater anxiety on behalf of the prerogatives of the Crown than the Crown itself displays, and the great leaders of the centralist party have made a dignified demonstration of dissent from the prevailing tendency to a diffusion of powers. The Polish members have also, on one or two occasions, held out a vague threat of Pauslavistic combinations. But on the whole the debates have, as yet, been much less heated than was expected, and there is every prospect that when the peers are called to consider the laws on marriage and schools, which most decidedly contravene the provisions of the concordat, they will exhibit the same spirit of acquiescence with the popular branch of the legislature.

This action of the upper house is highly gratifying to liberal people. It had been feared that the feudal and ecclesiastical elements in this body would resist to the uttermost the confirmation of the recent liberal legislation of the house of representatives. It was to this general apprehension, extending even to the highest official circles, that was attributed the appointment by the Emperor last week, at the beginning of these debates, of 20 new peers; men, for the most part, of decided liberal antecedents; some of them distinguished in commerce, in science, and in civil service; some from the highest aristocracy, but all known to be devoted to the government in its present liberal attitude. So far the creation of this score of new lords has not been shown to have been necessary to secure a working majority, but the large vote by which all the liberal government measures have been recently carried cannot but have a great and beneficial moral effect.

The law providing for freedom of assembly is soon to go into effect, and political organizations are already preparing to avail themselves of it.

The great interest which the people of the empire are beginning to take in their internal affairs has almost entirely diverted their minds from those schemes



of diplomatic combination that were so long a fruitful source of disorder and calamity to Austria. It has been recently asserted in English journals that a treaty had been made between Austria and France for common action in the eastern question. This report is denied here with an energy which indicates how clearly the imperial government feels the necessity of a long period of independence and repose.

I am, sir, with great respect, your most obedient servant,

JOHN HAY.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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CORRESPONDENCE WITH THE AUSTRIAN LEGATION.

*Count Wydenbruck to Mr. Seward.*

[Pro memoria.]

WASHINGTON, April 6, 1867.

The Emperor of Austria, my gracious sovereign, has been informed that his brother is surrounded in Queretaro by the liberals. The fate of the prisoners after the battle of Zacatecas makes the Emperor anxious for his brother's safety, should he fall into the hands of the liberals. I received yesterday a telegram from my court, instructing me to speak on the subject with Mr. Secretary of State, and to see if you would not be disposed to use your influence with Juarez to urge him to respect, in such an eventuality, the person of my Emperor's brother. Of course such a friendly intervention would also benefit the other eventual prisoners, particularly the foreigners. We hesitate the less to make this application to you, Mr. Secretary, not only because we have confidence in the friendship of the American government, but because this government seems to have a right to demand from Juarez to respect prisoners of war, as it is in great measure to the moral support of the American government that the liberal party in Mexico owes its present successes.

WYDENBRUCK.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Mr. Seward to Count Wydenbruck.*

DEPARTMENT OF STATE,  
*Washington, April 6, 1867.*

MY DEAR COUNT WYDENBRUCK: With the President's approval I have this morning transmitted by telegraph a despatch\* to Mr. Campbell, a copy of which I place in your hands. I have also communicated to Mr. Romero, the Mexican minister plenipotentiary here, the sentiments of this government in regard to the exigency apprehended in Mexico. He gives me the assurance that he will lose no time in communicating the same to the government of Mexico.

I am, my dear Count Wydenbruck, very respectfully yours,

WILLIAM H. SEWARD.

Count WYDENBRUCK, &c., &c., &c.

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\* For enclosure see correspondence with the United States minister to Mexico.

*Count Wydenbruck to Mr. Seward.*

WASHINGTON, *April 6, 1867.*

MR. SECRETARY OF STATE: In returning you the telegram from New Orleans, I can but renew the expression of my warmest thanks for the extreme kindness and promptness with which you have acted in this affair. The knowledge that your despatch will be sent at once to the proper quarter relieves me from very great anxiety.

I have the honor to remain, Mr. Secretary, with the highest consideration, your obedient servant,

WYDENBRUCK.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

*Count Wydenbruck to Mr. Seward.*

WASHINGTON, *May 28, 1867.*

MR. SECRETARY OF STATE: I hope you will excuse my troubling you so early with these lines.

The Chronicle of this morning gives the accompanying despatch as having been received at the State Department. May I ask if this is really the case; as, should the news of the capture of Prince Maximilian be official, it would be my duty to telegraph the same at once to Vienna.

I trust that, should this serious event have taken place, your intervention of the 6th of April will not only shield the life of the prince and his foreign followers, but will also insure to the prince honorable treatment and facilitate his embarkation for Europe.

I have the honor to remain, Mr. Secretary of State, with the highest consideration, your obedient servant,

WYDENBRUCK.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

FROM THE STATE DEPARTMENT.

The following was received yesterday morning at the State Department:

Hon. W. H. SEWARD:

I have this moment received the following despatch by telegraph, via Galveston, dated at Matamoras, May 21:

"I have the honor to transmit the following official letter:

"SAN LUIS POTOSI, *May 15.*

"General BERRIOZABAL:

"MY ESTEEMED FRIEND: *Vive la Patria.* Queretaro has fallen by force of arms this a. m. at 8 o'clock. Maximilian, Mejia, Castello, and Miramon are prisoners.

"BENITO JUAREZ."

"Yours truly,

"M. B. MARSHALL.

"E. P. PLUMB."

*Mr. Seward to Count Wydenbruck.*

DEPARTMENT OF STATE,

*Washington, May 28, 1867.*

COUNT: I have the honor to acknowledge the receipt of your note of this date, inquiring as to the authenticity of a telegram relative to recent events at Queretaro, published in the papers of this morning. In reply, I have the honor

to inform you that the telegram referred to, having been received at this department from Mr. Campbell, United States minister at Mexico, who is now at New Orleans, is believed to be correct.

I avail myself of this occasion, count, to offer you a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

Count WYDENBRUCK, &c., &c., &c.

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*Baron Beust to Count Wydenbruck.*

[Received from Count Wydenbruck 29th May—half past 10 a. m.]

Renew earnestly the demand of a warm intercession of the American government for release. Answer by telegraph.

BEUST.

NOTE.—The above left at the Department of State by Count Wydenbruck.

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*Mr. Seward to Count Wydenbruck.*

DEPARTMENT OF STATE,

Washington, June 1, 1867.

SIR: I have the honor to enclose herewith, for your information, a transcript of a despatch\* of the 28th ultimo, No. 31, which has just been received from the United States minister accredited to the government of Mexico, and a telegram of yesterday's date from the secretary of the legation.

I am, sir, with high consideration, your obedient servant,

WILLIAM H. SEWARD.

Count WYDENBRUCK, &c., &c., &c.

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*Count Wydenbruck to Mr. Seward.*

WASHINGTON, June 1, 1867.

MR. SECRETARY OF STATE: I have just had the honor to receive your obliging communication of this day, and I hasten to express to you my very best thanks for it. Although I hope to have the honor of paying you my respects this evening, I did not wish to defer this expression of my acknowledgment, and hope that you will further favor me with any intelligence that you may receive as to the subject on which my court and myself are so deeply interested.

I have the honor to remain, Mr. Secretary of State, with the highest consideration, your obedient servant,

WYDENBRUCK.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Count Wydenbruck to Mr. Seward.*

WASHINGTON, June 12, 1867.

MR. SECRETARY OF STATE: I have only been awaiting your return from your excursion to Raleigh to express to you my warmest thanks for the step you

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\*For enclosure see correspondence with the United States minister to Mexico.

took on the 1st instant, immediately before your departure, in directing Mr. Campbell to repair to San Luis Potosi. I feel convinced that no measure could have been adopted more in accordance with the desires of my court, with which I had again the honor of making you acquainted on the 28th and 29th of May, and that the presence of Mr. Campbell will not only prevent any act of violence towards Prince Maximilian, but will also insure his speedy release.

I avail myself of this opportunity to express to you, Mr. Secretary of State, the assurance of my highest consideration.

WYDENBRUCK.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Count Wydenbruck to Mr. Seward.*

OAKLAND, MARYLAND, June 20, 1867.

I have just received the following telegram from Baron Beust:

Request Mr. Seward to let Juarez know, and if possible Prince Maximilian, that the Emperor of Austria is ready to re-establish Maximilian in all his rights of succession as Archduke of Austria after his release and his renunciation of all his projects to Mexico.

BEUST.

I should be most obliged to the Secretary of State for a kind telegraphic answer, that I may inform my court of your readiness in the matter.

WYDENBRUCK.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Mr. Seward to Count Wydenbruck.*

[Telegram.]

DEPARTMENT OF STATE, June 21, 1867.

The good offices requested by the Emperor of Austria have been rendered.

WILLIAM H. SEWARD.

Count WYDENBRUCK, &c., &c., &c.

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*Count Wydenbruck to Mr. Seward.*

[Telegram.]

OAKLAND, MD., June 21, 1867.

Many thanks. Just received this second telegram:

Imperial family consents to eventual reintegration of Prince Maximilian. Try to let him know this.

BEUST.

May I hope that, if possible, this wish of my court may be fulfilled through your exceedingly kind medium.

WYDENBRUCK.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

*Mr. F. W. Seward to Count Wydenbruck.*

[Telegram.]

DEPARTMENT OF STATE, *June 22, 1867.*

To Count WYDENBRUCK,

*Oakland, Alleghany county, Maryland:*

Your telegram of yesterday received, and its request complied with.

F. W. SEWARD.

*Count Wydenbruck to Mr. Seward.*

[Telegram.]

OAKLAND, MD., *June 29, 1867.*

I have just received from New Orleans the terrible news that the Archduke Maximilian has been shot. Have you any such news?

WYDENBRUCK.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

*Count Wydenbruck to Mr. Seward.*

[Telegram.]

OAKLAND, MD., *June 30, 1867.*

I received yesterday from Mexico the official news that the unfortunate emperor Maximilian was shot June nineteenth, (19th,) seven (7) morning.

WYDENBRUCK.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

*Mr. Seward to Count Wydenbruck.*

DEPARTMENT OF STATE,

*Washington, July 1, 1867.*

SIR: I avail myself of the first convenient hour after arriving from Boston to inform you that at the moment of my departure from this city on the 21st of June last, by direction of the President of the United States, I communicated to President Juarez, of Mexico, by telegraph, the proposition of his Imperial Majesty of Austria, that he would reinstate the Prince Maximilian in all his rights of possession as Archduke of Austria as soon as the Prince should be set at liberty, and should renounce forever all his projects in Mexico.

At an earlier date—namely, on the 15th—I had in like manner used the telegraph to make known to President Juarez the request of her Majesty the Queen of England, and of the Emperor of the French, for the good offices of this government in behalf of the Prince Maximilian.

This information may perhaps be of some slight value by way of soothing the sadness which the painful news concerning the fate of the Prince Maximilian, just received from Mexico, cannot fail to produce.

I am, sir, with high consideration, your obedient servant,

WILLIAM H. SEWARD.

Count WYDENBRUCK, &c., &c., &c.

*Count Wydenbruck to Mr. Seward.*

[Telegram.]

OAKLAND, MD., *July 3, 1867.*

The Austrian court inquires telegraphically whether the American government has the sad news of the archduke's execution from any source of its own.

WYDENBRUCK.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Mr. Seward to Count Wydenbruck.*

[Telegram.]

DEPARTMENT OF STATE,

*Washington, July 3, 1867.*

I regret to say United States consul, Matamoras, wrote despatch June 27, received to-day, namely :

Maximilian was executed on the 19th ; city of Mexico surrendered on 21st.

United States consul, Vera Cruz, wrote despatch received and telegraphed from New Orleans July 2, confirming the execution of Maximilian and surrender at discretion of the city of Mexico.

WILLIAM H. SEWARD.

Count WYDENBRUCK, &c., &c., &c.

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*Count Wydenbruck to Mr. Seward.*

OAKLAND, MARYLAND, *July 3, 1867.*

The confirmation contained in your telegram of to-day's date of the tragical event of the 19th of June will destroy the last glimmer of hope entertained by the imperial family of Austria as to the fate of the unfortunate Emperor Maximilian. Under these melancholy circumstances, it would be extremely desirable for me to be able to apprise my court of the steps which have been taken by the United States government, in compliance with the pressing application which I had the honor to address to you on the 29th of May last.

On the 1st of June I informed my government, by cable, of the contents of your telegram of the same date, (kindly communicated to me by Mr. Frederick Seward,) by which you instructed Mr. Campbell to proceed, without delay, to Juarez's headquarters, with the mission to intervene for the protection of the life of the illustrious prisoner. Until the 17th of June I indulged the hope that Mr. Campbell was on his journey to execute your mission. I was then startled by the newspaper reports, confirmed by the official offer made to General Steadman on the same day, that Mr. Campbell, declining to proceed to Mexico, had resigned his post.

Although it does not become me to inquire as to the action of the State Department, I feel convinced that you, Mr. Secretary of State, taking into account the peculiarity of the circumstances, and sharing my desire to offer to the afflicted family of my august sovereign the only consolation now possible, will not object to let me know if you have been able, notwithstanding Mr. Campbell's inopportune resignation, to carry out your intervention in favor of the illustrious victim we deplore to-day.

The Austrian *chargé d'affaires* in Mexico informs me that Juarez refuses to deliver up the body of the unfortunate prince. This is a cruel aggravation of the unspeakable grief of the imperial family of Austria.

I have the honor to remain, Mr. Secretary of State, with the highest consideration, your obedient servant,

WYDENBRUCK.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Mr. Seward to Count Wydenbruck.*

DEPARTMENT OF STATE,

Washington, July 5, 1867.

SIR: I have the honor to acknowledge the receipt of your note of the 3d instant. Information upon the subject to which it relates had already been communicated to you.

I am, sir, with high consideration, your obedient servant,

WILLIAM H. SEWARD.

Count WYDENBRUCK, &c., &c., &c.

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*Count Wydenbruck to Mr. Seward.*

OAKLAND, July 8, 1867.

MR. SECRETARY OF STATE: In consequence of certain advices received to-day by me, and in order to lose no time, I took the liberty a few hours ago of expressing to you by telegraph the desire that Mr. Otterbourg, in Mexico, might be instructed to ask, in the name of the government of the United States, that the remains of the ill-fated emperor Maximilian may be (in case this should not already have been done) deposited in a grave of his own and enclosed in a suitable coffin—if possible, a metallic one. All expenses to be refunded by this legation.

Trusting that it will be possible to procure this slight alleviation to the deep affliction of the imperial family, I have the honor to remain, Mr. Secretary of State, with the highest consideration, your obedient servant,

WYDENBRUCK.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Count Wydenbruck to Mr. Seward.*

[Telegram.]

OAKLAND, MD., July 8, 1867.

It would be consolation for the imperial family to know emperor Maximilian's remains are in his own grave and coffin—if possible a metallic one. This is, perhaps, not the case. May we hope that Mr. Secretary will instruct American minister in Mexico to ask in American government's name that this be done? and perhaps be present at trans-exhumation, as Mr. Otterbourg knew person of emperor. Of course, all expenses refunded by me.

WYDENBRUCK.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

*Mr. Seward to Count Wydenbruck.*

DEPARTMENT OF STATE,

*Washington, July 8, 1867.*

SIR: Your telegram of this date is received. The request it contains is reasonable, and the good offices of the government in that direction would in every way be proper. You will, however, notice in the public journals an unanswered application of a kindred nature which has already been made by Captain Roe to President Juarez.

I think it will be well, before acting on your present suggestion, to wait perhaps a day or two to learn what answer President Juarez has made to Captain Roe's solicitation.

When I shall have received that information I will again communicate with you upon the subject.

I am, sir, with high consideration, your obedient servant,

WILLIAM H. SEWARD.

Count WYDENBRUCK, &c., &c., &c.

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*Mr. Seward to Count Wydenbruck.*

DEPARTMENT OF STATE,

*Washington, July 11, 1867.*

SIR: Your note of the 8th instant has been received. In reply I have the honor to refer you to the communication which was addressed to you by this department on the 8th instant, in answer to your telegram of that date, both of which relate to the same subject.

I am, sir, with high consideration, your obedient servant,

WILLIAM H. SEWARD.

Count WYDENBRUCK, &c., &c., &c.

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*Count Wydenbruck to Mr. Seward.*

WASHINGTON, *July 11, 1867.*

MR. SECRETARY OF STATE: I thank you for your obliging communication of the 9th instant, (8th.) As soon as the answer to Captain Roe's application shall be known to you, may I hope that you may have the goodness to have it telegraphed to me, in order that my court may be informed of its tenor without loss of time?

I have the honor to remain, Mr. Secretary of State, with the highest consideration, your obedient servant,

WYDENBRUCK.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Mr. Seward to Count Wydenbruck.*

DEPARTMENT OF STATE,

*Washington, July 12, 1867.*

COUNT: I have the honor to acknowledge the receipt of your note of yesterday, and to inform you, in reply, that it will afford me pleasure to telegraph to you the result of Captain Roe's application to which you refer.

I have the honor to remain, count, your very obedient servant,

WILLIAM H. SEWARD.

Count WYDENBRUCK, &c., &c., &c.



*Count Wydenbruck to Mr. Seward.*

OAKLAND, July 17, 1867.

MR. SECRETARY OF STATE: On the 3d instant I took the liberty of addressing myself to you, stating that I should consider it as a favor if you would inform me whether the pressing application I made to you on the 29th May last in the name and by order of my august sovereign to use the influence of the United States government in favor of the emperor Maximilian, had been followed by any action of the State Department beyond the telegram of the 1st of June, enjoining Mr. Campbell to repair to his post, there to exercise his influence in that direction. I was induced to make this request by the fear that the unfortunate resignation of Mr. Campbell may have defeated the good intentions you showed me so warmly at that time and for which I again thank you.

On the 5th instant I had the honor to receive a communication from you, Mr. Secretary, dated 1st of July, in which you kindly gave me information as to the transmission to Mexico, on the 15th of June, of the intercession of the courts of England and France in behalf of Archduke Maximilian. A few days later I received another obliging communication from you, stating that my inquiries of the 3d had already been answered in your letter of the 1st instant.

As, however, in this last letter no mention was made of the object of my inquiry, namely, of the steps taken by the State Department in compliance with the Emperor of Austria's urgent request of the 29th of May, this silence impresses me deeply, as it seems to confirm my apprehension that, owing to Mr. Campbell's inopportune and unfortunate resignation, the government of the United States was not able to carry out the intentions manifested at that time, at a period when the voice of the United States in behalf of justice, humanity, and civilization might have again reached the proper quarter and perhaps saved the life of the ill-fated prince.

It remains for me to thank you, also, for your compliance with the second request of the Austrian court of the 20th of June, as to the reintegration of the archduke in his birthrights.

I have the honor to remain, Mr. Secretary of State, with the highest consideration, your obedient servant,

WYDENBRUCK.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

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*Mr. Seward to Count Wydenbruck.*

DEPARTMENT OF STATE,  
Washington, July 22, 1867.

SIR: I have the honor to acknowledge the receipt of your note of the 17th instant, making inquiry as to the steps taken by the Department of State with reference to the urgent request of the Emperor of Austria, communicated to this department on the 29th of May.

In reply, I have the honor to inform you that, in pursuance with a resolution of the Senate, all the documents relating to the capture, trial, and execution of Prince Maximilian have been laid before that body by the President of the United States, and that, so soon as they shall have been printed, I shall take pleasure in transmitting you a copy thereof.

I avail myself of this opportunity to renew to you, sir, the assurances of my highest consideration.

WILLIAM H. SEWARD.

Count WYDENBRUCK, &c., &c., &c.

*Mr. Seward to Baron Franckenstein.*

DEPARTMENT OF STATE,  
*Washington, November 20, 1867.*

Mr. Seward presents his compliments to Baron Franckenstein, and has the honor to enclose herewith, for his information, a copy of a telegram of yesterday's date, which has been received from the acting consul general of the United States at Havana.

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*Mr. Savage to Mr. Seward.*

[Telegram.]

CONSULATE OF THE UNITED STATES,  
*Havana, November 19, 1867.*

Maximilian's remains surrendered. Coming here. Elvin and Salm Salm here pardoned. Baron Magnus here.

THOMAS SAVAGE,  
*Acting Consul General.*

Hon. WILLIAM H. SEWARD,  
*Secretary of State.*

# PRUSSIA.

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*Mr. John C. Wright to Mr. Seward.*

[Extract.]

No. 10 ]

LEGATION OF THE UNITED STATES,  
*Berlin, February 12, 1867.*

SIR: \* \* \* \* \*

The German plenipotentiaries have brought their conferences to a close. The protocol has been signed, and they have returned to their homes, to reassemble at the King's request at the opening of the parliament of the North on the 24th instant.

The "Landtag" was prorogued on the 9th instant by the King in person. His Majesty expressed satisfaction for the aid given the government by the chambers, and hoped that the differences which had existed between them and the Crown might not reoccur. "By appropriating the necessary means for the army and navy you made known your resolution to preserve what has been acquired, to recognize what has been obtained by the policy of my government, supported by the superiority and tried bravery of my army." His Majesty closed by saying:

The draft of a constitution for North Germany having been accepted by all the States participating, leads me to hope that the German people will obtain upon a basis of a united organization such as Germany has hitherto vainly striven for during centuries of conflict, those blessings to which it is called by Providence, through its natural power and march of civilization, as soon as it can maintain peace at home and abroad.

I shall regard it as the crowning glory of my reign that God has called me to make use of the power of my people, strong in its fidelity, valor, and civilization, for the re-establishment of an enduring unity of the German people and their sovereigns.

I have the honor to be, with great respect, your obedient servant,  
JOHN C. WRIGHT.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. John C. Wright to Mr. Seward.*

[Extract.]

No. 12.]

LEGATION OF THE UNITED STATES,  
*Berlin, February 25, 1867.*

SIR: \* \* \* \* \*

Yesterday, the 24th, the King of Prussia in person opened the North German parliament.

The royal family, with the various princes and princesses, together with the ambassadors, ministers, &c., were present.

I herewith enclose you the speech in German delivered by his Majesty. The points in it are about as follows: The King said:

Important events have caused the assembling of delegates, and great hopes depend on your deliberations. For centuries the German race had vainly endeavored to make a starting point toward German unity, but had always failed, and would again if we did not recognize the cause which prevented our forefathers obtaining it.

Germany was once mighty, great and honored, because united and led by strong hands. She fell because divided. Robbed of her weight in Europe's council, of her influence in her own destiny, she became dismembered, and was at once the battle-field of foreign powers.

The old spirit for unity among us has never ceased to show signs of vitality; we have longed for the lost blessings, and the history of our age is replete with endeavors to reunite our fatherland. I thank my allies for the readiness with which they have responded to the needs of our common country.

As inheritor of the Prussian crown, I feel strong in the conviction that the successes of Prussia have been only steps toward the restoration and elevation of German power and honor.

As soon as the deliberations of parliament shall have progressed sufficiently far to make treaties, &c., we will extend our hands cordially toward our southern brethren. As the tendency of the German spirit is always towards peace and labor, so will the allied German states bear essentially a defensive character. Only for defence, and not for attack, is the German race seeking to be united from the Alps to the sea.

At several points in the speech his Majesty was applauded. It has been warmly extolled by the Prussians and well received by the foreign ministers.

I have the honor to be, with great respect, your obedient servant,

JOHN C. WRIGHT.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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[Translation, in substance, of the proceedings of the "Reichstag"—February, 1867.]

*Illustrious, noble and honorable gentlemen of the Reichstag of the North German Union:*

It is a moment for exultation when I come into your midst. Great events have brought it about; great hopes are connected with it. It is granted to me to meet in union with an assembly which for centuries has not surrounded any German prince, and to give expression to these hopes. For this I thank the providence of God which has guided Germany to purposes and aims which her people hankered after, but did not select nor foresee the means to attain.

Trusting in this guidance, we shall advance the more rapidly in that direction and the more clearly understand the causes which led us and our forefathers astray, through retrospective glances at German history.

Once powerful, great, and honored, while united and directed by strong hands, the German empire sank, not free from blameworthy association, into dismemberment and weakness.

Deprived of importance in the councils of Europe, and of influence over her own destiny, Germany became the chosen battle-ground of foreign powers, on which the blood of her sons was poured forth. Never, however, has the earnest desire of the German people for their lost prosperity been unheard, and the history of our times is full of the exertions again to restore the great past of Germany and of the German nation.

If these efforts have not yet attained their object; if vain efforts have been made to establish a starting point toward German unity, they will again fail if we do not recognize the causes which prevented our forefathers from attaining it.

The old spirit of unity has never ceased to give signs of vitality; we have longed for the lost blessing, and the history of our age is replete with endeavors to reunite the fatherland; we recognize the effective good will with which our allies came to the aid of our common cause and country.

As inheritor of the Prussian crown, I am proud and strong in the conviction that the achievements of Prussia and their consequences will be only sure steps toward the re-establishment and exaltation of German power and German dignity.

When the deliberations of the delegates shall have progressed sufficiently in the arrangement of public affairs, we shall cordially extend our proffer to our brethren of south Germany, urging them to unite with us. They will, earlier or later, as so many independent governments bound together by common ties of interest of blood and of German association.

I trust in God our combined efforts will put an end to any future divisions among Germans, and that our children will ever regard with gratitude this Reichstag as the founder of German unity, freedom, and power through all time.

Gentlemen, all Germany, even beyond the present limits of our union, patiently awaits the resolutions which shall here be adopted.

May our common action, the dream of centuries, be carried into fulfilment amid the blessings of all ages.

In the name of all united governments—in the name of all Germany—I give you my confidence; help us to carry through this great national task boldly and surely.

The blessing of God to us all who carry out the task and work of the fatherland.

*Mr. John C. Wright to Mr. Seward.*

[Extract.]

No. 14.]

LEGATION OF THE UNITED STATES,

*Berlin, March 18, 1867.*

SIR: \* \* \* \* \*

Count Bismarck, in presenting the draft of the constitution to the federal Parliament, made a few remarks. I herewith enclose you the same in English. Several hostile speeches have been delivered against the present draft, and Count Bismarck has replied to such attacks in most vigorous language. (See enclosed speeches.) The opposition comes mostly from the Catholic party, and the delegates from Saxony and Hanover.

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I have the honor to be, with great respect, your obedient servant,

JOHN C. WRIGHT.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Count Bismarck's speech on presenting the draught of the constitution to the federal Parliament.*

[Translation.]

GENTLEMEN: In the name of the allied governments, I have the honor of laying before the federal Parliament the draught of a federal constitution agreed upon by the governments mentioned. To this draught I add authentic copies of the treaties having reference to the establishment of the confederacy, and also of the minutes of the sittings in which the draught has been discussed by the delegates of the allied governments.

In submitting these to the decision of the high house, I abstain from amplifying upon the speech of the King my gracious master, delivered when opening the session. One point only I should like to call your attention to. In the provisional treaty of alliance, concluded August 18, 1866, there occurs a clause which is to the following effect: "This alliance is to last until the establishment of new and more permanent federal relations. Unless a new alliance be concluded before that term the present one is to last for a year." This means that the existing federal relations will expire not many months hence. I have no wish to dilate upon what would become of Germany were our work incomplete by August 18 of this year. I hope we shall be spared this predicament. I feel it, however, incumbent upon me to allude to the fact that the representative assemblies of the various states—at any rate, many of them—having reserved to themselves the right to ratify or reject the result of our deliberations, it will be necessary to convene the Parliaments of the twenty-two allied states, directly the sittings of the federal Parliament are over. I need scarcely tell you how very desirable it is that this ulterior stage of the matter should likewise be completed by the 18th of August. All these are circumstances which ought to lead us to expedite our labors.

Furthermore, it ought to be taken into consideration that the establishment of treaty relations with southern Germany, such as all of us wish for, more or less urgently, will be materially promoted by a rapid consolidation of the north. The wish of the southern states to join their northern countrymen will be the more ardent, the more promptly we advance toward the attainment of our object.

This, gentlemen, should be another incentive for us to come to an early agreement upon such points as might be viewed in a different light by the various political denominations represented in this house. No doubt there is something unfavorable to unity in our national character; otherwise, we should not have lost it, or, at all events, should have recovered it long before this. Looking back to the days of German greatness, the early days of the German empire, we find that no country in Europe was so likely to become strong and united as Germany. From Russia, which was portioned out among the descendants of Rurick to the Visigoths and Arabians of Spain, no European nation, amid the vicissitudes of ages, had so fair a chance of retaining its unity as Germany. Why, then, did we lose it? Why have we, till now, failed in recovering it? To express myself briefly, it seems to me there is an excess of manly and independent feeling in the German character, prompting the individual, as well as the corporation, the province, and the tribe, to rely upon themselves rather than look to the nation to which they belong.

We lack the accommodating spirit which, in other nations, induces individuals as well as tribes to conform themselves to the requirements of the whole, and we have accordingly

been prevented from securing the benefits of a strong national commonwealth, so long and so fully possessed by our neighbors. In the present instance, however, the governments have given you a good example. There was not one among them but had to sacrifice some legitimate objections in order that our common purpose might be realized. Let us then follow the precedent given, and prove on our part that Germany, in her history of 600 years' division, has been taught prudence, and that we have taken to heart those teachings inculcated by the abortive attempts to secure unity made at Frankfort and Erfurt. The failure of those attempts plunged Germany into a state of uncertainty and dissatisfaction which lasted no less than 16 years, and, as was manifest from the very outset, had to be terminated by some such catastrophe as was experienced last year. God decided in our favor.

The German nation now has a right to expect that we shall obviate the recurrence of such a catastrophe, and I am persuaded that you; as well as the allied governments, will do all in your power to fulfil the anticipation of the people. \* \* \* \* \*

You ask for responsible ministers to conduct the affairs of the executive; I beg to inquire who is to appoint them? Are the 22 governments of the confederacy to agree upon the choice of ministers, or is their nomination to be left to the King of Prussia? The former alternative would be impossible; the latter, the minor potentates will not assent to, while they object to be reduced to the level of English peers. There remains, then, nothing but to let the governments determine the action of the confederacy by majorities, and intrust the Crown of Prussia with the execution of their votes. This government has no wish to use the power it claims against public freedom. Having engaged in a task so great and difficult as the one in hand, it cannot but rely upon the co-operation of the people, and it is determined to extend liberty to the utmost limits compatible with a powerful state geographically and politically situate as is the northern confederacy. Why does the opposition wish for the right to vote the military supplies annually? What is the practical use of owning a right which, while the general condition of Europe remains what it is, could be exercised only for the purpose of perpetuating our existing military institutions? To close a similitude from a branch of the public administration to which I devoted my time before taking up politics, were the maintenance of the army to be made dependent upon annual votes, this would be as sensible as though majorities were to be allowed to decide every year whether the dikes of the Vistula are to be kept in repair or recklessly pierced. Again, if it has been said that the southern states will not join us unless a responsible ministry be instituted at once, I should like to ask the gentlemen taking this view of the matter what they think those southern states are? Why, they are simply their Majesties the Kings of Bavaria and Wurtemberg. Do you really believe their Majesties have responsible ministers? I know the reverse to be the case. What we have to settle immediately with the south is the renewal of the Zollverein on a permanent basis, and the establishment of a common authority to legislate in Zollverein matters. Negotiations for this purpose will be taken in hand upon the conclusion of our labors here. As to a political alliance between the two halves of Germany, I trust that, with or without it, the south will always stand by the north as the north will always stand by the south.

Gentlemen, let us not differ on trifles when greater things are at stake.

We cannot now have everything we want, but something may be gained. Assist Germany to vault into the saddle, and trust her to ride alone.

This speech, which earned much applause, was followed by another in answer to Herr Von Munchausen, a Hanoverian deputy and adherent of King George. The latter having blamed the annexation, and complained of sundry illegal practices imputed to the Prussian authorities in Hanover, Count Bismarck replied to this effect:

"Though I cannot but respect the feeling of loyalty, devoted to a fallen dynasty, I might have wished the expression of this honorable sentiment had not been coupled with an attack upon the Prussian government. We all esteem the people of Hanover, a race so intimately related to our own, and whose gallant sons have fought on so many fields side by side with ourselves. We also respected the Hanoverian dynasty, and had no better wish than to remain on amicable terms with it for all time to come. Our views were distinctly communicated to the Hanover government. When the war was about to break out, I informed Count Platen that were he to ally himself to us, the integrity of Hanover would be safe, whatever the issue of the war; but I also thought it my duty to direct his attention to the peril he incurred if pursuing an opposite course. I should consider that Prussian minister a traitor who, if an enemy had arisen in our rear, waiting for an opportunity to stab us in the back, had not crushed that enemy, and rendered a repetition of the deed impossible, if the fortune of war placed him in our power. It is perfectly absurd to expect us to act differently. What would have become of Berlin if the Croats had taken it? And now that we have prevented their doing so, are we to reinstate their allies, admitting the plea that no harm was intended? That would be a little too sentimental after a war in which crowns and countries were the stakes. Then as to our treatment of the Hanover army, the convention of Langensalza was clearly meant to be valid only as long as the war lasted; and if Herr Von Munchausen affirm that Queen Mary is exposed to improper molestation on the part of the Prussian authorities, the fact of her Majesty's remaining in Hanover is, I believe, the best refutation of the charge. Her Majesty's remaining there when her husband has not made

his peace with us is certainly strange; but although this government has never alluded to the subject of her leaving, it yet cannot allow her presence to become an occasion of hostile and venomous agitation. It is perfectly true that the Hanover Major Von Trenck was arrested in the presence of the Queen. The major knew that he was suspected of propagating secret proclamations, and that he had been watched for weeks. Either he ought not to have waited on her Majesty while subject to suspicion, or, if her Majesty objects to arrests being made in her presence, she ought not to have staid where she is. It is furthermore true that a letter from King George was opened by the Prussian authorities. But this was a mistake, contrary to the orders of my royal master, and we have apologized for it.

"The Hanover constitution has been abrogated after the conquest, and the Prussian constitution will not come into force before the 1st of October. I heartily wish that date were close at hand; but while waiting for it Hanover is, and must be, governed unconstitutionally. Until then, let the gentlemen beware how they provoke us. They would find us much more than a match for them."

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*Mr. John C. Wright to Mr. Seward.*

[Extract.]

No. 15.]

LEGATION OF THE UNITED STATES,

*Berlin, March 25, 1867.*

SIR: The treaties concluded last August, and now for the first time made public, between Prussia and Bavaria, Baden and Wurtemberg, have attracted universal attention. I have the honor to enclose herewith a translation of the same. A similar one has also been arranged with Hesse-Darmstadt. The publication of these treaties has greatly surprised all classes. They, probably, would still have remained secret had not one of the members of the "Reichstag," in a speech on the 18th instant, asserted "that the states of the south could, at this day, ally themselves with a foreign power; with France for example." When Count Bismarck publicly announced that treaties had been made with the said states in August, 1866, the Prussian *Moniteur's* evening edition contained the text of them. It is said that the Prussian minister at the court of Vienna was authorized to communicate their existence to the Austrian government as early as the 15th instant. Mr. Benedetti, the French ambassador here, was summoned at once to Paris.

Reports are current that as soon as the draught of the constitution shall have been accepted the southern states will unite with the North German confederacy. Judging from what has transpired recently it may be carried out in a very short time. The German element in Austria (in the province of Bohemia) is awakening to what is transpiring in Germany.

Count Bismarck urges the speedy acceptance of the constitution by the Parliament.

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I have the honor to be, with great respect, your obedient servant,

JOHN C. WRIGHT.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Treaty concluded between Prussia and Bavaria.*

ARTICLE I.

By these presents a treaty of offensive and defensive alliance is concluded between the King of Prussia and the King of Bavaria. The two high contracting parties reciprocally guarantee the integrity of the territory of their respective countries, and undertake, in case of war, to place at their mutual disposal the whole of their military forces.

## ARTICLE II.

The King of Bavaria has transferred, for the case in question, the superior command of his troops to the King of Prussia.

## ARTICLE III.

The high contracting parties agree to maintain this agreement provisionally secret.

## ARTICLE IV.

The ratification of this treaty shall take place at the same time as that of the treaty of peace concluded this day, viz., on the 3d day of next month, say 3d September, 1866.

Done at Berlin this 22d August, 1866.

Count de BISMARCK DE SAVIGNY.  
Baron VON DER PFORDTEN.  
Baron VON BRAY SLUNTERG.

The same treaty was made with the grand duchy of Baden on 17th August, 1866, and with the kingdom of Wurtemberg, 13th August, 1866.

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*Mr. Wright to Mr. Seward.*

[Extract.]

No. 17.]

LEGATION OF THE UNITED STATES,  
*Berlin, April 4, 1867.*

SIR: The Luxemburg question has been the all-absorbing topic of conversation during the past few days, especially among the members of the Reichstag. On Monday Vice-President Bennigsen, on behalf of the Liberal party, asked the Prussian cabinet what truth there was in the various rumors concerning the cession by Holland of Luxemburg to France. Count Bismarck replied at once to the inquiry. (See enclosed memorandum of the points in his remarks.)

Probably no event would so tend to hasten the deliberations of the Parliament, or unify the German people, as much as a movement to cede a foot of what they consider their territory to a foreign power, and especially when that power is France. There are signs that since last year the feeling of animosity among the Germans towards the French has been increasing, and a war at this time against Napoleon would be more popular even than the war of last summer against Austria.

From what has taken place in Berlin between the Russian minister and the Prussian foreign office, it may be conceded that an understanding if not an actual treaty exists between the two cabinets concerning the eastern question and internal affairs of Germany.

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I have the honor to be, with great respect, your obedient servant,  
JOHN C. WRIGHT.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Vice-President Bennigsen's and Count Bismarck's remarks in the Parliament on the 1st instant.*

In Monday's sitting of the Reichstag Herr von Bennigsen asked whether the rumors of negotiations between Holland and France for the cession of the grand duchy of Luxemburg to the latter power were well founded, and whether the Prussian government was in a position to make communications to Parliament to the effect that it is determined, together with its federal allies, to secure permanently against every danger the connection of Luxemburg with the rest of Germany, and especially Prussia's right to garrison the capital of the grand duchy. Herr von Bennigsen, moreover, declared that all parties will be united in giv-



ing the government their most powerful support to prevent the separation of an ancient German land from the rest of Germany.

In answer, Count de Bismarck said:

"We value amicable relations with France and avoid wounding her susceptibilities. I cannot, therefore, reply to the second portion of the interpellation, as to the course that may be adopted in this matter by the Prussian government in concert with its federal allies. Your language becomes a representative of the nation, but is not diplomatic. Respecting your first question, asking for information in regard to the rumored negotiations between Holland and France for the cession of the duchy to the latter, I may state that nothing is known of the conclusion of such an arrangement between those states. The federal allied governments believe that no foreign power will endanger the undoubted rights of Germany. We hope to protect them more safely in a peaceful way the more the debates in Parliament shall show the indissoluble ties between the government and the people."

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*Mr. John C. Wright to Mr. Seward.*

[Extract.]

No. 20.]

LEGATION OF THE UNITED STATES,  
*Berlin, April 22, 1867.*

SIR: On the 17th instant the King, in person, closed the North German parliament. Enclosed will be found the speech in German and a translation of the same. That portion of the address relating to South Germany called forth hearty applause.

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I have the honor to be, with great respect, your obedient servant,  
JOHN C. WRIGHT.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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[Translation.]

*Illustrious, noble, and honorable members of the Parliament of the North German Confederation:*

I see you again assembled around me, at the termination of your important labors, with a feeling of sincere satisfaction. The hopes I recently expressed from this place, in the name of the allied governments, have since then, through your aid, been brought to fulfilment. With patriotic earnestness you have understood the greatness of your task, and have kept in view our common objects with voluntary self-restraint. For that reason we have succeeded in establishing upon a secure basis a constitution, the development of which we may confidently leave to the future. The federal authority is furnished with the attributes indispensable to, but also sufficient for, the prosperity and the power of the confederation. The individual states, while their future is guaranteed by the totality of the Bund, have retained their freedom of action in all departments wherein variety and development is admissible and salutary. To this popular representation is secured that co-operation in carrying out the great national objects which corresponds to the spirit of the existing constitutions of the countries and to the necessities of the governments to see their action supported by the agreement of the German people. All of us who have co-operated in carrying out the national task, the allied governments as well as the representatives of the people, have readily made the sacrifice of our views and our wishes, and we were able to do so in the conviction that these sacrifices were made for Germany and that they were worth our union. By this universal readiness, coupled with the conciliation of and victory over opposing views, the guarantee is at the same time gained for that future fruitful development of the confederation, with the conclusion of which, also, the hopes common to us with our brethren in south Germany may have advanced nearer to their fulfilment.

The time has arrived when our German fatherland is able to uphold its peace, its rights, and its dignity by its own collective strength.

The national self-consciousness which has found elevated expression in the parliament has met with a powerful echo from all quarters of Germany. None the less, however, are all the governments and peoples of Germany unanimous that the regained power of the nation has, above all, to uphold its significance by rendering secure the blessings of peace.

Honorable gentlemen, the great work in which we have been thought worthy by Provi-

dence to co-operate is approaching its completion. The popular representations of the individual states will not refuse their constitutional recognition to what you have created in community with their governments. The same spirit that has enabled the task to succeed here will also preside over their deliberations. Thus, then, the first parliament of the North German confederation may close its labors with the elevating consciousness that it is accompanied by the thanks of the fatherland, and that the work it has accomplished will, with the help of Providence, be fruitfully developed both in our time and in future generations. May God bestow his blessing on us and our dear fatherland.

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*Mr. John C. Wright to Mr. Seward.*

[Extract.]

No. 21.]

LEGATION OF THE UNITED STATES,  
*Berlin, May 2, 1867.*

SIR: \* \* \* \* \*

The Prussian Chambers were opened on the 29th ultimo by his Majesty in person. Enclosed will be found his speech in German and a translation of the same. The Chambers are only called together to accept the constitution. They will likely pass it *en bloc* and adjourn for three weeks, as an interval of twenty-one days is required before the second reading can take place.

\* \* \* \* \*

I have the honor to be, with great respect, your obedient servant,

JOHN C. WRIGHT.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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[Translation.]

KING WILLIAM'S SPEECH AT THE OPENING OF THE PRUSSIAN CHAMBERS, APRIL 29, 1867.

*Illustrious, noble, and honorable gentlemen of both houses of the Diet:*

A constitution of the North German confederation, by which the united and vigorous development of the nation appears secure, has issued from the deliberations of the parliament to which the Prussian people sent its representatives in conformity with the law approved by you. I have summoned you around my throne to submit this constitution to your decision. The task of national unity which the government commenced, with your co-operation, is now to be concluded by your assent.

Upon this basis the protection of federal territory, the care of common rights, and the prosperity of the people will henceforth be guaranteed by the collective populations of northern Germany and their governments in firm community. By the introduction of the federal constitution, the privileges of the representatives of individual states will be subject to unavoidable restrictions in all those departments which will be, in future, subordinate to the general development. But the people itself will not have to forfeit any of the rights it has hitherto possessed. It will merely transfer their maintenance to its representatives in the more extended commonwealth. The consent of the freely elected deputies of the entire people will still be requisite to every law in the North German confederation. Provision has been made by the federal constitution in all respects that those rights, the exercise of which the various representations abandon in favor of the new community of states, shall be transferred in the same extent to the general parliament. The secure foundation of national independence, power, and prosperity shall go hand in hand with the development of German rights and constitutional institutions.

My government entertains the assurance that both houses of the Diet, correctly appreciating the urgent national necessity of speedily settling the task before us, will readily afford their assistance to its completion.

Gentlemen, the newly formed confederation at present only includes the states of North Germany, but an intimate national community will always unite them with the South German states. The firm relations my government concluded for offensive and defensive purposes with those states as early as last autumn, will have to be transferred to the enlarged North German commonwealth by special treaties.

The vivid consciousness of the South German governments and populations of the dangers of German dissension, and the necessity of firm national union which constantly finds more decided expression throughout the whole of Germany, will assist to hasten the solution of that important task.

The united strength of the nation will be entitled and be competent to guarantee to Germany the blessings of peace and effectual protection of her rights and her interests. With this assurance my government will devote itself to averting any interruption to European peace by every means compatible with the honor and the interest of the fatherland.

The German people, however strong its unity, will be able calmly to face the vicissitudes of the future, if you, gentlemen, will aid in completing the great work of national union with that patriotism which has always been displayed in Prussia in serious times.

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*Mr. Seward to Mr. Bancroft.*

No. 2.]

DEPARTMENT OF STATE,

*Washington, May 20, 1867.*

SIR: The only important unsettled question between the United States and Prussia is that relating to the claim of the latter to military service from citizens of the United States born in that country, who may have left Prussia without performing the service there required. The document\* herewith communicated contains the most recent correspondence upon the subject. You will notice in the latter pages of the document the proposal made by Count Bismarck for a compromise of the matter and my responses thereto.

It is very desirable that this question should be equitably and definitely adjusted. If Prussia should take that course, probably other German states and possibly the governments of other countries would imitate her example. This would be a great relief to a large number of worthy citizens and to the government, which is bound to advocate their rights and promote their interests.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE BANCROFT, Esq., &c., &c., &c.

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*Mr. John C. Wright to Mr. Seward.*

[Extract.]

No. 28.]

LEGATION OF THE UNITED STATES,

*Berlin, July 1, 1867.*

SIR: \* \* \* \* \*

The "upper house," on the 24th ultimo, agreed unanimously to the present draft of the constitution. At 3 p. m. on the same day the Prussian Landtag was closed. Chevalier Von der Heydt, minister of finance, read a royal message from the King. I enclose herewith a copy of the speech in German.

The constitution has been promulgated in all the states of the Bund. On and after to-day it will come into force throughout the northern states.

\* \* \* \* \*

I have the honor to be, with great respect, your obedient servant,

JOHN C. WRIGHT.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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\* The document referred to is Senate Ex. Doc. No. 4, 1st sess. 40th Congress.

[Translation.]

*Illustrious, noble, and honorable gentlemen of both houses of the Landtag :*

His Majesty the King has devolved upon me the duty to close, in his illustrious name, the sitting of both houses of the Landtag of the kingdom.

The government of his Majesty acknowledges with lively thanks that the House of Lords with unanimity, the House of Delegates with a vastly preponderating majority, shared in assent to the constitution of the North German Union.

In the readiness with which the two houses, by relinquishing a portion of their ancient privileges, overcame antagonistic opinions, the government of his Majesty respects a fresh proof of that German good sense and patriotic self-sacrifice which are an inheritance of the Prussian people, and on which Prussia's appeal for Germany is founded.

Through the consent of the Prussian agricultural representation to the building up of the North German Union, every condition preliminary to the establishment of the constitution is attained in Prussia. The recognition of the constitutional union will, without delay and at the same time, ensue in all the united states.

Therewith, the national development of Germany over new grounds is prepared in bringing about the fruits all the energies of patriotism must combine.

The Prussian people, however, should regard the newly constituted Germany with the more satisfaction, because from her came that shapeliness which in Prussia fosters, in every respect, community of interest between prince and people.

While northern Germany could only form a narrow strip of associated states, the national intercommunion, now secured to the extent of the German territory, as well as the domestic habits of the German people and the Zollverein, indicate the surest grounds for the development of the German unity, at a future day, in harmony with the conditions of the North German Union.

Thanks to the moderation and love of peace of all the powers, it has so fallen out that the pacific development of the European relations has been secured from disturbance; the friendliness and the confidential intercourse between his Majesty the King and the more powerful of the monarchs of neighboring states give lasting assurances of the duration and sure pledge of a peace fraught with blessings.

The wish and the endeavor of his Majesty's government will ever be directed to maintaining the importance and power of the recently established state organizations, and the security of the blessings of peace.

In the name of his Majesty the King, I declare that the sitting of both houses of the Landtag are closed.

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*Mr. Seward to Mr. Bancroft.*

No. 13.]

DEPARTMENT OF STATE,

*Washington, August 22, 1867.*

SIR: You are familiar with the never-ending dispute between this government and those European governments which claim to exact military service from persons born within their allegiance, but who have become naturalized citizens of the United States. The question is one which seems to have been ripening for very serious discussion when the breaking out of the civil war in this country obliged us to forego every form of debate which was likely to produce hostility or even irritation abroad. It is in our intercourse with Prussia that the question produces the most serious inconveniences.

Soon after the close of our civil war Count Bismarck made some offers to the United States, which were conceived in a spirit of great liberality. Your predecessor, the lamented Mr. Wright, was hopeful that through the negotiation thus opened the two governments might arrive at a satisfactory conclusion of the question. It soon became apparent, however, that the United States could not surrender the principle of the absolute right of expatriation, while on the other hand Prussia was not prepared to acknowledge the principle in its full extent.

The present attitude of Prussia is one of strength and repose, as is also that of the United States. Prussia might now even derive strength from a concession of the democratic principle upon which we insist.

I will thank you to look over the records of your legation so as to review

your early impressions upon the subject, and thus form for me an opinion whether the discussion can now be reopened with a prospect of success. In that case you will bring the question in the proper way to the attention of Count Bismarck.

Mr. Yeaman, our indefatigable minister at Copenhagen, has just published there an argument upon the subject.

It has so much merit that I have instructed him to send you a copy \*thereof.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE BANCROFT, Esq., &c., &c., &c.

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*Mr. Bancroft to Mr. Seward.*

No. 2.]

LEGATION OF THE UNITED STATES,

*Berlin, August 29, 1867.*

SIR: Yesterday, a little before 2 o'clock in the afternoon, Count Bismarck called for me and took me to the King's country residence at Babelsberg, this side of Potsdam, where I was to be received in a private audience.

As soon as we entered the palace the count presented me to the King, to whom I delivered my letter of credence from the President in the simplest manner and without any speech.

The King at once opened a conversation and remained conversing with me, expressing of himself his satisfaction at the perfectly friendly relations which had ever existed between the two countries, and making inquiries respecting the President. Afterwards he spoke of several of my predecessors, asking about them or their families, even as far back as the time of Mr. Wheaton and Mr. Donelson.

Dinner was soon served, and the place assigned me at the table was next to the King. The party was of twelve. The conversation was certainly marked by respect for the sovereign, but was wholly free from the stiffness of formality, and conversation was as easy and unrestrained as at the house of a country gentleman.

After dinner the King again came to me, and his words and his manner expressed everything that could be wished, alike in the way of regard for my country and of courtesy to me as its representative.

On returning to the railroad station it appeared that the King was also on his way to Berlin. He beckoned to me to enter his private car and to take the seat nearest to him, and conversed all the way to the city, so that during the day I was in his company for about three hours.

This reception, while it was very agreeable to me personally, pleased me more as an evidence of the ever-increasing consideration for the government of the United States. It is seen that in the event of a war in Europe the assertion of the rights of neutrals would devolve very much on the United States. At the same time I report to you with confidence that, while France is continuing to arm and Prussia holds itself ready to call out six hundred thousand men at the shortest notice, there is no present danger of a war between France and Prussia. This government pursues its course toward German unity without jealousy and without fear or present apprehension, and though no one can foretell into what relations the uncertain policy of other powers may drift, it plainly appears that the government of France is now as little disposed to war as that of this country.

The meeting of the Emperors of France and Austria at Salzburg has passed

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\* For this argument see despatch of August 5th, No. 86, from United States minister to Denmark.

away without any important result whatever. Instead of forwarding an alliance between the two powers, it has made such an alliance more difficult than ever, for in German Austria it has roused a distrust that cannot be disregarded by the Austrian government, which now seeks a reconciliation and harmony between itself and every branch of its people.

It is also a matter of public importance that Count Bismarck enjoys robust health and goes through his enormous labors with ease and cheerfulness. His popularity is at this time very great, and no one doubts that in the elections to the new Parliament a great majority will be composed of his supporters.

The circular from the department on the subject of uniform was duly received, and I have conformed to it exactly, wearing in my audience with the King precisely the same dress which I should have worn on an invitation from the President.

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I remain, sir, yours, sincerely,

GEO. BANCROFT.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Bancroft to Mr. Seward.*

No. 3.]

LEGATION OF THE UNITED STATES,  
*Berlin, September 9, 1867.*

SIR: Your despatch, No. 13, of August 27th, has been received. The subject of the relation of naturalized Prussians to the government of Prussia had, under your instructions, already engaged my attention, and I have lost no time in opening a conversation on the subject with the department of foreign affairs, and my representations have been received in the most friendly spirit. An interview will soon be had with a member of the government, with whom the matter is to be thoroughly discussed before its final presentation in writing for a decision. I thank you very much for the confidence which you and the President repose in me in the management of this troublesome question. The offer of adjustment formerly made by Count Bismarck however liberal it may have been justly considered at the time it was proposed, is not so tranquilizing as the agreement to which I hope to arrive. I shall carefully govern myself in the negotiation by the substance of your instructions, and hope soon to be able to report to you favorable progress. For the present your instructions are sufficient for my guidance.

I remain, sir, yours, sincerely,

GEO. BANCROFT.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Bancroft to Mr. Seward.*

No. 4.]

LEGATION OF THE UNITED STATES,  
*Berlin, September 10, 1867.*

SIR: This day has been one of greatest interest in the history of Germany, being marked by the organization of the first imperial Diet assembled under the new constitution of North Germany. The protestant members of the Parliament met in advance, for religious service, in the King's chapel. The King, the Crown prince and princess, and other members of the royal family, the chiefs of

the diplomatic corps, and the great officers of the State and of the army were present, and were all seated on the floor of the chapel. The glitter of official uniforms was as great as I ever saw, there being but one person in plain clothes among all those who were invited to attend. The services were appropriate, and implied the assurance that the movement towards union, as yet incomplete, has proceeded thus far with the favor of Providence.

The Catholic members of the Diet held their services apart.

After these exercises were over the Diet repaired to the White Hall, remaining standing. The King, as he entered and took his seat, was heartily cheered. The proceedings were in conformity to the usage of constitutional governments. The president minister put into the King's hands the speech which he was to read, when the King rising from his throne, put on his helmet, and read the speech in a clear and simple manner, without emphasis or display, or any attempt at theatrical effect. At the close of the speech, and as the King withdrew, he was again warmly cheered.

I enclose an official copy of the speech. The points in it to which I would especially direct your attention are the second paragraph, which implies that there is a German nation including the South German provinces, as well as the North; that the measures thus far taken for the commercial union with the German states is but a "step," though an important one, and that the German "feeling" has been an instrument of happy political activity. It also merits the remark that the constitution is described as a work of peace, of which the advantages are to be enjoyed in peace.

I remain, sir, yours, sincerely,

GEO. BANCROFT.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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[Translation.]

*Illustrious, noble, and honored gentlemen of the Reichstag of the North German Union:*

From the resolution of the first Reichstag of the North German Union, I could express the confidence that the popular representatives of the single states of the Union would not withhold their constitutional recognition of what had been done by the Reichstag in common with the governments. It is a matter of great satisfaction to me that I was not mistaken in my confidence. The constitution of the North German Union has, in all the states of the Union, in a constitutional manner gone into law. The council of the Union has commenced action, and I am therefore enabled to-day, with joyous confidence in my and my high confederates' behalf, to greet the first Reichstag assembled under the constitution of the Union.

For the regulation of the national relations of the Union to the South German states, an important step was achieved immediately upon the promulgation of the constitution of the Union. The German sentiment of the united governments has created for the Zollverein a new basis, adapted to the altered relations, and has secured its continuance. The convention entered into for that purpose, which has been approved by the council of the Union, will be laid before you.

The estimate of expenses for the Union will form a prominent subject for your consideration. A careful restriction of the expenses to the necessary wants will make it possible to supply almost three-fourths of the former from the independent receipts of the Union, and a cautious estimate of these receipts will guarantee that the contributions from the single states, provided for in the budget, will be amply sufficient to cover the common expenses.

Outlines of laws have been and will be laid before the council of the Union, having for object to make such regulations concerning the different jurisdictions of the law-making power of the Union as the moment requires and the time permits. A law on the right of free emigration is to develop further the common citizenship established by the constitution. A law on the obligation to military service is to make this common citizenship effective to the army, and at the same time to supersede the regulations which are provided in the constitution in part independently and partly depending upon laws to be prescribed by Prussia to govern the obligation of service. A law concerning the passport system is intended to remove all obsolete restraints on communication, and to establish a foundation for an alliance suited to the national interest, between the Union and the South German states.

The regulations in regard to measures and weights are to equalize the system of weights

and measures of the Union, and to regulate it in a manner desirable for the international commerce. The sovereign ownership of the postal system, as an institution of the Union, renders legal provisions regarding the post roads and postage necessary. The establishment of consulates of the Union requires a legal determination of the rights and duties connected with the functions of those officers. The unity of the commercial marine will require a foundation by a law concerning the nationality of merchantmen.

I trust that these laws, which are a primary but decided step toward the accomplishment of the designs of the constitution of the Union, will meet with your concurrence, and with that of the council of the Union.

The conviction that the great problem of the Union can only be solved by readiness on all sides to accommodate the special with the general and national interest, actuated the deliberations which give birth to the constitution of the Union. That conviction has again found expression in the proceedings of the council of the Union, and will, I confidently expect, form the basis of your counsels.

With that predetermination, honored sirs, proceed in the accomplishment of the work begun by the constitution of the Union. It is a work of peace to which you are called, and I trust that, with the blessing of God, the fatherland may enjoy the fruits of your labor in peace.

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*Mr. Bancroft to Mr. Seward.*

No. 9.]

LEGATION OF THE UNITED STATES,  
*Berlin, September 19, 1867.*

SIR: Yesterday I had by appointment a long interview at the foreign office with two members of the privy council, Messrs. Philipsborn and Koenig on the subject of the claim of Prussia to the military service of Prussians naturalized in America.

I produced to them the old Roman law on the subject, which coincides exactly with the principle asserted by America and gives it a sanction of more than two thousand years.

The question was thoroughly discussed in all its connections, with military service, with commerce, and with those laws of maritime neutrality which Germany, no less than America, has the greatest reason to uphold.

But that which produced the most effect on the minds of the Prussian councillors was the statement that the American view of the question had been practically conceded by England and deliberately confirmed by France.

They did not make a protocol of what passed between us, but requested me, *pro memoria*, to put in writing the statements which I made with regard to Great Britain, France, and the United States.

I enclose to you a copy of the letter which I have in consequence written to Mr. Philipsborn, and which I trust will meet your approval and that of the President.

I remain, sir, yours, sincerely,

GEO. BANCROFT.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Bancroft to Mr. Philipsborn.*

AMERICAN LEGATION,  
*Berlin, September 19, 1867.*

SIR: In conformity to your suggestion in the interview which I had yesterday with you and the actual privy councillor, Mr. Koenig, I have now the honor to lay before you the practice of the governments of Great Britain and of France, touching the claim to military service in reference to persons born in those countries, but since naturalized under the laws of the United States; and also the practice of the government of the United States.



## GREAT BRITAIN.

After the acknowledgment of the independence of the United States by Great Britain in 1782, the officers of Great Britain put forward a claim to the naval service of sailors who were natives of Great Britain and Ireland, but who had emigrated to the United States and might have become naturalized there after the acknowledgment of independence. For forty years the subject remained one of increasing irritation, and, as the officers of the British navy seized such emigrants wherever they could find them, the question of right was complicated by arbitrary acts. The number of seamen thus seized and held amounted, in the early part of the present century, to several thousands. The arguments, the appeals, the remonstrances of the United States, long remained without effect; and these seizures formed one principal cause of the war declared by the United States against Great Britain in 1812. That war continued till 1815. In the treaty of peace Great Britain did not admit any formal renunciation of this claim to naval or military service, but her practice ever after conformed to international law, as interpreted by the United States, and the uninterrupted usage which has now continued for more than fifty years must be admitted as a permanent and final concession of the principle, on the part of Great Britain.

## FRANCE.

In France it has been formally recognized by the tribunals and the executive government that the Frenchman who has legally become a citizen of the United States owes no military service to the government of France.

The leading case is that of Michael Zeiter. He was a native of France, and, in 1859, was placed on the recruitment lists of Uhrwiller, his native place. Zeiter brought an action against the prefect of the department of Bas Rhin, residing in Strasburg, pleading that he was a regularly naturalized citizen of the United States and had lost the title of a citizen of France. His plea was admitted, and in consequence it was declared that the previous judgment against him was satisfied; that as he had ceased to be a Frenchman, he was no longer liable to compulsory service in the French army. In consequence of this decision Zeiter was immediately liberated from military service. [Judgment pronounced by President Bardy of the Court of Wissembourg, on the record of June, 1860. Faulkner to Thouvenel, Paris, June 23, 1860; Thouvenel to Faulkner, July 5, 1860.]

## UNITED STATES OF AMERICA.

The United States of America have always held that a man can never, at the same time, owe allegiance to more than one country; that the right of emigration is an inherent right; that a native American may remove where he will, and that on his becoming the citizen of another country he is released from his obligations to the United States. The native American, naturalized abroad, loses at home the right of suffrage and eligibility to office, and, in time of war, is not liable to military duty. So far as I know there never has been an instance, where a foreign government has complained or has had cause to complain that a native American legally naturalized abroad had been constrained to do military service in the United States.

Having in this manner set before you the practice of Great Britain, established by the usage of more than fifty years; the practice of France as established by her tribunals and her executive government; and the practice of the United States, let me hope that the government of Prussia will, in like manner, put an end to the discussions which for several years have been so constantly renewed, by conforming to the practice of countries with which the friendly relations of the United States have not been so unbroken as with Prussia. This subject has, from the necessity of the case, been more considered, in all its aspects, in America than in any other country; and the conclusions arrived at have been the fruit of the calm and impartial and long-continued study of her wisest statesmen. The government and people of the United States, in their strong desire to increase intercourse and confirm good will between themselves and the government and people of Germany, earnestly commend, through me, to this government the immediate settlement of the question, on the only basis which has stood the test of examination through successive generations, not of American statesmen only, but of those of France and Great Britain.

*Actual Privy Councillor, Mr. PHILIPSBORN, &c., &c., &c.*

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*Mr. Bancroft to Mr. Seward.*

No. 10.]

LEGATION OF THE UNITED STATES,

*Berlin, September 27, 1867.*

SIR: The circulars which have recently been sent respectively by M. de Moustier and Count Bismarck in relation to the political bearing of the interview

held between the Emperors of Austria and France at Salzburg have confirmed the opinion which I had already expressed to you, that there is no immediate danger of an interruption of peace. The position taken by Count Bismarck has no novelty, and is but a repetition of his previous utterances. He has never left it in doubt that, in the opinion of Prussia, all the German powers may, if they please, at any time, of their own free choice, form a united country without any regard to the good or ill wishes of foreign powers. No coercion will be applied to the states of South Germany; but if they see fit to join the Union, they will be received, and such reception will be considered as giving no ground of war or even complaint to neighboring nations. This frank and manly publication of the views of the North German government is, in my judgment, the surest mode to preserve peace both now and for time to come. Nor has France power to intervene in German affairs without the assistance of strong allies. The excitement observable in the French press and among French statesmen is to be attributed to the unpleasant discovery that France has suddenly and most unexpectedly been flanked on the east by an imperial union whose military resources on land, though not on the sea, are equal or superior to its own.

The question respecting Schleswig remains just where it did when I last wrote to you on the subject. All Schleswig is represented in the North German diet, and included in the jurisdiction of Prussia; nor has Prussia made any offer of retrocession which Denmark shows a willingness to accept.

The measure regulating military service has been reported to the diet and will no doubt become a law. It maintains the system of three years' service of every Prussian in the regular army, and four years' liability to service in the reserve without substitution. Yet, notwithstanding this bill, I cherish the hope of arriving at a conclusion with this government on the question of the exaction of military service from Germans naturalized in America.

A navigation law has been proposed in the diet and will no doubt be adopted. It gives North German nationality to any ship owned by North Germans, and so far agrees with the present laws of Great Britain on that subject, but differs from those of the United States.

This government is disposed to enter upon the system of exchanges, marked out by the memorandum of Professor Henry of the Smithsonian Institute, which you commended to attention; but as yet no definite reply to the proposition has been received at this legation.

The last despatch received from your department is No. 15, of August 28.

I remain, sir, yours, sincerely,

GEO. BANCROFT.

HON WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Bancroft to Mr. Seward.*

No. 11.]

LEGATION OF THE UNITED STATES,  
*Berlin, September 28, 1867.*

SIR: I have just received from Prince Hohenlohe, the Bavarian minister, the communication of which I enclose you a copy. Meantime I shall address a few lines to Prince Hohenlohe explaining to him that your approval of the liberality of the Bavarian government has reference to its recognition of the inherent right of expatriation. I shall also not leave him in doubt about your views, such as they appear on record in this office, respecting the enforcement of penalties

against an emigrant for military service that had not become due at the time of his emigration.

I have the honor to be, sir, yours, sincerely,

GEO. BANCROFT.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Seward to Mr. Von Baumbach.*

DEPARTMENT OF STATE,  
*Washington, November 13, 1863.*

SIR: I have the honor to return with my thanks the accompaniment of your letter of the 24th of September last, which has been read with much interest. The just and enlightened views expressed by the Bavarian government in relation to the principles under which aliens in the United States are under certain circumstances held liable to military duty are very satisfactory.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

L. VON BAUMBACH, Esq.,  
*Consul of Bavaria, Milwaukee, Wisconsin.*

Pour copie conforme a l'original, Munich le 25 Septembre, 1867.  
Le Secrétaire General au ministre Royal des Affaires Etrangères de Bavière.

D. BERTELI.

*Prince Hohenlohe to Mr. Bancroft.*

[Translation.]

MUNICH, *September 25, 1867.*

MR. MINISTER: In reply to the letter of the 10th of July last, about Mr. William Bardroff's reclamation, addressed to me by Mr. John C. Wright, at that time charge d'affaires of the United States in Prussia, I now have the honor to communicate to you as follows:

According to the constitution of the kingdom, the Bavarian subject is not presumed to have expatriated himself, to have *emigrated, till he has completely passed into the subjection of another country*; his mere absence from his country and his residence abroad, however long it may be, do not deprive him of his primitive nationality.

From what Mr. J. C. Wright says, Mr. Bardroff became a citizen of the United States in 1865; and only from that time is he considered to have lost his character as a Bavarian subject.

As he was born in 1842, he became amenable to the conscription law on the 1st of January, 1863, and as he did not obey the laws of his country, Mr. Bardroff was declared refractory by a sentence pronounced on the 27th of July, 1864.

His reclamation is consequently devoid of foundation; and he owes his condemnation to his non-compliance with the laws, in not serving out the time due, *previous* to the change of his primitive nationality for another.

I am sure, Mr. Minister, these facts will convince the Secretary of State that this suit has been conducted in accordance with the *laws* of the kingdom; and you will permit me to express the great satisfaction which the government of the King, my august master, feels at seeing this communication submitted to the judgment of a statesman who expressed himself as indicated in the despatch of which I have the honor to enclose you a copy, on the views adopted by the Bavarian government in its international relations.

I beg you to accept, Mr. Minister, the assurance of my very high consideration.

PRINCE DE HOHENLOHE.

Hon. GEORGE BANCROFT,  
*Envoy Extraordinary, &c., &c., &c.*

*Mr. Bancroft to Mr. Seward.*

No. 12.]

LEGATION OF THE UNITED STATES,  
*Berlin, October 3, 1867.*

SIR: Herewith I enclose to you a copy of my answer to Prince Hohenlohe, and a translation of the same into English. The object of this reply is—first,

to state explicitly my interpretation of his letter as implying a full recognition of the right of expatriation; secondly, to correct immediately his error respecting your views on the right of the naturalized emigrants; and thirdly, to obtain relief for Mr. Bordroff, partly by argument and partly by request.

Your circular enclosing duplicate copies of the President's proclamation of September 3d, is received; also your letter No. 16, containing the President's letter of ceremony to the Grand Duke of Baden, which will be promptly forwarded through the proper channel.

I have the honor to be, sir, yours, sincerely,

GEO. BANCROFT.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Bancroft to Prince Hohenlohe.*

LEGATION OF THE UNITED STATES OF AMERICA,  
*Berlin, October 4, 1867.*

Mr. MINISTER PRESIDENT: I have received your letter under the date of the 25th of September, and I make haste to express the pleasure I have derived from the recognition, by the royal Bavarian government, of the inherent right of every man to change his country and his allegiance. This well-approved and firmly settled principle of the old Roman law was the rule of the best organized part of the civilized world more than two thousand years ago, and was ever attended in practice by the best results, as clearly appears from the emphatic language of the great Roman statesman and lawyer.

"O jura præclara, atque divinitus jam inde a principio Romani nominis a majoribus nostris comparata! ne quis nostrum plus quam unius civitatis esse possit; ne quis invitus civitate mutetur; neve in civitate maneat invitus. Hæc enim sunt fundamenta firmissima nostræ libertatis, sui quemque juris et retinendi et dimittendi esse dominum." (Cicero pro Balbo, Cap. 13.)

A formal adhesion to this well-settled principle was to have been expected from the enlightened country whose august monarchs have been famous throughout the world for their liberal care for the culture of the sciences and arts; and on this subject not the American Secretary of State only, but the President and Congress, and, indeed, the whole people of the United States, will render the due tribute to the just and enlightened views of the Bavarian government.

But in reference to the question raised respecting the nature and effect of emigration, I must beg leave to observe that an emigrant and a naturalized citizen are not exactly convertible terms. He who removes from one country to settle in another is assuredly already an emigrant; and his subsequent change of allegiance in some measure affects retrospectively his relations towards his mother country in the interval during which the change was in progress.

From the fact that America is a nation composed exclusively of emigrants and their descendants, the questions of international law bearing upon the relations of emigrants to their old homes have, in a peculiar manner, engaged the closest attention of American statesmen; and after long continued and, as is believed, impartial research, continued through more than one generation, they have been forced to the conclusion, "that the naturalized emigrant cannot be made responsible on his return for any military duty, unless he had been actually required to perform it before his emigration. We do not recognize the binding obligation of contingent duties depending for their performance upon time and other future circumstances." This view of the subject is simple and natural, and obviously just. The opposite view is attended by contradictions and difficulties, and might be used to defeat the right of emigration.

Great Britain is the country which suffers the largest diminution of its able-bodied population, especially of its mariners, by emigration to the United States. Yet for more than fifty years it has given over all claims to service from its emigrants, and has never fixed a penalty on an emigrant for failing to appear on a summons. The views of the government of France after long discussion are in harmony with those of the United States.

I persuade myself that in like manner a statesman so wise as Prince Hohenlohe, and of such large and comprehensive views, will on further consideration adopt the solution of the question as it practically prevails in Great Britain and France; especially if he will but present to his mind in all their force the circumstances that have irresistibly led American statesmen to the adoption of the principle which I have cited, and which forms a standing instruction to all the ministers and diplomatic agents of the United States.

From these considerations I would, therefore, again commend the case of Mr. Bardroff to the benevolent consideration of Prince Hohenlohe. From all that appears Mr. Bardroff is a brave and honest man, who obtained his naturalization in a fair and honorable manner; and it will be very agreeable for me to be enabled to assure my government that he has been relieved from the effects of a sentence for non-appearance in Bavaria after emigration. The benefit to the Bavarian government by the execution of the sentence must be very trivial, while surely Prince Hohenlohe will agree that the sentence, as passed upon an absent man who had violated no law and fled from no actual obligation, is a very hard one.

In the great movement of the nations, the United States and Bavaria meet but rarely; let us take care, as far as we can, that whenever they do meet, their respective agents may be equally animated by moderation and love of justice, and that the few opportunities of official intercourse that are offered may only tend to advance the friendship of the two countries.

It further deserves to be remembered that the emigrants to America benefit the country from which they emigrate by promoting commerce between their old and new homes. Moreover, just in proportion as they thrive, they turn a part of their resources to the benefit of their family and friends in the country of their birth, following in this the example of that illustrious adopted citizen of Bavaria, Count Rumford, who was faithful to his new allegiance and at the same time left evidences of his abiding love for America.

In conclusion I request you to accept the assurance of my highest esteem.

GEO. BANCROFT.

His Serene Highness PRINCE HOHENLOHE SHILLINGSFÜRST,  
*Minister Resident of Foreign Affairs, Munich.*

*Mr. Bancroft to Mr. Seward.*

[Extract.]

No. 14.]

LEGATION OF THE UNITED STATES,

*Berlin, October 22, 1867.*

SIR: \* \* \* \* \*

Some movement has been made towards the settlement of the North Schleswig question by a communication from this government to the Danish minister at this court. Yet the Prussian government wishes greater guarantees for the German population in that district than Denmark, as an independent power, can well concede; and the part of Schleswig that Prussia offers to give back to Denmark is so small, and offers so imperfect a line of military defence, that the excited feeling in Denmark may compel that government not to accept it. The offer will be referred to the Danish government; meantime North Schleswig remains incorporated into the kingdom of Prussia.

The Prussian government has been indefatigable and successful in using its influence to bring Baden as well as North Germany into the system of a reduction of the postage between them and America. The other German States are expected to follow, so that after the 1st of January the rate of postage cannot but be satisfactory to letter-writers. Moreover, in the present session of the Diet, a clause in a law makes correspondence transmitted through the mails sacred from examination; and the law will be enforced and respected in all the North German States. In this manner the post route by Bremen and Hamburg becomes much the best channel for correspondence, public or private, between the United States and Germany, Austria, Switzerland, and Italy.

This government has given continued attention to my application for the permanent easement of American naturalized citizens from military duty. Some time will pass before answers from all the several departments that have been written to can be received.

Strong objections and resistance are made, though not in the foreign office; but I hope to arrive eventually at some reasonable arrangement. The subject is not without its difficulties. The opinion expressed in the letter from Prince Hohenlohe, of which I forwarded to you a copy, that the emigrant retains his connection with the mother country until he actually becomes a citizen of another,

is the received opinion here; nor can it be denied, nor is it desirable to be able to deny, that until the moment of his naturalization the emigrant may, if he choose, recall his request for naturalization. Applications are sometimes made for exemption from military duty on very doubtful grounds. A case has just occurred. A German emigrated from Holstein, which was then a German and is now a German and Prussian province, to a western city in the United States. In May, 1840, he became naturalized. In November, 1848, he had a son by a German wife. In March, 1849, he took a passport from our government, left the United States, and returned to reside in Germany with his son, who, at the date of the passport, was less than five months old. He bought an estate in Hanover, then a German and now a German and Prussian province, and settled himself and family. Now he calls upon the government of the United States to save his son, who from infancy has lived, still lives, and expects to live in Germany, from the military service required of every North German. Had the son remained in America he would certainly have been entitled to the rights of an American citizen; by returning in infancy with his father to the land of his father's birth, and being permanently domiciled there, he is held by German law to belong, and to have chosen to belong, to the North German United States, and consequently to be liable to military duty as a North German. Certainly in a case like this the motive of the United States to intervene is a minimum, and the right at least questionable, while the interference would injure the claim to relief of those *bona fide* citizens who suffer from the disregard of their rights as Americans. This case is one of that class which has hitherto indisposed the Prussian government to adopt our views on the remission of military service. Similar cases may have come before you, and if you have decided them, be so good as to acquaint me with your decision. The father resided eight years in America as a citizen, and since then has resided eighteen years and more in Germany, and by this residence may be held to have resumed his old political relations. The son being of German parentage, and returning to Germany when but a few months old, may, according to the analogy of our own laws that govern emigration, be esteemed a citizen of the country of his permanent residence.

Your despatch of October 8th, No. 18, has been received.

I remain, sir, yours, sincerely,

GEO. BANCROFT.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Bancroft to Mr. Seward.*

No. 17.]

LEGATION OF THE UNITED STATES,  
*Berlin, November 1, 1867.*

SIR: The interest of a residence at Berlin at this time is immeasurably increased by the opportunity of watching the progress of the greatest European revolution of this century. The victories of Napoleon, preceding the peace of Tilsit, can alone be compared with the successful celerity of the short Prussian campaign of 1866. The political system which Napoleon introduced had no support in the nature of things, and wasted away and utterly fell, not merely because it was carried out in Germany by worthless persons, but because it was at war with the ever-active forces of a vigorous nationality, and the freedom of a brave and intelligent people. The present union of German States is the ripened fruit of nineteen generations of continued sufferings and struggles, and is so completely in harmony with natural laws, and so thoroughly the concurrent act of government and people, that it is certain to endure, and is received with

the good will, the consent, or the necessary acquiescence of every power in Europe. The result seems the more wonderful the more it is considered. A united state, having a sea-coast extending from Russia to Holland, a mercantile marine superior to that of any European continental power, inferior only to that of Great Britain and to that of the United States, a population of thirty millions, of whom more than two-thirds are Protestants, and all are instructed to read and write, and all trained to the use of arms, rises up in the centre of Europe, equal in culture, courage, and prospective if not immediate influence, to any government on the continent. This state, whose existence is inspired and guaranteed by a strong and ever-increasing sentiment of an ancient and indivisible nationality, is further strengthened by permanent treaties of offence and defence and commerce with principalities inhabited by ten millions more, and the treaties are of such a nature that the armies of these ten millions are to be placed in time of war under the lead of the President of the United States of North Germany, and their representatives are to take their seats in the joint parliament which is to prescribe for all one common system of commercial taxation. Controlling the military resources of forty millions of a warlike people, the German Union feels assured of a peaceful neighbor in France; in its compact energy it stands towards the East in an attitude of independence; and is so related to Austria that that empire, if it regards its own welfare, must seek its friendship.

This wonderful result has a special interest for America, because it has sprung from the application of the principles which guided the framers of the Constitution of our United States. The constitution of North Germany corresponds in so many things with ours, that it must have been formed after the closest study of our system, or the same imperfections of government have led the two countries, each for itself, to the discovery and application of similar political principles. As with us, there is here a central government, while the several States, twenty-two in number, retain, each for itself, the powers over internal affairs that have not been delegated. The unity of the people for the whole extent of their territory is established, as by us, by a universal inter-citizenship, giving the rights of a native-born to any citizen of any one of them in any other. The powers conferred on the general government extend, as with us, to naturalization, commerce and navigation, weights and measures, coin, copyrights and patents, army, militia, navy, post office. Some powers are conferred directly, about which our Constitution is less explicit. The German Union has the regulation of the telegraph, of banks and of paper currency, the regulation of railroads for military purposes, and in the interest of general commerce. Should any government prove refractory, the general government has the amplest power of coercion—instantly by the commander-in-chief of the Union in time of war, after consultation with the council in time of peace. Coercion can extend even to the sequestration of the land and of its local government.

As with us, legislation is carried on by a Parliament of two houses. The council, as the German senate is called, is composed of forty-three members. Each state names at least one councillor; otherwise, the distribution of numbers follows the precedent of the late German Diet, so that Prussia nominates seven-teen. The appointment is made respectively by the executive of the several states. But it is to be remembered that in each state there is a constitutional government, so that the election of councillors is raised above the caprice of the princes of the several States.

The house of representatives, or imperial diet, as it is called, is composed of two hundred and ninety-seven members, distributed on the ratio of one to every hundred thousand inhabitants, with a further representative to each state for a fraction of fifty thousand or more, and chosen by universal suffrage with the ballot. No advantage is conceded to rank or privilege or wealth, and accordingly the diet just elected, including bankers, large manufacturers, and members

of the highest nobility, men of letters, mechanics and laboring men, is a very good representation of the whole country in its present condition. The members of the representative diet are elected for three years. They can be assembled or prorogued by the President of the United States, but they cannot be dissolved without the concurrence of the other branch of the legislature.

Each house, as with us, has the right to propose laws, to amend them, to reject them, or to concur in enacting them; but in practice, most of the bills are prepared and proposed by the smaller body, representing the several states.

The President of the German United States is the King of Prussia. His powers are very much like those of our President, only they are for life, and are hereditary; and a greater intensity of executive authority is conceded, from the necessity of guarding against restless and susceptible neighbors. He is commander-in-chief of all land and naval forces; he declares war, and restores peace; he directs international relations; but treaties that affect legislation have no validity until they receive the approval of both branches of the legislature. He appoints to offices, and has also the power of removal; only the terms in which the power of removal is granted imply that it is not to be exercised capriciously.

Some regulations differ entirely from ours. No members of the diet may, as such, receive any pay or compensation whatever; but office-holders are eligible as representatives, and their pay may continue during the session. There is nothing in the North German constitution which forbids the two houses from sitting separately; but the members of the council may attend, and do attend, the meetings of the diet; and though they cannot vote with the diet, they take part in its deliberations. This has led to an opinion that the council is not a separate branch of the legislature, but the opinion is unfounded. The council has its own meetings, its own deliberations, and its own time and place of voting, and has legislative attributes as surely as the American Senate.

The session of the Parliament which has just come to an end has been marked by industry, public spirit, and forbearance. Without wasting time in self-gratulations, or rhetoric, or party feuds, the members have, in about thirty sittings, ratified treaties of the greatest moment, and considered and enacted twelve most important measures of immediate necessity; and it is worth observing, that the legislation of this Parliament for all North Germany is, on the whole, more liberal than that of the separate legislatures. But while much has been done, much more remains to be done before the German United States will complete their organization.

I remain, sir, yours, sincerely,

GEO. BANCROFT.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Bancroft to Mr. Seward.*

No. 20.]

LEGATION OF THE UNITED STATES,  
*Berlin, November 7, 1867.*

SIR: I enclose herewith a long communication, of October 25, from Prince Hohenlohe, containing the decision of the Bavarian government with regard to Mr. Bardroff, whose case was, under your instructions, brought by my predecessor and by myself to its attention. You will judge whether the American views of the rights of emigrants have already been sufficiently stated, and whether any further effort is to be made to reverse the decision or to protest against it, or to reply to Prince Hohenlohe. Meantime I venture to offer two or three remarks.



Bavaria, as one of a family of states, cannot make international law, but ought to weigh the principles of the Roman law and the modern law of France, Belgium, Switzerland, &c. Next, a treaty of Bavaria is a law of Bavaria, and with the first article of the treaty between Bavaria and the United States of January 21st, 1845, before him, it seems to me Prince Hohenlohe has no right to say that emigration (*Auswanderung*) is unknown to the laws of Bavaria.

Further: the sixth article of the same treaty recognizes, not that Bavaria has the right to prevent emigration, but only that the question of right should remain unaffected by the treaty, leaving to America liberty to deny the right before and after.

The position is perfectly sound that an emigrant, up to the moment of naturalization, is free to change his purpose, and I regard it just as you, from your note to the Bavarian consul at Milwaukee, seem to have done, as liberal on the part of the Bavarian government that it recognizes naturalization as a bar to all future claims of the original country on the emigrant. The question with Bavaria is, therefore, limited to the state of the emigrant between the time of his emigration and the perfecting of his naturalization; and, as in Prussia and in Austria, citizenship may be acquired immediately, the Bavarian rule would work very unequally as between a Bavarian emigrating to Prussia or Austria and a Bavarian emigrating to the United States.

Awaiting your instructions, I remain, sir, yours, sincerely,

GEO. BANCROFT,

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Prince Hohenlohe to Mr. Bancroft.*

[Translation.]

MUNICH, October 25, 1867.

RIGHT HONORABLE MR. MINISTER: I have had the honor to receive the letter of reply which your honor addressed to me on the 3d instant in the matter of Wilhelm Bardroff. The receipt of it gives me the greater satisfaction because it affords me the agreeable opportunity to discuss in the contents of this letter the agitated question of principle with a statesman whose well known depth of penetration generally and present political position in particular will, I do not doubt, aid in correcting at once opinions which can have been based only upon false premises.

It is with this view I should like to be permitted, in the first place, to ask your honor to waive the precedents of ancient Rome regarding this question and those of the cabinets of the Tuileries and St. James, and to confine yourself in the matter under consideration exclusively to the aspect presented by the respective legislation of Bavaria and the United States.

I have had already the honor to show, in my letter of the 25th ultimo, that a citizen cannot lose his quality as such, that is to say cannot be regarded as emigrated until he has passed completely into the allegiance or citizenship of another country, and that any length of absence from his native country cannot of itself deprive him of his allegiance here. When, therefore, your honor, in your esteemed note of the 3d instant, remarks that "emigrant" and "naturalized citizen" cannot be regarded as synonymous terms, you will allow me, Mr. Minister, to remind you that the legislation concerning citizenship does not recognize the word "emigrant" in the definition given of it by your honor, since a purely literal emigration is entirely foreign to that legislation; and that for this reason, a notice, however unequivocal, on the part of the person concerned, of the *animus non amplius revertendi*, cannot deprive him of his right to return at any time to Bavaria.

On this last point, I deem it my duty to give your honor, in the annexed copy, information of the instruction which on the 2d of September, 1863, was issued to the consul of this government at Milwaukee, and to which the reply of Mr. Secretary of State W. H. Seward, already communicated to you, refers. Even otherwise, there cannot be the least doubt that during a longer or shorter absence from his native country a person cannot be considered as freed from his obligation to fulfil the duties imposed upon him by the legislation of the country of his nativity.

To enter into a comparison or criticism of the respective laws of the two countries would appear an idle task; from the fact that the subject in point is to be discussed between the governments of states both of which subscribe to the constitutional principle, it would rather seem sufficient not to lose sight of the circumstance that, according to the law, every citizen

is bound to carry arms for his native country; and that the time at which the Bavarian has to perform that duty is the beginning of the year during which he accomplishes his twenty-first year.

Therefore the law states, in the first place, that a Bavarian in the given case must defend the integrity of his country with his own hands, and that he should not do it by means of a foreign hireling; further, that, at least for the time, the above-mentioned age shall be held fittest in Bavaria to prepare for that purpose; and finally that the country expects every person who enters upon that age to perform the duty in question without fail.

Although it involves the performance of one of the most sacred duties of a Bavarian subject, nevertheless this circumstance even had not the power to move the law of the kingdom to chain the subject (*Staatsangehoerige*) at all events, to his native country until the time should arrive when he would have to perform the duty in question; for though any Bavarian subject who can show that he has performed the military duty of his country and prove his eventual reception into another allegiance, may emigrate without hindrance, the law of Bavaria evidences no less liberality with regard to such subjects as have not yet reached the age at which their conscription obligation accrues, in that, as I have just had the honor to say, it will just as little obstruct the emigration of these subjects, that is, their change into another allegiance, if that change can be effected before the setting in of the before-mentioned age.

Your honor will perceive from the above that the question in point is simply the period of acquisition of the changed nationality on the part of the hitherto Bavarian subject. For instance, in Prussia and Austria a foreigner may acquire citizenship immediately, and therefore nothing can prevent the emigration to those states of such Bavarian subjects as have not yet reached the age at which their conscription obligation accrues, provided they have previously obtained the consent of the legal guardians to the purpose in question. Where, however, the emigration of a Bavarian subject for the United States of North America, for France, &c., is concerned, it becomes an important consideration that, in the two countries mentioned, persons immigrating of their own accord can, under the most favorable circumstances, become naturalized only after a residence in the country of five and ten years respectively, and that not until they have become of age. But it is in the very beginning of the year in the course of which the Bavarian subject becomes of age—that is, reaches the 21st year—that the state of Bavaria, as already stated above, counts with certainty on its able-bodied men; so that, according to the provisions of the law, a person who may not yet have reached the age when his military service is due, viz., when he has to answer the call for actual military service, is obliged, if he desires to emigrate, to furnish a substitute, if he has reached the age when his conscription obligation accrues and he has been declared fit for service.

In transmitting to you, your honor, herewith in addition two further copies of notes which my predecessor addressed on the 10th of October of last year, on the subject of the military duty of Adolph Lutz, of Obermoschel, and I, on the 10th instant, in regard to the military duty of Johann Lorenz, of Odernheim, to the United States consul at this place, Mr. H. Toomy, I flatter myself that this information will only add to remove the last doubts which you, Mr. Minister, might possibly still entertain concerning the above.

Finally, in respect to the statement of your honor in the note of the 3d instant, according to which a counter statement to the views of American statesmen would easily tend to destroy the right of emigration itself, I permit myself to add the following remarks from my point of view for your judicious consideration:

Whilst there is, as I have already had the honor to state above, at the present moment, under the proper limitations, no obstacle in the way of emigration to all countries from Bavaria, that emigration cannot generally be said to be considerable.

On the other hand, among the countries to which this emigration is mainly directed, the Union occupies the first position, so that the emigration for the United States, as compared to that of other countries, bears a proportion of at least twelve to one; that according to this the greatest amount of property is also carried to America will require no further proof, whilst it is certain that the wealth moved out of this kingdom in this manner for the United States is not equalled by far by that brought to Bavaria from the United States.

It cannot be unknown to your honor that article VI of the extradition convention of 1845, between the government of Bavaria and of the Union, says as follows:

“But this convention shall not derogate in any manner from the force of the laws already published or hereafter to be published by his Majesty the King of Bavaria, to prevent the emigration of his subjects.”

Now, have the above stated circumstances caused the government of Bavaria to take advantage of the rights conceded to it by treaty by the government of the Union, and to obstruct the emigration for the United States?

By no means! On the contrary, the government of the King cannot deny itself the satisfaction of saying, that for its part it has diligently embraced every opportunity to strengthen and promote the friendly relations which so happily exist between the two states, as it has afforded to it a more especial gratification that the construction of the law enabled it to issue the above-mentioned instruction to the King's consul at Milwaukee.

Concerning, finally, the especial matter of Wilhelm Bardroff, I do not doubt that the premised statement will have convinced your honor that this individual has positively infringed the laws of his former country, and has avoided an actually ripened obligation.

I had already the honor to remark, in my note of the 25th ultimo, that Bardroff was sentenced in 1864 to the legal punishment and consequences of refractoriness.

As a special consequence, would appear the sequestration of all the property of the said Bardroff.

That punishment is based upon sections 79-82 of the supplemental army law of the 15th August, 1828, and can the less be recalled on account of the naturalization of Bardroff in the United States, as the latter had at the time already entered upon the age when his conscription and military obligations had accrued, and could not, according to section 67 of the above-mentioned law, even in the case of an authorized emigration, free himself of his military obligation to his country, except by previously furnishing a substitute.

Regretting that I am obliged to add that, according to the opinion of the King's ministry of the interior, the case of Bardroff is bereft of every motive, even for his pardon, I beg your honor to accept the renewed assurance of my most distinguished consideration.

F. v. HOHENLOHE.

Mr. G. BANCROFT, *the Envoy Extraordinary and  
Minister Plenipotentiary of the U. S. of N. A.  
to the Royal Court of Prussia, at Berlin.*

*Baron Pelkoven to Baron Von Baumbach.*

[Translation.]

No. 8307.]

MUNICH, September 2, 1863.

MUCH-HONORED BARON: The acquisition of citizenship in the United States of North America has, among others, the condition of a previous so-called declaration of intention attached to it.

The party concerned declares thereby, under oath, that it is his deliberate intention to become a citizen of the United States, and that therefore he renounces forever his former allegiance to the potentate of his country.

According to the laws of the kingdom, however, the citizenship in Bavaria is only lost by a naturalization elsewhere; therefore this declaration of *itself* does not constitute an objection to the unobstructed return of the party concerned to Bavaria, and his resumption of the uninterrupted quality of Bavarian subject.

On the contrary, the Bavarian government can see nothing more in this declaration than a fulfilment of an invariable condition of naturalization in the United States on the part of the person concerned, and regards him as *continuing uninterruptedly* in his allegiance to the State of Bavaria, with reference to his obligations towards it, notwithstanding the declaration; so that, for instance, proceedings according to the law in the premises may be at once commenced against a person so returning to Bavaria who has not completely complied with the military obligation resting upon him.

It will therefore follow from this that the Bavarian government does not deem itself authorized to call in question the power of the government of the Union to offer to an individual who has declared before the competent authority *under oath* that it is his *deliberate intention to become a citizen of the United States*, and that he therefore *renounces*, with that intention forever, his former allegiance to the potentate of his country, the alternative to prove the honesty of that intention, by the proper act, or to depart from the United States.

According to the report of your honor of the 28th June instant, the United States Congress has actually passed a law on the 3d of March instant, in which it is, among others, provided that every immigrant who should have declared his intention should be subject to the draft, and therefore the present matter seems to differ entirely from that in regard to which I announced to your honor my decision on the 4th of September of last year.

Under these circumstances I am induced to authorize you hereby henceforth to issue certificates of protection against draft in the military service only to such of the applicants who, by presentation of Bavarian passports, evidence to your honor that they were Bavarian subjects at the time of their arrival in the United States, in whose regard you should have previously, to the best of your judgment and according to your duty, ascertained from the necessary authentic information that they not only have not yet been naturalized in the United States, but also have not yet made the declaration of intention, unless the party concerned should be able to prove that at the time of the declaration he had *not yet* passed his eighteenth year; because it would seem from explanations hitherto obtained by the King's government in the premises that the deposition of this declaration by a party *previous* to the accomplishment of his eighteenth year is inadmissible in law, and therefore invalid, on account of the oath required to be made on that occasion.

Be pleased, your honor, to receive in this connection the renewed assurance of my entire respect.

In absence of the King's secretary of state, the King's state counsel,

BARON v. PELKOVEN.

The King's Consul at Milwaukee, the BARON VON BAUMBACH.

Prince Hohenlohe to Mr. Toomy.

[Translation.]

MUNICH, October 10, 1867.

SIR: The minister of justice having just informed me of a royal order with regard to the matter of Lorenz, I lose not a moment, sir, to make the following communication to you upon that subject.

Jean Lorenz, of Odernheim, left the country in the month of November, 1859, to go to America, without, however, previously asking or obtaining permission to expatriate himself.

A subject of Bavaria is, according to the constitution of the kingdom, not considered as having expatriated himself by *having emigrated*, until such time as he has completely passed into the allegiance of another country, the simple absence from his country and his sojourn abroad, whatever the duration, not taking from him his native nationality.

According to the letters of naturalization exhibited by Jean Lorenz, he was made a citizen of the United States on the 6th of October, 1865; it was not, therefore, until that period that the individual in question ceased to be a subject of Bavaria.

Born the 12th of January, 1844, it became the duty of Lorenz, in conformity with the provisions of section 5 of the recruiting law from the 1st of January, 1865, to comply with the requirements of the said law, as far as it relates to the military conscription.

But the individual in question was no longer obliged to satisfy the requirements of the before-mentioned law, as far as its provisions relate to military service, in view of the fact that Lorenz had, at the period at which he was required to conform with the provisions of the law in that respect, (January 1, 1866,) ceased since nearly three months to be a subject of the King; therefore his Majesty, having knowledge of the circumstances of the matter, did deign to declare, by an order of the 25th of last month, a remission of all the penalties and their consequences which Lorenz had incurred by reason of his conviction as a refractory subject of Bavaria.

My predecessor, the Baron de Pfordten, has already informed you, sir, in the note which he addressed you on the 10th of October of last year, "that according to the tenor of section 67 of the recruiting law, *emigration* made it necessary for a Bavarian subject to furnish a substitute for the army of the King, provided the change into the allegiance of another country had not been completely effected at the time of the commencement of the year in the course of which the individual in question would have to comply in Bavaria with the military conscription."

Jean Lorenz was born on the 12th of January, 1844. From the 1st of January, 1865, therefore, he had reached the age at which he had to satisfy the military conscription in Bavaria.

On the 6th October of the said year, Lorenz changed into the allegiance of another country; but not having in the interval of nine months preceding his naturalization in the United States complied with the requirements of the law in providing a substitute for the Bavarian army, the individual in question will not be permitted to receive his property until he shall be discharged of an obligation which the laws of his former country have imposed upon him, and of a compliance with which even the pardon of the sovereign according to the laws of the kingdom cannot exempt him.

In reserving to myself, sir, to consider at some future day the note which you addressed my predecessor on the 24th of August last year, I seize the opportunity to renew to you the assurance of my distinguished consideration.

PRINCE DE HOHENLOHE.

Mr. HENRY TOOMY,  
Consul of the United States at Munich.

Baron Pfordten to Mr. Toomy.

[Translation.]

MUNICH, October 10, 1866.

SIR: In reference to the letter which Mr. de Daceberger addressed you on the 15th ultimo relative to the matters of Lutz and Strauss, I am enabled to have to-day the honor to make the following communication to you upon the subject.

In a note addressed on the 5th of January, 1861, to Mr. A. Ten Brook concerning the person named Antoine Weidman, my predecessor did already convey to the knowledge of the consulate of the United States at this capital, that, relative to the duties of his Majesty's subjects with regard to military service, emigration obliged a Bavarian subject to furnish a substitute for the King's army, provided the change into the allegiance of another country had not been completely effected at the period of the beginning of the year in the course of which the individual in question would have to comply with his military conscription in Bavaria.

Valentin Lutz of Obermoschel left this country in 1851, to go to America, without, however, having previously asked permission to expatriate himself. In 1855 his wife and children followed, *in a no less clandestine manner*, their husband and father. Returned to this palatinate within the past months, the son Adolph was the bearer of a certificate showing that this member of the family in question was naturalized in the United States on the 29th of last March. This individual, who, as has been stated above, did not obtain permission to expatriate himself, was born the 15th of July, 1844; he had, therefore, *on the 1st of January*, 1865, reached the age when he had to satisfy the military conscription in Bavaria. Now Adolph Lutz, not having at that period enjoyed yet the quality of citizen of the United States, *as is shown by the above-mentioned certificate*, was unquestionably obliged, if he desired to obviate the consequences of an ulterior omission, to conform with the requirements which the law enacts in that regard. Adolph Lutz not having, however, been disposed to comply with these requirements, the authorities of the palatinate were doubtless warranted in adopting the proper measures and in submitting, in the first place, the certificate in question to the examination of the government. Whilst, consequently, the production of this document could only have eventually served to prevent the forcible incorporation of Adolph Lutz among the troops of the King, your communication of the 14th ultimo turns the situation to the advantage of the individual concerned. According to that communication, Lutz, the father, was naturalized in the United States the 20th of July, 1860, and according to that same note, as well as that which you addressed to me the 14th of July, Mr. Adolph Lutz has, by virtue of that naturalization of his father, himself become a citizen of the United States.

Having, therefore, on the 1st of January, 1865, already been clothed with a foreign nationality, Adolph Lutz was at that period no longer bound to conform with the laws of the kingdom relative to military conscription, and the minister of the interior has consequently lost no time in causing orders to be given to the authorities of the palatinate inhibiting all proceedings in the matter in question.

Receive, sir, the renewed assurances of my distinguished consideration.

BARON DE PFORDTEN.

Mr. HENRY TOOMY,

*Consul of the United States, Munich.*

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*Mr. Bancroft to Mr. Seward.*

No. 21.]

LEGATION OF THE UNITED STATES,

*Berlin, November 20, 1867.*

SIR: I send to you to-day the laws enacted at the late session of the North German parliament.

The fourth law relates to the nationality of merchant ships and their right to use the union flag. That flag, by the 55th article of the constitution, is black, white, and red, and is, from the 1st day of April, 1868, to cover the mercantile marine of North Germany; on and after that day it will be seen in all our considerable ports. By the second article of the law you will perceive that the character of a North German ship is acquired by ownership alone, without any regard to the country in which the ship may have been built. I have already, in my No. 17, called your attention to the fact that this new flag will cover a larger amount of tonnage than the flag of any European nation except Great Britain.

The eighth law relates to free migration, (*Freizugigkeit*.) This law, although at present it is confined to the citizens of the North German States, is not without interest for us. An attempt will be made at the first meeting of the German zoll-parliament to extend this law to the South German States. Should that take place, perhaps we might claim the benefit of it under that clause of our commercial treaty with Prussia which places us on the footing of the most favored nations. The eleventh law, relating to the organization of the consular department, enacts that a *consulmissus* shall not engage in mercantile pursuits.

The collection which I send you contains the bills as presented by the president of the North German United States—that is, the King of Prussia—and the laws as they were finally adopted. The official publication of the laws I have not as yet been able to obtain.

I take this occasion to explain the relation which, according to my understanding of the case, the American minister at Berlin holds to this government. The King of Prussia, as King of Prussia, is the hereditary President of the North German United States, and the president of the collective German customs and commerce union, which last now embraces all Germany, except the Austrian provinces. Some of the European powers regard with dissatisfaction the tendency of Germany towards union, are reluctant to acknowledge that union as far as it has been brought about, and would gladly exercise an adverse influence upon its further progress. The United States of America have always held that every people has an undoubted right to improve its institutions undisturbed by the jealousy of its neighbors. Apart from this general principle, the United States have an especial reason to be pleased with the progress of the German union, because it brings with it an increase of liberty to the German people, and a greater analogy to our own system. I therefore attended officially the opening of the North German parliament, as well as the opening of the Prussian parliament, and intend in like manner to be present officially at the opening of the German customs parliament. In recognizing these several bodies, and assuming to be accredited to the King of Prussia as their head, I act in harmony with the interests of the United States, and, as I feel sure, with the wishes of the government and people. I should be glad to learn from you the views of the President on the points here referred to.

I remain, sir, yours sincerely,

GEO. BANCROFT.

Hon. WILLIAM H. SEWARD.

*Secretary of State, Washington, D. C.*

## ITALY.

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*Mr. Seward to Mr. Marsh.*

No. 160.]

DEPARTMENT OF STATE,  
*Washington, December 10, 1866.*

SIR: Your despatch No. 168, dated November 18th, has been received. The course pursued by you on receiving from Mr. King, at Rome, information of the escape into Italian territory of John H. Surratt, is approved, and the promptness and energy of your efforts to secure his re-arrest and his surrender to the United States, in the event of his being found within the Italian kingdom, are highly commended.

You are no doubt already aware of the criminal's flight to Alexandria, and of his arrest there at the instance of the consul general, Mr. Hale.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., &c., &c., &c.

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*Mr. Marsh to Mr. Seward.*

No. 170.]

LEGATION OF THE UNITED STATES,  
*Florence, December 10, 1866.*

SIR: On the 27th of November I received a circular from the Foreign Office, a translation of which, marked A, is hereto annexed. I immediately prepared a reply, anticipating in part the substance of your instruction No. 158, of October 27th; but that instruction having reached me on the 29th, before my note was copied to be sent to the ministry of foreign affairs, I suppressed the reply I had drawn up. Inasmuch as the instruction contained the nearest approach which circumstances admitted to the "explicit declaration" required by the Italian government, and further the time was too short to allow of much preliminary discussion, I thought it expedient to deliver a full copy of the instruction to the ministry, instead of making a verbal communication of its purport, or of putting the argument and assurance in any less formal and authentic shape.

I therefore left a transcript of the instruction at the Foreign Office, with a note, of which a copy, marked B, is hereto annexed. According to the practice of this government, the question was referred to the ministry of finance; but I was informed at the ministry of foreign affairs, on Saturday last, that no conclusion had yet been arrived at on the subject, though I was encouraged to expect a reply before the post of to-day. No reply, however, has yet been received to my note.

I have the honor to be, sir, respectfully, your obedient servant,

GEORGE P. MARSH.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

## A.

[Translation.]

FLORENCE, *November 26, 1866.*

By the verbal note of the 5th of October last the royal ministry of foreign affairs informed the legation of the United States that American citizens residing or possessing real or personal estate in Italy would be exempted from liability to contribute to the national loan, on the express condition that Italian subjects residing or possessing real or personal property in the United States should enjoy the same favor. In informing the legation of the United States of this decision, the urgency of obtaining the explicit declaration of reciprocity in question was insisted on, and it was added that it was of the utmost consequence that this declaration should be made as soon as possible in order not to delay the regular course of proceedings relative to this financial operation.

At the renewed solicitation of the royal ministry of finance the minister of foreign affairs thinks it his duty to recall the attention of the legation of the United States to the subject and to request it to make known, without delay, the decision of the federal government in relation to it. It must be observed on this point that executory proceedings in respect to the forced loan cannot be deferred later than the 15th of December next. In case of failure of an explicit declaration of reciprocity, his Majesty's government could not apply the principle of favor, but would be obliged to extend the general provisions of the law to all foreigners residing in the kingdom.

## B.

*Mr. Marsh to Viscount Venosta.*LEGATION OF THE UNITED STATES,  
*Florence, November 30, 1866.*

MR. MINISTER: I have the honor to enclose herewith a copy of an instruction which I have just received from the State Department of the United States, in relation to the exaction of involuntary loans of foreign governments from citizens of the United States residing in their territories.

It will be observed that this instruction contains all the guarantees against the imposition of such contributions upon Italian subjects residing in the United States which the nature of the case allows, and I doubt not that the assurance of reciprocity of treatment in this respect, thus given, will be deemed amply sufficient.

As soon as I receive the further instructions which the present authorizes me to expect, I will lose no time in communicating them to you, and I trust that the officer of the ministry of finance will be directed to exempt American citizens residing in Italy from compulsory proceedings for the collection of the proposed national loan referred to in your notes to this legation on that subject.

Accept, Mr. Minister, the renewed assurance of my high consideration.

GEORGE P. MARSH.

The Commander VISCONTI VENOSTA,  
*Minister of Foreign Affairs.*

*Mr. Marsh to Mr. Seward.*

[Extract.]

No. 171.]

LEGATION OF THE UNITED STATES,  
*Florence, December 17, 1866.*

SIR: I have the honor to enclose herewith a translation of a note received on Friday last from the ministry of foreign affairs, in relation to the exemption of American citizens residing in Italy from contribution to the forced loan decreed on the 28th of July.

In order to come to an understanding on the question which will arise in regard to the evidence by which American citizenship is to be established, I went to the Foreign Office immediately upon the receipt of the note, but was unable to have an interview with either the minister or the secretary-general of



that department; and as Saturday was the day of the formal opening of the new session of Parliament, I was obliged to postpone the discussion of the subject till some convenient day in the course of this week. The only difficulty I apprehend on this point will be in relation to the liability of Italians, who, after taking out a certificate of naturalization in the United States, have returned and re-established themselves in their native land. I infer from some circumstances that a certificate of citizenship from the legation or a consulate will be deemed satisfactory evidence, but I suppose the government will expect a statement of the principles by which we are guided in recognizing the applicant as entitled to it.

Most of the returned emigrants have little or no property subject to taxation by the laws of the United States, but I have reason to believe that some who may claim American citizenship are possessed of considerable means. Until otherwise instructed by you, I shall require from such persons, before issuing a certificate of citizenship, proof by affidavit or otherwise that they have made the returns prescribed by law, and paid the taxes to which they are liable.

Little has transpired respecting the objects of General Fleury's mission to Florence, but it is supposed by many, with much apparent probability, that one object is to negotiate a virtual though perhaps not a formal alliance, offensive and defensive, between France and Italy; another to obtain an explicit remuneration of the claims of Italy to Rome as the national capital.

The first of these measures is so manifestly full of danger to the best interests of Italy, that I cannot believe that there is any likelihood of its being adopted by the ministry, at least, as at present constituted or approved by Parliament. The other, however ready the nation might otherwise be to abandon the long cherished idea of making Rome once more the capital of Italy, would be so flat a contradiction to the solemn and authoritative declarations of the ministry of 1864, that I think it would be regarded by the Italian people as a humiliating concession to a foreign power, and at the same time as a decisive confirmation of the truth of the charges brought against the negotiation of the convention of September in the parliamentary debate on the ratification of that compact.

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*M. Cerruti to Mr. Marsh.*

[Translation.]

FLORENCE, December 13, 1866.

MR. MINISTER: I have received the despatch which you were pleased to address to me under date of the 30th of November, communicating a copy of the instruction directed to you by the Department of State at Washington, in relation to the proposal made by his Majesty's government for a reciprocal exemption from involuntary loan hereafter.

From Mr. Seward's instructions it appears that the government of the United States cannot in any emergency resort to a forced loan to supply the wants of the treasury, and that inasmuch as the same principle prevails in all the States which compose the republic, it would be superfluous to confirm it by a specific declaration to that effect, which, moreover, would be received with dissatisfaction by the Senate and House of Representatives.

Mr. Seward further adds that his Majesty's government may rest assured that such loans will never be imposed on Italian citizens.

Taking note of the considerations suggested in your despatch, and in that of Mr. Seward, his Majesty's government thinks it may regard as satisfactory the above mentioned assurance, the spirit of which precisely corresponds to the desire it had expressed.

In accepting that declaration, I am happy to inform you, Mr. Minister, that his Majesty's

government has already transmitted to the proper authorities due order that citizens of the United States of America, domiciliated in the kingdom, shall be exempt from contribution to the national loan decreed on the 28th of July of this year.

Accept, Mr. Minister, the assurance of my high consideration.

For the minister :

M. CERRUTI.

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*Mr. Marsh to Mr. Seward.*

[Extract.]

No. 172.]

LEGATION OF THE UNITED STATES,

*Florence, February 11, 1867.*

SIR : I have sent you several journals containing information respecting the important measures proposed by the present Italian ministry for the disposal of the financial and politico-religious questions growing out of the abolition of the monasteries and the intended sale of the church land.

The bill presented by the minister of finance has been considered—I cannot say discussed—by the various sections or “officers” into which the complicated organization of the chamber of deputies divides its members, and the result is that all the officers, and the committee appointed by them, are nearly unanimous in rejecting the bill, without proposing either amendment or substitute.

The bill varies widely from that prepared by Baron Ricasoli before his last entrance into the cabinet. I do not know how far he personally approves the new proposal, but he will doubtless express his opinions, with his usual promptness, in the discussion upon the report of the committee. It is, however, possible that the bill may be withdrawn, and that some ministerial modification may take place before the report is ready for presentation.

The defeat of the bill threatens to affect the money market seriously, because its passage would have furnished some present relief to the pressing necessities of the exchequer. On the other hand, the success of the measure would disgust and dishearten, if not an absolute majority, at least a large minority of the most liberal and intelligent portion of the Italian people.

I cannot but think that such large concessions to influences which always have been and still are undisguisedly hostile to the best interests of the nation, would involve a loss of political strength by the government which would be but inadequately compensated by the temporary and partial relief to be derived from the measure.

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Marsh to Mr. Seward.*

No. 173.]

LEGATION OF THE UNITED STATES,

*Florence, February 16, 1867.*

SIR : The ministerial modification, of which I spoke in my last despatch as a possible contingency, has taken place much sooner than was anticipated. The composition of the cabinet as newly organized is not at this moment publicly known, but it will probably be announced, together with the political programme of the government, in the official gazette of Monday next. It is certain that Ricasoli remains at the head of the administration, at least for the present.

This circumstance will tend to allay political agitation, for, in spite of the unpopularity of the financial and ecclesiastical policy of the late ministry, and of its action in regard to the right of assemblage for public discussion, Baron Ricasoli certainly enjoys the personal confidence of a larger proportion of his countrymen than any other conspicuous Italian statesman.

The immediate occasion of the prorogation of parliament, and finally of the dissolution of the late chamber of deputies, as well as of the resignation of several ministers, events doubtless already known to you through the telegraph, was the action of the government in suppressing meetings called for the purpose of discussing the measures proposed by the ministry upon the great question of the relations between church and state in connection with the finances. A resolution equivalent to a declaration of a want of confidence in the ministry was carried in the chambers by a decided majority, and the prorogation followed immediately after. I enclose a slip from a journal containing the debate on this question, which, as you will perceive, is, in some respects, of a remarkable as well as unexpected character. The recent discourse of the Emperor Napoleon has excited a good deal of feeling in Italy, because it is the first occasion on which he has pronounced himself unequivocally in favor of maintaining the temporal power of the Papacy. I forward by this post a copy of two Italian journals of the 16th of this month, one of which, the *Nazione*, is generally understood to be semi-official, the other strongly in the French interest, both containing editorial articles on this subject. The construction given by the latter to the passages of the imperial discourse which refer to the relations between Rome and Italy, is not, I imagine, by any means an authorized interpretation, but is simply adopted to ward off the unfavorable impressions which these passages, taken in their most obvious sense, could not fail to produce on the Italian people.

It is worthy of remark that the political excitement in Italy has produced little effect on the price of government funds, and none at all on that of gold, which scarcely commands five per cent. premium. It is evident, therefore, that capitalists do not regard the present crisis as threatening any serious derangement of the finance or the currency.

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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[From the *Diretto*, Florence, February 14, 1867.—Translation.]

*Debate on the Venetian meetings.*

We publish in full, from the minutes, the speech of Mr. Cairoli, with Mr. Ricasoli's reply, in the session of the 11th of February.

The PRESIDENT. The election returns are properly the order of the day; but as the minister of the interior says he is ready to reply to Messrs. Cairoli and De Beni, with leave of the house, I will give Mr. Caroli the floor.

Mr. CAIROLI. I will make no apology for myself and colleague, Mr. De Beni, on proposing to discuss the question now before the house. I know the aversion you have to debates, for they are generally nothing more than criminations and blame without any good result; but when the violation of a law is in question, when our liberties are endangered, then it is our duty to fly to the rescue of principles dear to all of us, without regard to party.

I regret that Venetia has furnished the sad theme for this discussion. The authorities there have prohibited the exercise of a dear right in those provinces that have been restored to the family of Italy, after a long and glorious martyrdom; and it has been done in the name of the government.

I will not proclaim the right of public meetings, as all know their benefits. They educate the people, they tell the government its wants, they spread public opinion, they discuss what is legal, and the people are not forced to take refuge in the secrecy of conspiracies. The privilege of popular assemblies is an inalienable right sanctioned by the laws of all constitutional governments; by England, Belgium, France, and especially by article XXXII of

our own statute. Now this right, precise as an axiom, not subject to many interpretations, was violated by Venetia, in the dawn of her liberty, through a law that had for a title, *liberty of the church*, while Ricasoli was minister.

I will give the particulars, as I heard them yesterday : A meeting was called in Venice to consider that law. A committee invited the deputies of that city to attend. The civil authorities forbid the posting of the call, and prohibited the meeting. The committee insisted on their right to assemble, but the keys of Malibran theatre, where the meeting was to take place, were secured by the authorities.

The prefect of Padua, as soon as he heard of the meeting, issued an order, which I will read :

"Notice of a public meeting appeared in the journal of the 30th, to assemble in the theatre on the 10th instant, for the purpose of protesting against a bill presented in the chamber of deputies by the minister, to regulate the relations between church and state.

"Under present circumstances the royal government sees danger in these popular assemblies of undue excitement and disorder.

"Therefore, the local authorities advise the promoters of the meeting not to carry out their designs, for fear of exciting a clamor on a serious question that will soon be settled by the legislative assembly.

"The authorities hope the citizens, in respect for their parliament, and for the sake of peace, will refrain from such demonstration, and thus prevent the unpleasant necessity of resorting to force to prevent them."

Thus you see this precious right of making known the people's will, in a legal and peaceful manner, is only allowed when there is no use for it, and on trivial questions that are not to be heard in the house. Such an interpretation is equivalent to annulling the article, as it is entirely at the mercy of a small prefect.

The rights of civil officials are prescribed by the laws for public safety. They can watch over popular assemblies; can break them up when public order is disturbed; but under no pretext have they the right to prevent the meetings. Are there indications of any such disturbance in Venetia?

Against this misinterpretation of the local authorities in Venetia I will quote the words of the president of the council, proving that article XXXII of the statute not only sanctions the absolute right for all kinds of public meetings, both transitory and permanent. In the first place, he shows that in Piedmont the restrictive laws in regard to the right of assemblies had been abolished. They were never violated in that little subalpine kingdom, not even while the Austrians were camped on the Ticino. When the state council was questioned in regard to the laws of public assemblies, it answered that it was the duty of a free government to watch over its people, but not to restrain them. And the president of the council continues thus : "Although the preventive system may not be suited to a free country, it is certainly proper in a despotic government. A free government should always have the power at hand to suppress evils in time, for abuses will exist; but if this power is made use of to restrain liberty, the nation is endangered, and liberty is gone.

"The first duty of a free government is to correct, but not to prevent the public expression of opinion. Thus by lawful means that liberty which has been lately replanted in Italy may be made to flourish.

"I am interested in that public spirit now felt all over Italy, for it is my duty to care for the country; and how can I do that, unless I know the sentiments and wishes of its people?"

Mr. Depretis, now minister of marine, added these memorable words : "In treating of political rights, or the exercise of those rights, the power of the legislator is limited to the regulation of that exercise of rights, but in a free country he cannot prevent it legally. All agree on this maxim, which is a principle of free legislation." [Applause.]

Finally, Ricasoli's proposed resolution was taken into consideration by the unanimous consent of the house. After that session he withdrew from Parliament, and left the pleasant memory of that honest and loyal profession of faith which was applauded even by his adversaries. How I hope he will remember those words, and not repent of them.

The PRESIDENT. The minister of the interior is now entitled to the floor.

RICASOLI, minister of the interior. I cannot blame the acts of the prefects, for they obeyed instructions from the interior department. The quotation, by Mr. Cairoli, of my former words, shows that questions of liberty or right are not now in discussion. The question is of particular events, of which the person who has the care of public order must give an account.

The house will decide. The government is conscious of the importance of rights belonging to citizens by virtue of our institutions. I am as careful of these rights as any one, as I am their proper guardian. Article 32 of the statute, granting the right of meeting peacefully and unarmed, regulates that right by law. As there is no special law to determine the manner of exercising that right, it must be subject to general laws that regulate public safety.

If, on the one hand, the statute grants to citizens the right of assembling according to law, many other laws instruct the government, and particularly the minister of the interior, to prevent the disturbance of public order, and to suppress any meeting that might endanger the safety of the state, within or without. Since my first speech on that subject in this house, a code of laws has been formed which specify the manner in which these meetings and assemblages may take place. The government, the legislature, and courts of justice

have all decided the limits of the exercise of this right, as long as there was no special law for it; and it is the duty of the government towards Parliament and the country to preserve public order and to judge at any time whether these public meetings are dangerous to the peace or not.

Yes, I repeat it, in matters of public safety the government must be the judge, and the only judge, for the government is responsible.

Mr. MICELI. Those are Russian theories.

The MINISTER continues: They are facts. I cannot remain in a place where I am not permitted to follow the dictates of my head and heart for the good of the country. The house can act as it will, but I know my duty to the country. [Good.]

This principle is universally acknowledged—that when a right is not regulated by special laws it is subject to the common law, and the government is responsible for all disturbances or harm that arise from an abuse of that right; and in matters of public safety the government is to judge of what may be hurtful of public order or dangerous to the safety of the state. I am now governed by those same principles, solemnly approved by the legislature and formed into a code of laws. As soon as I learned that public meetings were to be called throughout Italy, for the purpose of censuring the taxes, of convincing the people of the necessity of the distribution of the church property among the communes and provinces of defending the liberty of the church, I calmly considered what part I should take, as minister of the interior, to do my duty in maintaining peace and order.

I have watched over the whole of Italy, and when I saw a ferment everywhere, dissatisfaction among the laboring classes, suffering from hunger in many places, the people in present want, doubtful about the future, I did not doubt my duty to do what I thought best for the country, and I despatched instructions by telegraph to all parts of the kingdom. I could make no distinction between cities. I could not subject Venetia alone to the regulation. I was obliged to look over the whole country, and decide, from the general condition of the country, what was best to be done. Perceiving the crisis that threatened the nation, on the 2d of February I sent this telegram, which I will read, because I desire to be judged by this house with full cognizance of my acts; I will not be a public minister if I am not supported by Parliament, and cannot do my duty according to my convictions and in conformity with my patriotism.

This telegram, based upon the ideas of the circular of the 15th of November, declared in a solemn and formal manner that the Roman question could not be discussed in public meetings.

I believed that my opinions and convictions were approved by this house and the country.

Here is the substance of the telegram in substance:

“The minister, insisting on the ideas expressed in the circular of the 15th of November, reiterates the instructions to prevent public meetings by suasion if possible; if not, to use force in this province.

“If the proposed meeting is on account of the Roman question, it must be prevented as stated in the circular; if on account of taxes or division of church property or legislative acts, all good citizens must know that such meetings, by exciting the people’s passions, may cause serious disturbances of public order, under present circumstances, and that such questions are to be discussed in Parliament and not in the public squares. If the meeting is for other purposes the authorities will endeavor to put off the assemblage and telegraph to the department for further instructions.”

Thus, with due regard to the dispositions of the statute granting the right of public assemblages, I intended the order to prohibit only meetings to discuss certain questions. I have as much respect for personal liberty as any one. Now, I ask this house if, under present circumstances, while the whole country is agitated, after the sad instances of riot and disorder in public meetings, it is not the duty of the minister of the interior to take into serious consideration the convocation of popular assemblies? I am conscious of having done my duty. I think what I have done will settle difficulties and prevent future disturbances; it will keep order in the country, if it does not satisfy the people. Acting differently would foment disturbances, though intending to promote quiet, and might produce serious consequences, considering the present state of excitement in the minds of the people. And I will add, that it is dangerous to trust such a delicate subject as the relations between the church and the state to the incoherent declamations of public meetings. Now, this question is discussed at present in the house, and we must remember that, on matters purely ecclesiastical, an envoy of the government is at this moment negotiating in Rome, and it would be neither respectful nor expedient to interrupt these attempts to settle great questions.

I repeat, then, gentlemen, that I am conscious of having fulfilled my obligations towards the state; I have done my duty, after serious meditation, after attentive examination, and I am perfectly satisfied with the justice of my conduct.

*Mr. Marsh to Mr. Seward.*

[Extract.]

No. 191.]

LEGATION OF THE UNITED STATES,  
*Florence, November 2, 1867.*

SIR: \* \* \* \* \*

Of political intelligence I have at this moment nothing to communicate, except a rumor to the effect that the French troops have entered Viterbo, and that another detachment is marching upon Valletri, both of which points have been occupied by the Italian royal forces. Whether the purpose of this movement is to dislodge the Italian troops, or to act in concert with them, does not appear, but I think it most probable that the royal army will be obliged to retire.

The pontifical troops are said to be charged with the unpopular task of besieging Garibaldi in his intrenchments at Monte Rotondo, while the Emperor reserves for his own forces the less obnoxious measures connected with the restoration and maintenance of the papal government. It is, however, not improbable that the Italian army may be brought to co-operate with the pontifical soldiery in the movements against Garibaldi, but I do not believe that it will be allowed to enter into a joint occupation of Rome or its territory with France.

In any event, the present state of things must be of brief duration. Thus far I see no indication of a determination on the part of the Italian government to resist France, and I think that some temporary arrangement, which will secure quiet for the present, will be entered into. But no terms dictated by France will be acceptable to the Italian people, and if the Italian government accedes to such conditions as the Emperor shall think fit to impose, an agitation will follow which may have serious and wide-reaching political consequences, and will certainly do much to weaken the moral and spiritual authority of the Papacy. The convention of the 15th of September is now producing its logical and legitimate results, and I have never been able to understand how any Italian statesman could have expected, from a treaty which tied the hands of Italy but bound the Emperor to nothing beyond a momentary evacuation of Rome, any better points than this country is now reaping from that arrangement.

I see little reason to apprehend that public tranquillity in Italy will be disturbed at present, in any such way as to endanger the security of American travellers or injuriously to affect our commercial or political relations with this kingdom. In connection with this point I may mention, as an illustration of the apparent calmness of the people at this moment, that, while I have abundant evidence that very deep feeling exists, I did not, in travelling by public conveyances from the Italian border on the Simplon road to Florence, hear from the lips of any person around me a single allusion to the important events now occurring in Italy, except in answer to my inquiries for the latest intelligence from the pontifical frontier and the Italian capital.

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

## BELGIUM.

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*Mr. Sanford to Mr. Seward.*

No. 396.]

LEGATION OF THE UNITED STATES,  
*Brussels, December 14, 1866.*

SIR: A royal decree appears in the *Moniteur* of this morning appointing Lieutenant General Baron de Goethals, aide-de-camp of the King, as minister of war. This appointment has no political significance. General Goethals is an amiable and popular officer, whose duties for years past, as aide-de-camp to the Duc de Brabant, have kept him almost constantly near the court; has been identified with no party, taken no prominent part in politics, and, I believe, has never been in the national legislature.

The initiative of the appointment came from the cabinet, who recommended it to his Majesty, and, in pursuance of the course of conciliation towards the opposite party which has been adopted, I think it is of good policy.

This government, like its neighbors, is occupied with the subject of reorganization of the armed force, and of providing them more efficient weapons, and the new minister of war will probably have to bring forward before the end of the session a plan for more effective defence, and a budget based upon it.

General Chazal, his predecessor, is now absent on a mission, having for its object to study this subject of armies and armament in other countries, and his report is looked for with interest, and will probably have considerable influence in the decisions of the government.

I have the honor to be, with great respect, your obedient servant,  
H. S. SANFORD.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Sanford to Mr. Seward.*

No. 397.]

LEGATION OF THE UNITED STATES,  
*Brussels, December 18, 1866.*

SIR: The discussions in Parliament proceed with calmness, and business is rapidly disposed of.

In addition to the budget of ways and means, and of finances, mentioned in a previous despatch, those of the interior and of justice have also been voted in the house.

The war budget will not, probably, be presented till the end of the session, when a decision will have been arrived at by the government touching the changes to be made in the army and militia and their armaments, in order to place Belgium in a position more efficiently to defend itself in case of danger, a subject which is occupying seriously the attention of the government in view of the armaments going on around them, and recent events in Europe.

The Belgian legion of volunteers in Mexico are to be brought home on a French transport, the French government having determined, it seems, to give

not alone to Austrian and Belgian volunteers but to French civilians who followed its armies to Mexico transportation home if desired.

I have the honor to be, with great respect, your obedient servant,  
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Sanford to Mr. Seward.*

No. 398.]

LEGATION OF THE UNITED STATES,  
*Brussels, December 21, 1866.*

SIR: A report to the King, under date of the 19th instant, appears in the *Moniteur*, in which the new minister of war, General de Goethals, states that "the new system of defence adopted by the country, and the progress realized in the art of war, demand that investigation be made with the view to see if the present condition of the organization of the army yet responds to the necessities of the national defence;" and in order to enlighten the government he proposes to submit this important question to the examination of a commission.

A royal decree follows appointing the commission nominated by the minister, and which consists of 28 members, one-half military and one-half civilian, the latter representing both parties in Parliament; I enclose the document herewith. It was made the subject of an *interpellation* the same day in the house, and the cursory debate that followed indicates the probability of considerable opposition, irrespective of parties, to any project looking to increase of the Belgian army. This question will doubtless occupy a prominent place in the discussions in Parliament when the budget of the war department, based upon the decision of the commission, is presented.

While the future is generally looked forward to here with some apprehension, in view of the extensive preparations for war by France and Prussia, public opinion seems to be divided as to the expediency and practical value of increasing the army, or very notably the expenses of the war department. I think it probable, however, that the views which have led to the formation of the commission will be adopted, and that the same pernicious results which are following throughout Europe upon this contagion of mistrust, even in Switzerland, which is arming and borrowing twelve million francs to buy new guns, will arrive here, viz: increase of the draft upon the men and resources of the country to augment the means of warfare.

I propose to refer to this subject more in detail in a future despatch.

I have the honor to be, with great respect, your most obedient servant,  
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Sanford to Mr. Seward.*

No. 400.]

LEGATION OF THE UNITED STATES,  
*Brussels, December 24, 1866.*

SIR: The message of the President has been awaited with great interest, and has received great attention and favorable comment here.

The general sentiment, in so far as it comes within my observation, favors the policy laid down by him towards those lately in rebellion, and in this, not only those whose sympathies rather incline to the south, but those who are our



most earnest friends are mostly united; in fact, political offences are looked upon with charity by the non-governing class, which more decidedly sympathized with our cause during the war, and a policy of forbearance and forgiveness towards the late rebels appears to find more general favor with them. I find some who, in a business point of view, look to the prolongation of the present condition of the south as more favorable to direct trade with Europe, and who hope by its continuance to accomplish what has been vainly attempted here so long, the establishment of direct exchange with the southern ports without the intermeddling of the north.

The financial strength of the country appears to excite more amazement than the evidence of power for war which the rebellion developed. The prompt and unexampled rate of extinguishment of our debt has made an impression, and is destined to have an influence abroad much deeper and more widespread than appears on the surface. Public sentiment is powerfully provoked by such facts to insist that public debts were created to be paid, and that our example should be imitated, and I think it requires little foresight to predict that the result will be an attempt ere long to commence such a policy on the part of more than one European government under that pressure.

The paragraph in the message touching diplomatic relations with Greece has been generally commented upon by the press here (in connection with the establishment of consulates general in the Danubian provinces) as looking to our taking part in the eastern question, and in sympathy with Russia.

At no time in our history, I presume, has public attention been more alive to every act on our part in connection with our foreign relations, and for the reason that our influence has never been so potential in the world's affairs, and would be a most important element to be reckoned with if we chose to exercise it.

I have the honor to be, with great respect, your most obedient servant,  
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Sanford to Mr. Seward.*

No. 401.]

LEGATION OF THE UNITED STATES,  
*Brussels, January 1, 1867.*

SIR: The King and Queen received to-day the diplomatic corps on the occasion of the new year with the usual ceremonial, in presence of his ministers and household.

His Majesty on addressing me referred to the good relations existing between the two governments; said that he hoped they might continue, and that he offered on this occasion his wishes for the prosperity of my "great country." He spoke with admiration of the spectacle we gave of rapid extinguishment of our debt after a great war, and of other evidences of financial prosperity, and added that the sentiment of Belgium was most friendly for the United States.

I offered to his Majesty the usual congratulation upon the new year, and my wishes for the prosperity of his reign and of the royal family, and assured him that evidence would not be wanting to show that the desire on our part to perpetuate those friendly sentiments was mutual.

I have the honor to be, with great respect, your obedient servant,  
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Sanford to Mr. Seward.*

No. 402.]

LEGATION OF THE UNITED STATES,  
*Brussels, January 8, 1867.*

SIR: The bonds of the United States are rapidly increasing in favor here and throughout the continent, and are likely to be eventually absorbed in Europe. They have been placed upon the official stock list at Paris, and bankers who during the war insisted that the debt could never be paid, now advertise cash payments of its coupons.

There have been from an early period of the war large dealings here in our securities, and one of the bankers of this city has lately applied to me to ask this government to permit our bonds to be placed on the official stock list.

This I have declined to do in a letter, copy of which I have the honor to enclose herewith.

I have the honor to be, with great respect, your most obedient servant,  
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, &c., &c., &c.*

*Mr. Sanford to M. Oppenheim.*

LEGATION OF THE UNITED STATES,  
*Brussels, January 7, 1867.*

SIR: I have received and am obliged to you for your letter of 5th instant, suggesting, as a benefit to the Belgian public, my application to this government to place the bonds of the United States upon the official stock-list of the exchange.

The debt created by my government during the late war is a domestic one; was taken entirely by our citizens; it has never sought to place it in foreign markets; but, on the contrary, has declined numerous offers of loan from abroad before the rebellion was subdued. This policy, in my view, is still the true one, and I am not now disposed to take any step tending to invite speculation or investment in those bonds here.

Respectfully, yours,

H. A. SANFORD.

M. JACQUES ERRERA OPPENHEIM, *Brussels.*

*Mr. Sanford to Mr. Seward.*

No. 403.]

LEGATION OF THE UNITED STATES,  
*Brussels, January 12, 1867.*

SIR: I have had, heretofore, occasion to refer to the question between Belgium and Holland relative to the effect of works undertaken by authority of the latter on the Scheldt, and which, in the estimation of this government, will tend to fill the channel and impede navigation on the only important outlet to the sea which Belgium has for its commerce.

This question is of interest to us in connection with the part we have taken in the extinguishment of the Scheldt dues and the guarantees we have received for the freedom of its navigation, and has assumed proportions which make a more detailed statement of the question proper.

The Scheldt below Antwerp and in Dutch territory divides into two branches, viz: the Western Scheldt or Scheldt proper, which is the route of vessels to and from the sea, and the Oriental Scheldt, which serves as a means of communication for coasting vessels to Holland and the Rhine. Another outlet on the right, called the Sloe, branches off near Flushing and forms a refuge at Remmekens for vessels detained by contrary winds, and is also used by coasting vessels, but proportionately less than the Oriental Scheldt.

These branches Holland proposes to close by throwing embankments across them for a railroad from Flushing towards the Rhine, and which shall also serve to redeem a large extent of land now submerged by the tide and to substitute for them artificial canals. In place of the Oriental Scheldt it has caused a canal to be dug across the island of Lud-Beverland, and it proposes to substitute for the Sloe a canal across the island of Walcheren.

These works were projected by Holland in 1846, save that it was then proposed to bridge instead of bar the Oriental Scheldt; and Belgium, each time the project has seemed likely to be executed, has protested against it as contrary to rights guaranteed to it by treaties and acquired at heavy cost, (400,000 florins a year being still paid to Holland by it for advantages to commerce secured to Belgium by the treaty of 1839.) The canal of Lud-Beverland has already been opened to navigation; the Oriental Scheldt will be closed the coming spring, and that of the Sloe is to be soon offered for contract; and the question, which is exciting a good deal of feeling in this country, must soon be solved. Several commissioners have been appointed by this government to examine into the subject, and some of their reports, those of 1850, 1859, 1860, that of the Dutch commission of 1865, and the reply to the same by the Belgian commission of 1860, are annexed hereto, 1, 2, 3, 4, 5, 6.

The Belgian commission, in a report made in 1865, and communicated by the Belgian minister at the Hague to that government in December of the same year insist—

1. That the embankment across the Oriental Scheldt will have a disastrous influence upon the navigation of the Scheldt from Antwerp to the sea, by causing deposits in the channel.

2. That the canal of Lud-Beverland cannot be considered an equivalent for the Oriental Scheldt for communication between Belgium, Holland and the Rhine, and would occasion practical difficulties, delays, and charges not encountered by the old route.

3. That the embankment across the Sloe, besides the inconvenience of substituting a canal for a natural channel, always accessible, would have the certain result of destroying the roadstead of Rammekens.

The report of a commission appointed by the Dutch government soon after, and communicated by it to the Belgian minister in April, 1866, arrived in every point to contrary conclusions, and that government in its letter communicating it accepts them, and insists that it has acted in this matter with due prudence and regard for treaty obligations.

An international commission was then proposed by Belgium, to consist of Belgian, Dutch and foreign engineers, but was declined by Holland on the ground that there were serious objections to the examination of this question by foreigners; but the Dutch minister of foreign affairs offered to have investigations made during five or six years by Dutch and Belgian engineers conjointly upon the question of the effect upon the channel below Bath, and which, while declined by Belgium, resulted in the appointment of a mixed commission upon the most important question, only that touching the Scheldt proper. This commission in its report of September 12th agrees that no injury would result to the channel of the river between Bath and Antwerp, but on the contrary that it would be improved. With regard to the influence upon the channel below Bath, the commission divided, the Belgian commissioners affirming that it would suffer serious injury by closing the Oriental Scheldt, and would tend to fill up; while their Dutch colleagues affirmed as positively that so far from being an injury the projected work would be a benefit.

Upon this report Baron Gericke, the Dutch minister here, in a letter to this government on the 24th September last, renewed the proposition for the joint investigation during five or six years under engagement by his government, in case it should appear that prejudice was caused by its works to the channel, to

take necessary measures to remedy it; but that Belgium on the other hand should admit that the interest of its navigation recognized by treaties was not menaced by the works projected on Dutch territory. This proposition was declined, Holland having refused to join, in inviting, foreign engineers to examine into the question on the spot, insisting that the opinion of its engineers of the "Waterstadt" (which has a great European reputation for scientific ability) was sufficient, and moreover that it had the character of an inquest in a matter where it had sole right of sovereignty. Application was then made by this government to Great Britain, as having most interest in the navigation of the Scheldt, (the commerce upon it under her flag being equal to that of all other countries together,) besides being a party to treaty stipulations in connection with the stream, to cause an examination of the subject to be made through the admiralty as a further means of enlightening this government. Upon the suggestion, I believe, of Lord Stanley, France and Prussia as neighboring States; also parties to the treaty of Vienna and that for the extinguishment of the Scheldt dues, were also invited to send each an engineer to make, with one from England, surveys and investigations upon the spot, and give an opinion upon the questions at issue, touching the influence of these works upon the channel of the river. This invitation has, after some hesitation, owing to the feeling (aggravated by the fact that it had not been duly informed of this step by Belgium) manifested against it by Holland, been accepted, and I presume that no opposition will be made, as has been affirmed by Holland, to their presence within her jurisdiction.

The rights upon which Belgium bases its claims are—

1st. The article 113 of the treaty of Vienna, which is referred to and confirmed by section one of article nine of the treaty of 19th April, 1839, which is as follows :

Each state lying upon the stream shall execute such works in its bed as may be necessary to prevent any impediment to navigation.

And section two of article nine of the treaty of 19th April, 1839, terminates as follows :

The two governments (Belgium and Netherlands) mutually engage to keep up (*entretenir*) the navigable passages of the Scheldt.

Belgium insists that under these explicit stipulations Holland not only cannot close the navigable passages of the Western Scheldt, but that it is under obligations to take care of them, and that what it cannot do directly it has not the right to do indirectly, and that such would be the effect of the closing of the lateral communication known as the Oriental Scheldt, according to the opinion of the commissioners successively appointed by this government.

2d. Paragraph eight of article nine of the treaty of 19th April, 1839, is as follows :

If through natural causes, or by reason of works accomplished, the navigable passages indicated in this article are rendered impracticable, the government of Holland will give other means of communication for Belgian commerce equally sure and as good and commodious in place of the passages which have become impracticable.

According to the Belgian view of it, this claim imposes not only upon Holland the obligation to furnish new ways for navigation in place of those become impracticable, but gives it in no manner the right to suppress channels which, like the Oriental Scheldt, are perpetually practicable, and that in the opinion of competent authority, the canal of Lud-Beverland will not constitute a way as sure, good, and commodious as the Oriental Scheldt, and consequently, that the conditions laid down in the provision of the treaty above cited are not fulfilled; and

3d. This government asserts that the closing of the Sloe would be contrary to the stipulation quoted above, in that while on the one hand the passage of the Scheldt would be rendered more difficult and dangerous even for vessels deprived by the shelter which they now have at Rammekens; on the other hand this canal of Walcheren would not be an equivalent for coasting navigation to the Sloe.

The Dutch government on its side comes to contrary conclusions, and declines giving any other satisfaction to the protestations of Belgium than already indicated.

It denies that its right of sovereignty over its waters has been in any manner ceded to Belgium, but that certain, special, and precise obligations touching *navigation* were alone incurred; that article 9 of the treaty of 1839, quoted above, only referred to communication between Antwerp and the Rhine, and a fair interpretation of its true intent and meaning does not impose upon Holland the necessity to keep open all the channels, or when one is closed to replace it by a new one; and with regard to barring the Sloe, it asserts that its own coasting trade through that channel, being four-fifths of the whole, it had acted with a due regard to the interests of commerce, and that an advantage, instead of an injury to it, will result from substituting for a defective means of communication a more certain one; and touching the asserted suppression of its roadstead of Rammekens, it replies that owing to a change in the bar it no longer affords the same protection as in former years, and on the other hand, that the roadstead of Flushing has improved and is more frequented.

The feeling on this subject, already warm here, has been further excited by the language held in a discussion on the subject in the upper house of the Dutch chambers, on the 28th ultimo, when Baron Von Zuyland Nyefeldt, the minister of foreign affairs, attacked Mr. Rogier personally, and in terms that naturally have caused irritation here.

I think it quite possible that the opinion of the British, French, and Prussian engineers, invoked by Belgian, may coincide with that of the Dutch engineers of the "Waterstadt," which, as before said, is of great authority in Europe; and in such event this government will probably pursue the question no further. In the contrary case, it is likely to assume more serious proportions. It is an unfortunate moment for alienation of these two powers who have need at this time of all the strength which close friendly relations can give, and especially is the time unpropitious for giving a pretext for intervention in any form by the States upon either border.

I have the honor to be, with great respect, your obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

P. S.—I have the honor to enclose herewith (7) a map showing the position of the Scheldt and its branches, and of the embankments to be thrown across them, and will, when communicated to Parliament, transmit to you the correspondence on this subject which has passed between the two governments.

H. S. S.

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*Mr. Seward to Mr. Sanford.*

No. 212.]

DEPARTMENT OF STATE,  
*Washington, January 17, 1867.*

SIR: I have the honor to acknowledge the receipt of your despatch of December 24, No. 400.

I thank you for the interesting account which you have given me of public sentiment in Europe in regard to the policy of the United States as set forth in the President's message. I perceive that exaggeration widely prevails in Europe in regard to our political attitude in European questions. The people of the United States are beginning to be deeply moved, now, as in 1825, by

sympathy with the Christian Greeks in Europe. The action of the government, however, is limited to the use of good offices, in concert with Christian governments, and, with the consent of the Turkish government, looking to the practice of humanity in the exercise of power. Whatever we do or say is done and said without combination with any particular power, lent not without conferring with all the European representatives in Constantinople.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., &c., &c., &c.

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*Mr. Sanford to Mr. Seward.*

No. 405.]

LEGATION OF THE UNITED STATES,  
*Brussels, January 21, 1867.*

SIR: The House of Representatives, on meeting last week after the Christmas recess, took up the revision of the penal code.

An interesting debate took place upon an amendment by M. Guillery for the abolition of capital punishment—an amendment offered by M. Forgeur last year in the Senate, and rejected by that body. While it did not receive a majority, the vote being 43 in favor to 55 against, the members of the cabinet dividing upon it, it is evident that the proposition is gaining public favor, and I think it probable that the time is not far distant when Belgium will be included among those States which have stricken the death penalty from the list of punishments for crime.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Sanford to Mr. Seward.*

No. 411.]

LEGATION OF THE UNITED STATES,  
*Brussels, February 20, 1867.*

SIR: With reference to my No. 403, I have the honor to enclose herewith, in continuation, an *exposé* of the negotiation respecting the works undertaken by Holland in the Scheldt, which was submitted yesterday to the House of Representatives.

The French and English engineers who are to investigate this subject, at the request of Belgium, have already left for Holland; the Prussian engineer is about to proceed there, and their opinions will, doubtless, soon be submitted to this government.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Sanford to Mr. Seward.*

No. 412.]

LEGATION OF THE UNITED STATES,  
*Brussels, March 11, 1867.*

SIR: I have the honor to enclose herewith, as worthy of attention, a bill offered on the part of the government in the House of Representatives on the

26th ultimo, touching extradition. By this bill, on condition of reciprocity, foreigners accused or condemned for crimes and offences detailed in the act may be delivered up by this government. The unusual extension given to the category of crimes and offences for which extradition may be granted will not pass unobserved by you.

I shall probably have occasion to refer to the subject again when it comes up for discussion in the chambers.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

[Translation.]

*Extraditions—Statement of Motive.*

HOUSE OF REPRESENTATIVES,

*Sitting of February 26, 1867.*

GENTLEMEN: The law of October 1, 1833, regulating extraditions, dates as far back as the first years of our national independence. Although at that time the principle of extradition itself was generally agreed upon, it was hardly possible to foresee the extent to which it might be carried in its application.

It may thence be understood how the legislator of 1833, in embodying this principle into a law, confined it within rather narrow limits. Experience acquired since has shown that his work is at the present moment in many respects insufficient. The most serious inconvenience presented by the law of October 1, 1833, was its comprising too limited a number of crimes and offences giving rise to extraditions.

Reproaches had already been expressed on this subject in the Senate, at the time of the discussion of the law. "Your committee," said M. de Haussy in the report presented to that assembly on the 27th of September, 1833, "has regretted that the enumeration of crimes and offences contained in article 1 was not more complete. It was of opinion that by means of the precautions which have been taken to forbid political extradition, the circle of private crimes and offences for which extradition should be authorized might have been enlarged. Why, for instance, did it not include the crime of the supposition of a child, happily rather rare in our manners, but which is not less serious? Why not also have included the offence of grievous bodily injury, which may entail the penalty of reclusion? Is it not an inconsistency to deliver up a foreigner accused of swindling or of a slight theft, and to grant impunity to one who, impelled by private revenge, may have grievously wounded and even lamed or mutilated his enemy? On this point, relative to crimes and offences, the list of which might be increased, the minister observed to us that the present law was only an experiment; that although incomplete, it would not be the less productive of beneficial results for the country, since it will facilitate the repression of the most odious and frequent crimes; that this law, however, may be revised and improved hereafter, and as soon as the legislature has finished the important labors with which it is at present overloaded."

The expediency of an increase in the number of crimes and offences entailing extradition was again pointed out in the chambers at the time of the discussion of the law of December 30, 1836, on the repression of crimes and offences committed by Belgians in foreign countries, and the necessity of a reform in that respect has revealed itself more and more every day.

On many occasions neighboring States have complained of the impossibility in which they found themselves of obtaining from Belgium the extradition of individuals accused of rape, subornation of witnesses, perjury, &c., and especially abuse of confidence, a very frequent offence, which from the material damage it may occasion, often presents a character of evident gravity. The government is, therefore, of opinion that it is incumbent to fill up to-day the divers deficiencies presented by the list of crimes and offences as provided for by the law of October 1, 1833, and to introduce at the same time into the enactments on that subject the other modifications and improvements recognized necessary.

This labor of revival might have formed the object of a special and complimentary law, but it has appeared to the government that for the sake of clearness, and for facility of application, it was preferable to present a complete law on the subject, comprising the dispositions of the existing legislature, which have been maintained, and the new dispositions intended to complete them.

Such, gentlemen, are the object and aim of the bill which I have the honor of submitting, in the King's name, to your deliberations.

Article one determines the crimes and offences to which the law is made applicable; to the acts provided for by the law of October 1, 1833, and which are reproduced under numbers one to seven, have been added a certain number of new acts provided for by the penal code, which, by the gravity they present, have appeared to require, for the same reason, a certain repression.

The mention of the acts indicated in numbers 27 and 28 is intended to insure the respect of rural property, especially on the frontiers, and thus to give satisfaction to claims which were already brought forward in the chambers at the time of the discussion of the aforesaid law of December 30, 1836.

The acts provided for by numbers 29 and 30 have been taken from the disciplinary and penal code for the merchant navy and maritime fishery.

It has been thought proper to mention them for the sake of navigation and maritime commerce.

Article two indicates the judicial documents, on the production of which extradition may be ordered, as also the form of proceeding.

In these respects, important modifications have been introduced into the existing legislation. According to the interpretation implied in the terms of article two of the law of October 1, 1833, extradition, in case of an offence, properly so called, can only take place in virtue of a judgment or sentence of condemnation. As the principle of extradition is now extended and rendered applicable by the new bill to a more considerable number of offences, it has appeared useful and natural to admit with respect to them, as a sufficient title to authorize extradition, the order of the chamber of council committing the prisoner for trial before the correctional tribunal. This change has already been taken into account in article one by the mention in the text of that disposition of foreigners, committed for trial.

Moreover, the law of 1833, by specially designating the decision of the chamber of committals among the number of judiciary documents which have to be produced, has given rise to serious difficulties of interpretation in connection to countries in which the organization of courts differs from ours.

Article two of the bill removes these difficulties, by permitting extradition on the production of the act of criminal procedure emanating from the competent judge, formally decreeing or legally committing the prisoner or the accused before the repressive jurisdiction.

The article maintains the intervention of the chambers of committals, called upon to give its opinion on the demand of extradition, but it establishes two new securities in favor of the foreigner, viz., a public trial and the right of being assisted by counsel before the court.

Article three of the bill establishes a new disposition, the want of which had been much felt in practice. This article foresees the hypothesis in which the extradition of a criminal, consented between two foreign states, could only be effected through the Belgian territory. In the absence of a formal disposition providing for this occurrence in the existing legislation, the government has often found itself in the alternative, in such a case, either of refusing the transit, or of granting it only on condition of the rigorous observation in Belgium of all the formalities prescribed by the extradition itself. This rigor of our legislation, the effect of which in all cases is to delay the sending of the foreigner before his judges, and thus to prolong his detention, has often given rise to complaints on the part of foreign governments. It exposes the government to reprisals and refusals which may render impossible, for its advantage, any extradition which may be granted to it by one of the numerous states with which treaties have been concluded in this matter.

Article three obviates these inconveniences by authorizing extradition by means of transit, with the ordinary guarantees, but dispensing it, so far as to avoid all delay injurious to the foreigner, with the formality of the previous opinion of the chamber of committals.

Article four of the bill concerns provisional arrests. Under the present régime such arrest can only be effected on the exhibition of a warrant delivered by foreign authority and rendered susceptible of execution in Belgium.

The guarantee of provisional arrest on these conditions is often rendered delusive by the great facility which criminals now possess, owing to the considerable development of railways, of proceeding, before the reception of the warrant issued against them, to one or the other point of the frontier. It has happened that for want of production of this document in proper time, individuals accused of robbing important sums or of fraudulent bankruptcy, and to whose charge a demand of extradition had been officially notified, have been able to embark at Ostend or Antwerp, before the very eyes of the powerless Belgian authorities, carrying their booty and the pledge of their creditors. To assure as far as possible the speedy arrest of accused parties, article four completes the dispositions of the correlative article three, of the law of October 1, 1833, by permitting in cases of urgency recourse to be had to a warrant issued by the Belgian authorities, and substantiated by the official notification received from the authorities of the territory on which the crime or offence has been committed.

The duration of the provisional arrest, under the empire of the law of 1833, is fixed at three months. The government is of opinion that this duration may be reduced without inconvenience to two months.

This alteration is established by article five of the bill, which, after the manner of article four of the law of 1833, mentions the judicial documents requisite for extradition, and in the absence of which the provisional arrest may not be prolonged beyond the determined period.



Article six of the bill is nearly the reproduction of article five of the law of October 1, 1833, put in connection with the new mode of publication prescribed by the law of February 28, 1845.

Article seven reproduces article six of the former law, completing it by the addition of the text of the law of March 22, 1856, which is connected therewith.

Article eight, concerning the case where the prescription of the action or of the penalty is acquired in a foreign country, is the exact reproduction of article seven of the existing law.

The law of December 30, 1836, on the repression of crimes and offences committed by Belgians abroad, referring in its second article to the list of crimes and offences provided for by the law of October 1, 1833, is, like the latter, of too limited an application, and has given rise to the same criticism. It was, therefore, necessary to give the same extension to that law. Such is the motive for article nine of the bill.

Article ten, in rendering articles two and three of the aforesaid law of 1836 applicable to infractions in rural, forest, and fishery matters, is intended to fill up another important deficiency which had long been pointed out in the latter law. This disposition will chiefly have as a result to secure us in France a reciprocity of prosecution in the said matter, agreeably to article two of the recent French law of June 27, 1866.

It has happened that individuals whose extradition was demanded, and who were in such conditions as permitted them to acquire the quality of Belgians by the effect of a declaration of nationality, have had recourse to this means to escape the demand of extradition, and it has been decided by law that under these circumstances they cannot be pursued in Belgium, agreeably to the law of December 30, 1836.

Article eleven of the bill, in order to prevent the impunity which would result from this jurisprudence, expressly declares that the latter law is applicable to this hypothesis.

Article twelve completes the bill by rendering the law of July 7, 1865, relative to foreigners, applicable to the foreigner residing in Belgium, who has been prosecuted or condemned abroad for any of the infractions provided for by article one of the present bill.

Finally, article thirteen is intended to abrogate the former laws of October 1, 1833, and March 22, 1856, of which the enactments that have been maintained are blended in the new law.

The bill contains no transitory disposition on the fate of extradition treaties concluded up to the present time. The abrogation of the law in virtue of which they were contracted is without influence with respect to them. They remain binding for the government in all their details, as long as they shall not have been revised in accordance with the rules introduced by the new law.

J. BARA, *Minister of Justice.*

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### BILL.

Leopold II, King of the Belgians, to all present and future, greeting: On the proposal of our minister of justice, we have decreed and decree. Our minister of justice is charged to present in our name to the Legislative Chambers the bill the tenor of which follows:

#### ARTICLE I.

The government may deliver up to the governments of foreign countries, on condition of reciprocity, any foreigner committed or accused, or condemned by the courts of the said countries for any of the acts hereafter enumerated which may have been committed on their territory.

1. For murder, poisoning, parricide, infanticide, manslaughter, rape.
2. For arson.
3. For forgery, including counterfeiting bank notes and public securities.
4. For coining.
5. For false witness.
6. For theft, swindling, peculation, embezzlement by public functionaries.
7. For fraudulent bankruptcy.
8. For association of malefactors.
9. For threatening to murder, poison, or other attempt against the person.
10. For threats of burning.
11. For abortion.
12. For bigamy.
13. For arrest, detention, or sequestration of persons, without the order of the constituted authorities, and beyond the cases provided for by law.
14. For carrying off, concealment, suppression, substitution, or supposition, of a child.
15. For exposing or abandoning a child.
16. For abduction of minors.
17. For rape committed with violence.
18. For rape committed without violence, on the person, or with the help of the person of a child of either sex, below 14 years of age.

19. For attempt against morals, by exciting, facilitating, or favoring, to satisfy the passions of others, debauchery, or corruption of minors of either sex.

20. For blows and wounds given wilfully with premeditation or ambush, or having caused an apparently incurable disease or permanent inability of personal work, or if by the effect of such violence the person hurt has lost the total use of an organ, or has remained grievously mutilated.

21. For abuse of confidence.

22. For suborning witnesses.

23. For false witness.

24. For counterfeiting or falsifying seals, stamps, poinçons, (dies,) or marks.

25. For corrupting public functionaries.

26. For destroying buildings, opposing commanded or authorized works, destruction of property, plundering or damaging goods or merchandise, movable property or effects.

27. For devastation of crops or plantations sprung up naturally or by the hand of man, destruction or damaging of trees or grafts, cutting grain or forage.

28. For destruction of agricultural implements, destruction or poisoning of cattle or other animals.

29. For abandonment by the captain, except in cases foreseen by the law, of a trading or fishing vessel or boat.

30. For other maritime crimes, in the matter of merchant shipping or maritime fishery.

#### ARTICLE II.

Extradition shall be granted only on the production either of the judgment or sentence of condemnation, or of the ordinance of the chamber of council, of the decree of the chamber of committals, or of the act of criminal prosecution, emanating from the competent judge, formerly decreeing or legally operating the committal of the prisoner or accused before the repressive jurisdiction, delivered in the original or in an authenticated copy, and after taking the opinion of the chamber of committals of the court of appeal, in the jurisdiction of which the foreigner shall have been arrested. The public accuser and the foreigner shall be heard in a public sitting.

The foreigner may be assisted by counsel. Within a fortnight, reckoning from the receipt of the documents, the latter shall be sent, with the substantiated opinion, to the minister of justice.

#### ARTICLE III.

Extradition by means of transit on the Belgian territory may nevertheless be granted without taking the opinion of the chamber of committals, or the mere production in the original or in an authenticated copy of one of the acts of procedure mentioned in the aforesaid article, when it shall have been requested by a foreign state in the interest of a foreign state, both bound to Belgium by a treaty comprising the infraction giving rise to the demand of extradition, and when such shall not be forbidden by articles seven and eight of the present law.

#### ARTICLE IV.

The foreigner may be provisionally arrested in Belgium, for any of the acts mentioned in article one, on the exhibition of a warrant delivered by the competent foreign authority, and rendered susceptible of execution by the council chamber of the tribunal of the first instance of his place of residence, or of the place where he may be found, and in case of urgency, on the exhibition of a warrant delivered by the judge of instruction of his place of residence, or of the place where he may be found, and substantiated by an official notification given to the Belgian authorities of the territory where the crime or offence shall have been committed.

After the order of arrest, the judge of instruction is authorized to proceed according to the rules prescribed by articles 87 to 90 of the code of criminal instruction. The foreigner may claim provisional liberty in cases where a Belgian enjoys that faculty, and under the same conditions. The claim shall be laid before the council chamber.

The council chamber shall also decide, after hearing the foreigner, whether there be reason or not to transmit wholly or in part the papers and other objects seized to the foreign government that demands the extradition. It shall order the restitution of the papers and other objects not directly connected with the act imputed to the accused.

#### ARTICLE V.

The foreigner provisionally arrested shall be set at liberty if within two months he does not receive the notification, either of a judgment or sentence of condemnation, or of an order of the council chamber, of a decree of the chamber of committals, or of an act of criminal procedure emanating from the competent judge, formally decreeing or legally operating the commitment of the prisoner or accused before the repressive jurisdiction.

#### ARTICLE VI.

Treaties concluded in virtue of the present law shall be inserted in the *Moniteur*; they can only be enforced ten days after the date borne by that journal.

## ARTICLE VII.

It shall be expressly stipulated in these treaties that the foreigner cannot be prosecuted or punished for any political offence prior to the extradition, or for any act connected with such offence, or for any crimes or offences not provided for by the present law; otherwise all extradition or provisional arrest is prohibited.

Shall not be considered a political offence or an act connected with such offence, the attempt against the person of the head of a foreign government, or against that of the members of his family, when the said attempt constitutes the fact of manslaughter, murder, or poisoning.

## ARTICLE VIII.

Extradition cannot take place if, since the act imputed, prosecution or condemnation, prescription of the action or penalty, is acquired according to the laws of Belgium.

## ARTICLE IX.

Articles two and three of the law of December 30, 1836, on the repression of crimes and offences committed by Belgians abroad, are applicable to the infractions provided for by article one of the present law.

## ARTICLE X.

They are also applicable to infractions in forests, rural or fishery matters.

## ARTICLE XI.

The foreigner who, after having committed beyond the territory of the kingdom any of the infractions provided for by article one of the law of December 30, 1836, and articles one and ten of the present law, shall acquire or recover the quality of a Belgian, may, if he is in Belgium, be prosecuted, tried, and punished there, according to the laws of the kingdom, within the limits determined by the said law of December 30, 1836.

## ARTICLE XII.

The law of July 7, 1865, relative to foreigners, is moreover applicable to the foreigner residing in Belgium, who has been prosecuted or condemned in a foreign country for any of the infractions provided for by article one of the present law.

## ARTICLE XIII.

The laws of October 1, 1833, and March 22, 1856, are abrogated.

Given at Brussels, February 22, 1867.

By the King:

LEOPOLD.

J. BARA,  
*Minister of Justice.*

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*Mr. Sanford to Mr. Seward.*

No. 413.]

LEGATION OF THE UNITED STATES,

*Brussels, March 12, 1867.*

SIR: What remains of the Belgian legion in Mexico disembarked on the French transport Rhone on the 9th at Antwerp, in number 780 men. Of the remainder 200 were killed or disappeared, and the others have been invalided or left behind. They were received in public barracks at Antwerp, and those who need it are aided by the government to return to their homes.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Sanford to Mr. Seward.*

No. 416.]

LEGATION OF THE UNITED STATES,  
*Brussels, March 22, 1867.*

SIR: The *Moniteur* of the 16th instant contains a letter of the minister of the interior to the King which, recalling the good effects of the rigorous measures in force here for the prevention and suppression of the cattle plague, recommends that all the regulations on the subject, and such others as experience has shown to be necessary to increase their efficiency, be collected in a single act. A royal decree to this effect follows, dated the 14th instant, and I enclose it together with the minister's letter herewith in translation.

Should the cattle plague unhappily be introduced in the United States, this document will have practical value and can be consulted with profit.

The advantages of the system practiced by this government, as shown in the letter of Mr. Vandenpeereboom, are a striking contrast with the disastrous results which have followed in Holland the failure of the adoption of radical measures at the outset.

I have the honor to be, with great respect, your most obedient servant,  
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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HOME DEPARTMENT.—CATTLE PLAGUE.—REPORT TO THE KING.

BRUSSELS, *March 13, 1867.*

SIRE: Since the law of February 7, 1866, relative to contagious typhus, numerous measures have been taken, according to the necessities of the moment, to prevent the invasion and limit the progress of the cattle plague. If they have not succeeded in completely preserving the country, we may at least suppose that they have served to extenuate the ravages of the disease, since, from the month of August, 1865, the period of the first appearance of the plague, to the present day, the losses have amounted only to 2,300 head of cattle, a figure which scarcely exceeds that of the beasts carried off regularly by exudative pleuro-pneumonia in the same space of time.

These results must induce the government both to persist in the measures which have produced them, and to complete them in accordance with the wants revealed by experience. In order better to obtain this double object, I think it advisable, sire, to collect, in a single context, all the dispositions which have been taken hitherto in execution of the law of the 7th of February and those which is necessary to add thereunto, in order to increase their efficacy. Such is the object of the decree which I have the honor to submit to your Majesty, begging you, sire, to be pleased to give it your sanction.

ALP. VANDENPEEREBOOM,  
*Minister of the Interior.*

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*Leopold II, King of the Belgians. To all present and to come, greeting:*

Viewing the law of 7th February, 1866, relative to the measures to be taken against contagious typhus;

Reviewing the royal decrees of 8th and 9th February, 10th March, 1st and 15th April, and 25th November, 1866, of 27th January, 3d and 8th February, 1867;

Considering that it is necessary to unite in a single context, and completing them, all the dispositions taken in execution of the law of 7th February, on the report of our minister of the interior;

We have decreed and decree:

SECTION I.—PROHIBITIONS TO ENTRY AND TRANSIT.

ARTICLE 1. Are prohibited—1. By the maritime frontier and the land frontiers of the north and east, from Knocke (West Flanders) to Athus, (Luxembourg,) the entry and transit of bovine cattle of every description, as well as of hides, meat, and other remains, in a fresh state, proceeding from such animals.

2. By the maritime frontier and land frontiers of the north and east, from the sea to Welke-maedt, (a province of Liege,) the entry and transit—

A. Of animals of the order of *ruminantia* other than bovine beasts and of swine, as well as of the hides, meat, and remains, in a fresh state, proceeding from such animals;

B. Of straw, hay, and other fodder, dung, stable utensils having been employed, skin of bovine beasts, (other than dried hides,) hair, horns and end of horns, bones, even in a dry state, old clothes and rags, all coming from the Netherlands.

#### SECTION 2.—CENSUS OF CATTLE, ETC.

ARTICLE 2. In the places designated by our minister of the interior the inhabitants are bound to declare to the burgomaster or his delegate, within a delay of five days, the number of bovine beasts of which they are the holders, and the time they have possessed each of them.

ARTICLE 3. At the request of the burgomaster or his delegate, an inventory shall be made, for the purpose of establishing the identity of every one of the bovine beasts declared in virtue of the preceding article. The cattle are, moreover, to be marked with a red-hot iron, with a mark to be determined by the burgomaster.

ARTICLE 4. The possessors or holders of bovine cattle are bound to declare, within a delay of twenty-four hours, to the burgomaster or his delegate, any change that may take place in their cattle in consequence of sale, death, or transfer, or at each new entry by purchase or otherwise, in order that it may be inscribed in the inventory.

ARTICLE 5. The said possessors or holders of bovine cattle are bound, between sunrise and sunset, to the census, examination, and justification of their cattle. Nevertheless, the census in stables can only take place with the authorization of the burgomaster, or by the order of the district commissary or the governor of the province.

ARTICLE 6. Until ulterior disposition, and independently of the special measures applicable to infected places or places threatened with contagion, no bovine beast may be conducted out of the territory of one of the places designated in virtue of Article II, nor be introduced, sold, or exchanged there, unless it be established by a certificate, delivered by the burgomaster of the place of departure or sojourn, and agreeably to the model prescribed, that the beast is healthy, and that the last holder possessed it in good health for a month at least.

ARTICLE 7. Every bovine beast found in the stables, pasture, or in any spot whatsoever in the territory of one of the aforesaid places, without its legal existence being justified by the inventory or by a valid certificate, shall be seized and sequestered in an isolated spot during fifteen days, under the surveillance of the government veterinary surgeon, and at the expense of the owner. If the beast be suspected of being attacked by contagious typhus, or of having been introduced by fraud from a country where that disease prevails, it shall be killed without any indemnity, in conformity with the dispositions on the matter.

ARTICLE 8. The disposition of the second paragraph of the preceding article is applicable to animals of the order of *ruminantia*, other than bovine beasts, that shall be suspected of having been imported by fraud from an infected country.

#### SECTION 3.—PLACES INFECTED WITH CATTLE PLAGUE.

ARTICLE 9. In places where contagious typhus prevails the entry and outgoing of bovine beasts and other animals of the order of *ruminantia* are prohibited.

If necessary this prohibition is extended also to other domestic animals, as well as to matters such as straw, dung, forage, &c., of a nature to propagate cattle plague. It may only be raised thirty days after the date of the last case of disease occurring in the place.

ARTICLE 10. The prohibition mentioned in the preceding article may be either restricted to a portion of the territory of the infected places, or extended wholly or partly to neighboring localities.

ARTICLE 11. The entry of butchery cattle intended for consumption may be authorized in such infected localities where the measure is judged necessary, on condition that the animals imported be killed within twenty-four hours.

In the cases provided for by the present disposition, as well as by those of section 2 of article 9 and article 10, our minister of the interior shall decide on the report of the governor of the province.

ARTICLE 12. Farms, stables, meadows, and other places where contagious typhus has made its appearance, must be isolated so as to prevent contagion.

It is forbidden to send out therefrom domestic animals, except horses that were there at the moment of the invasion of the cattle plague, and to export either remains proceeding from those animals, or straw, forage, dung, or any other matter calculated to propagate the disease.

ARTICLE 13. Under reserve of what is prescribed by article 9 hereabove, the disposition taken in virtue of article 12 may be repealed thirty days after the completion of all the sanitary operations, on the written order of the burgomaster of the locality.

ARTICLE 14. In places where contagious typhus has existed no bovine beasts or other

animals belonging to the order of *ruminantia* may be introduced without the authorization of the governor of the province, and after a delay of forty-five days at least, reckoning from the last case of disease and the completion of the operations of disinfection.

#### SECTION 4.—FAIRS AND MARKETS.

ARTICLE 15. Until further enactment all fairs and markets are forbidden, the purpose of which is to exhibit for sale or to sell bovine beasts of all species.

Are excepted from the preceding disposition the fairs and markets lawfully established in the towns of Antwerp, Brussels, Louvani, Bruges, Courtrai, Ghent, Mons, Toumai, and Liege, with this reserve, that they be exclusively confined to the exhibiting for sale or the sale of fat cattle intended for consumption, the drivers of which are provided with a certificate of origin and health delivered by the burgomaster of the place they came from.

ARTICLE 16. Are assimilated to the fairs and markets prohibited by section 1 of the preceding disposition, gathering of cattle belonging to divers owners, and collected for any purpose whatever, whether in public places, enclosures, stables, or sheds.

ARTICLE 17. The certificates mentioned in section 2 of article 13 hereabove are valid for a term of six days, reckoning from that of the holding of the market to which the cattle are conducted.

The animals which have been sold there must be killed and disposed of for consumption within the same delay.

#### SECTION 5.—SLAUGHTERING OF DISEASED OR SUSPICIOUS BEASTS.

ARTICLE 18. Bovine and ovine beasts attacked, or suspected of being attacked, by contagious typhus are killed, on the report of the government veterinary surgeon establishing the existence of the disease.

The killing takes place—

1. For diseased animals, on the order of the burgomaster of the locality, the members of the agricultural committee, the district commissary, or the governor of the province.

2. For suspicious animals, on account of their contact or cohabitation with diseased cattle, on the order of the governor of the province.

3. The animals which, without having been in contact or having cohabited with infected beasts, may nevertheless be considered as suspicious, by reason of their dwelling close to a focus of contagion, and which on account of the circumstance it might be necessary to sacrifice, on the order of our minister of the interior.

Are assimilated to suspicious animals, as far as slaughtering is concerned, bovine or ovine beasts suspected of having been introduced by fraud from a country in which contagious typhus prevails, and seized as such, in virtue of the dispositions of the present decree.

ARTICLE 19. The slaughtering shall take place on the intervention of a police officer, and in presence of the government veterinary surgeon, in conformity with the royal decree of May 22, 1854, and the instructions of our minister of the interior, who shall likewise prescribe the rules to be followed for the interment or disposal for consumption of the slaughtered animals, and also for the cleansing of the stables.

Nevertheless it is understood—

1. That the interment, both of dead beasts and of the diseased ones killed, shall take place according to the rules prescribed by article 6 of the decree of council of July 16, 1784, and by the circular of the 23d Messidor, of the year V.

2. That one may dispose for consumption only the meat proceeding from animals in which dissection shall have revealed the existence of none of the injuries produced by the disease.

3. That the operations of disinfection shall be performed at the expense of the owners, and by the intervention of the municipal authorities, under the direction of the government veterinary surgeon, who, if necessary, shall draw up a minute of the objects of which the destruction shall be considered necessary.

ARTICLE 20. An indemnity equivalent to two-thirds of the slaughtered animal is allotted to the owner—

1. When the latter has complied from the first appearance of the disease with the dispositions of articles 459 and following of the penal code, as also with the legal prescription in the matter of the sanitary police.

2. When he has had recourse to the intervention of the veterinary surgeon from the beginning of the disease.

3. When he does not fall under the application of articles 7 and 8 of the present decree.

4. When, during a month before the appearance of the first symptoms of the disease, he has possessed in a good state of health all those of his animals in which the existence of contagious typhus has been established.

ARTICLE 21. The value of the cattle in a healthy state is determined on his first visit by the government veterinary surgeon, and before the slaughtering, by two appraisers named and sworn by the burgomaster of the locality.

The average of the estimation of the appraisers, and of the veterinary surgeon, serves as basis for regulating the amount of the indemnity.

Nevertheless, the valuation may, if necessary, be submitted to revision, agreeably to the prescriptions of section 2 of article 7 of the royal decree of May 22, 1854.

**ARTICLE 22.** The owners and holders of cattle are bound to let their beasts be examined by the veterinary surgeons required for that purpose, either by the minister of the interior, or by one of the functionaries authorized in virtue of number 1 of article 18 to order the slaughter of diseased animals.

**ARTICLE 23.** It is forbidden, *A*, to kill, or cause to be killed, except in accordance with the regulations prescribed by the present decree, bovine beasts or other animals attacked, or suspected of being attacked, by contagious typhus.

*B*, To remove, carry away, or disinter, wholly or partly, and for any purpose whatever, corpses or remains of animals that have been attacked by contagious typhus, or contaminated objects, the destruction of which has been ordered in accordance with article 19 hereabove, and with the instructions mentioned in the said article.

#### SECTION 6.—QUARANTINE IMPOSED ON CATTLE INTENDED TO BE FATTENED.

**ARTICLE 24.** The dispositions of articles 2, 3, 4, 5, 6, and 7 of the present decree are applicable to such as are employed in fattening cattle, distillers, sugar manufacturers, brewers, pasture growers, and others, whatever be the locality in which they exercise their industry.

In case a census shall have been already taken of their cattle, in accordance with the anterior prescriptions, the inventory shall be taken, in accordance with article 3 of the present decree, without the interested parties being bound to the previous declaration prescribed by article 2.

**ARTICLE 25.** No cattle may be introduced into stables or other places intended for fattening purposes, and united with beasts placed therein, unless they have been previously submitted to a quarantine of 15 days in an isolated place, attended to by a special staff, and agreed to by the burgomaster of the locality, in accordance with the instructions of our minister of the interior.

**ARTICLE 26.** The removal of cattle put in quarantine may only take place on written declaration of the government veterinary surgeon, attesting that they present no symptom of disease, and after being again marked with a red-hot iron. Mention thereof is made in the inventory.

#### SECTION 7.—SUSPICIOUS PERSONS.

**ARTICLE 27.** Persons who have been in contact with cattle attacked by the cattle plague, or who have been in infected places, may not, before an interval of five days, enter stables or other places containing healthy cattle.

Are excepted from the present disposition, the agents who, in case of urgent necessity, have to perform a public duty, and who have taken all the precautions requisite, in order not to serve as a vehicle for contagion.

**ARTICLE 28.** Cattle dealers inhabiting or visiting countries in which the plague exists, are not allowed to exercise their trade in Belgium.

#### SECTION 8.—PENALTIES.

**ARTICLE 29.** Infractions against the dispositions of the present decree are punished with the penalties denounced by articles 3 and 4 of the law of February 7, 1866, independently of the measures to be taken, in virtue of the law of July 7, 1865, against foreigners who may violate the prohibition pronounced by articles 127 and 28.

**ARTICLE 30.** The dispositions taken previously in execution of the law of February 7, 1866, and contrary to the present decree, are revoked.

**ARTICLE 31.** Our minister of the interior is charged with carrying out the present decree. Given at Brussels, March 14, 1867.

LEOPOLD.

By the King :

ALP. VANDENPEERBOOM,  
*Minister of Interior.*

The minister of the interior, considering the law of February 7, 1866, relative to the measures to be taken against contagious typhus, and the royal decree of March 14, given in execution of the said law, decrees: Are submitted to the dispositions of articles 2, 3, 4, 5, 6, 7, and 8 of the royal decree of March 14, given in execution of the law of February 7, 1866, all the localities in the provinces of Antwerp, Brabant, Liege, and Limbourg, as well as the localities in West Flanders and East Flanders, hereafter mentioned, viz:

1st. In West Flanders, the communes of Houcke, Knoeke, Lapscheure, Moerbeke, Westcapelle, and the portions of the communes of Damme and Ostkerke, situated to the north of the Zelgaete canal, and limited on the other hand by the right bank of the canal from Burges  
10 Sluys.

2d. In East Flanders, the communes of Adegem, Apenede, Bapevelde, Bouchante, Doel, Calloo, Ertvelde, Kemseke, Kieldrecht, La Clinge, Waldegem, Meerdouck, Middelbourg, Moerbeke, St. Mayvente, St. Gille Waes, St. Jean in Eremo, St. Laurent, St. Paul, Selgaete, Stekene, Venebroek, Wachtebeke, Waterland, Ondeman, Watervliet, Wynkel, as well as the hamlet of Petit Sinay, of the commune of Sinay, and sections A and D of the commune of Veacene.

BRUSSELS, *March 15, 1867.*

ALP. VANDENPEEREBOOM.

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*Mr. Sanford to Mr. Seward.*

No. 417.]

LEGATION OF THE UNITED STATES,  
*Brussels, March 25, 1867.*

SIR: The commission on the organization of the means of defence of Belgium not having yet come to a conclusion, the budget of the war department on the basis of previous years, to be subsequently modified according to the report of the commission, has been presented, and passed both chambers without great opposition. A certain number of members are opposed to a considerable standing army, and vainly combat, each session, on grounds of expediency as well as of economy, the principle that a small neutral state should keep up a large permanent army. So far as I can learn the probabilities are that the plan likely to be agreed upon by the commission will give for the defence of the country a minimum force of about 120,000 men in case of necessity.

The ministry have experienced a defeat in the Senate, which, by a vote of 39 to 12, rejected the abrogation of article 1781 of the code civil (announced in the discourse from the throne, and which had passed the house of representatives,) by which, in disputes between servants or workmen and their masters respecting wages, the affirmation of the latter is received as testimony by the court.

This result will not affect the status of the cabinet, and is more likely to help it in the next elections.

I have the honor to be, with great respect, your most obedient servant,  
H. S. SANFORD,

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Sanford to Mr. Seward.*

No. 418.]

LEGATION OF THE UNITED STATES,  
*Brussels, March 25, 1867.*

SIR: M. Frère Orban, the minister of finance, in a speech upon electoral reform, the day before yesterday, in the house of representatives, made such incorrect statements and mistaken conclusions, based upon newspaper correspondence, and Messrs. de Tocqueville's and Macaulay's theories respecting the condition and results of extended electoral rights in the United States, that I felt impelled not to accept his assumptions by silence, and, accordingly, wrote him a letter in reply, which I have the honor to enclose herewith, together with his speech as reported in the *Moniteur*.

It is curious to observe how the leaders of the "liberal" party here, which, after the revolution that separated Belgium from Holland, sought to model their constitution upon ours, appear now to fear the influence of our system here. I had occasion to notice, in discussions in the house during the rebellion, the eager haste with which the supposed failure of self-government was accepted and commented on by some of them. Self-preservation may have, as well as



patriotism, its show in this feeling; for any considerable extension of the electoral franchise would, especially if greater facilities for voting were given those living outside of the large towns, be likely to cost the party its hold on power. The number of electors for the Belgian chambers is 107,000, which is in much less ratio to the population than in England, (1 in 46 in the former, 1 in 20, I believe, in the latter.) The proprietorship of the principal railroads and canals, the telegraph, &c., by the State, gives to the government an unusual amount of patronage, and there are about 32,000 functionaries and employés, not counting soldiers, dependent upon it, or equal to near one-third the number of electors.

The influence upon the elections, which can be exerted in this channel by those in power, it can readily be imagined would be less potent in proportion as the number was increased. Still this tendency is very decidedly to an enlarged basis for the electoral franchise.

The discussions in the house which relate to the extension of suffrage in the communal and provincial elections show that there are considerable men of both parties who are disposed to join in this universal movement for reform which is destined to give to the people of most European States a larger place in their governments.

I have the honor to be, with great respect, your most obedient servant,  
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

MARCH 29.

P. S.—On the point of mailing my despatch, I received the reply of M. Frère-Orban to my letter, which I have barely time to send you in translation, and which I annex hereto. The speech of the minister, enclosed, will show how far its tendency was to "mislead public opinion," and to what extent he assumed and applied as truth the newspaper statements and theories referred to.

It is satisfactory to receive his disclaimer. I add my reply.

H. S. S.

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*Mr. Sanford to Mr. Orban.*

BRUSSELS, le 24 Mars, 1867.

MON CHER MINISTRE: I have read in the *Annales Parlementaires* the report of your speech of which I heard a part yesterday in the discussion upon the electoral law in the house of representatives, and you must permit me to take exception to the application by you to the United States of abuses with respect to elections, which, on the authority of a writer in a foreign newspaper, you ascribe to the city of New York. To judge fairly and justly of our electoral system and its results, an example taken from its workings in a State or section of the country would have given a more correct idea than that of a city, whose dense population is, in great part, foreign, and whose administration is so notoriously bad that the people of the State, through their legislature, are seeking to reform it. Why not take the State of New York instead of the city as a test of the electoral corruptions, which you assert are practiced on so large a scale in the United States, or any other State or group of States?

The result of such research would, I affirm, demonstrate that outside of great cities the elections are conducted with a purity difficult to parallel in any country of restricted suffrage. The candidate base enough to offer to bribe the electors, is deterred by their numbers as well as by the publicity which accompanies his acts, and the public odium which would attach to him. So far from the stories which you have repeated from the correspondent of the London Times about the corruptions of elections being of truthful application to the whole country, or costing the sums you name, I venture to assert that nine out of ten of the members of the present Congress need, on account of their moderate fortunes, for their support, the meagre pay which is attached to their office. I go further, and I give you my opinion, which is quite as good authority as the assertions of the anonymous correspondent of a journal notoriously hostile to the United States, that not one in ten, if any, of the members from the rural districts has given a dollar in aid of his election, save as subscription to the electoral com-

mittee of his district, or for the distribution of documents, &c., for the enlightenment of the electors upon the questions at issue. Money is given, to be sure, in aid of the elections, but more by private citizens than candidates for office; but it is given to their party organizations who provide orators, suitable places of meeting for the discussions of the candidates, and distribute documents which shall serve to inform the people upon the political questions which enter into the canvass. When you instance the election in the city of New York of Mr. Morrissey, who was once a boxer, and the alleged enormous cost of his election, and draw from that your conclusions, you might with as much and more justice, recalling the fact that a notorious prize fighter was for years a member of the British House of Commons, and the details of the late inquests upon the electoral corruptions at Totness and Yarmouth, instance those as the general results of restricted suffrage in Great Britain.

When foreign writers, attached to old and fading systems, seek to find faults, distort facts and predict or announce the failure of that system whose progress alarms them, and whose inevitable triumph in the world they seek to avert, I comprehend their fears, and do not wonder at their vain efforts, but I do not comprehend that those who seek to lead in Belgium should follow in their footsteps, and mislead public opinion with regard to the results of self-government in the United States. Why not look at results and draw your conclusions from them? These results were shown strikingly during the late war upon the slaveholders' rebellion. To this participation of the great mass of the people in public affairs, association I may call it with the government, which is created by it, and which excites such general and lively interest in the public weal, may be ascribed in no small degree that magnificent uprising of the nation in arms to support its government. We had less than 9,000 men in our army, and but 800 soldiers on the Atlantic coast when the war commenced. When it ended there were 1,060,000 veterans in arms, and twice that number of loyal citizens had in the course of the war volunteered their services.

I need not call to you how triumphantly the government elected by this people, whose corruption, you so boldly assert, resisted a strain upon it under which any other would probably have succumbed. If electoral corruption were so prevalent it is to be supposed the enemy would have taken advantage of it to paralyze the government through the elections to Congress. You saw 10 per cent. of the population volunteering in its armies; you saw how they clamored for taxes to enable the government to carry on the war, and instructed their representatives to vote for them; and you saw how, the war over, that vast host resolved again into a peaceful army of workingmen, and how vigorously the people's representatives set themselves to the work of paying off the debt created during the war, (about 1,200,000,000 francs being extinguished the year after;) and with these great facts before you, you seek in an exaggerated story in the "Times" about elections in New York, for your conclusions to the house of representatives of Belgium as to the results of extended suffrage in the United States! Where you may have found in a local disturbance proofs of corruption and decay in the body politic, another statesman might with more justice draw the conclusion that it was owing to exuberant health! And when you quote seriously the standing joke of a well-known wit of New York, "Vote early, and vote often," I agree with you that the example of the United States is "bien mal appris, bien mal apprecie," by some people.

If we are, as you affirm, on the "pente de la democratie," may it not rather be ascribed to the success which has attended our system of suffrage than to its failure? The jealousy of the masses which distinguished our early legislation touching suffrage has given way before the experience of these 80 years, and its limits have been steadily enlarged. I admit that there may be danger in carrying it to excess, but I insist that it proves that the result of extended suffrage in the United States has been to impress the public mind and our legislators with the fact that the people may be trusted. With your opinion that the people of Belgium are not so to be trusted I have nothing to do; but I insist that, in order to win others over to that opinion, the condition of the people and institutions of my country ought not to be misrepresented, as they were, I am happy to believe, unintentionally in your speech of yesterday.

Accept, my dear minister, the assurance of my most distinguished consideration,  
H. S. SANFORD.

His Excellency M. FRÈRE ORBAN,  
*Minister of Finance.*

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*Mr. Orban to Mr. Sanford.*

MARCH 28, 1867.

MY DEAR MINISTER: I received, the day before yesterday, the letter which you did me the honor to write to me, under date of the 24th instant, touching opinions which I expressed in the discussion in the house of representatives relative to electoral reform.

You suppose that from the facts of electoral corruption in New York, I concluded that corruption of this kind was general in the United States; and you are pleased to say that, "outside of the great cities the elections are conducted with a purity difficult to parallel in any

country of restricted suffrage." There is evidently here a misunderstanding on your part, my dear minister. I did not, from particular and local facts, draw the conclusion that the identical situation was the same everywhere. I did not even go so far as you, in stating that analogous facts to what passed at New York would be found in "other great cities." I limited myself to recalling facts which are not disputed, in order to reply to an assertion frequently repeated here, that in lowering, and, with greater reason, in suppressing the rate, electoral corruption would disappear. One's reason says that it cannot be so; the experience of all people and of all countries proves it. Canvassing illegitimate pressure, means of corruption are inherent not to such or such electoral system, but to all. Restricted suffrage is not more exempt from them than universal suffrage, but the latter is not more immaculate than the others, and too often it causes abuses to increase in ratio to the number of those who are called upon to exercise it.

In Belgium, a country of restricted suffrage, corruption is reduced to such feeble proportions that there is yet no law to express it. Lately complaints have been made of the expenses which candidates incur in giving dinners to the electors, under [plea] that these dinners engender corruption. The house wished to proscribe these expenses; the senate did not concur.

Stating such facts in America, as in England, or even in Belgium, is neither speaking ill of their institutions nor giving a false idea of them. On the other hand, declaring as I did that the regime in vigor in the United States has been too short a time in action, and in conditions too exceptional to permit a definitive judgment respecting it; in recognizing, moreover, how much it had produced that was great and glorious, I do not think to have authorized it to be said with reason "that public opinion is misled with regard to the results of self-government in the United States."

With regard to my appreciation as to the consequences which I believe inevitable of every system which leads to pure democracy, you will permit me to preserve my convictions. I believe them to be shared by very distinguished men of the United States. There are many who dread—you know it better than I—the results already very apparent in the great cities of a very extended suffrage, and you admit yourself that "there may be danger in pushing this system to excess." But whatever the opinion in this respect formed touching the destiny of that great republic, there is no one who does not recognize the marvels which have been brought forth by the genius of the American people.

Accept, my dear minister, the assurance of my most distinguished consideration.

FRÈRE ORBAN.

H. S. SANFORD, Esq., &c., &c., &c.

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*Mr. Sanford to Mr. Orban.*

BRUSSELS, March 29, 1867.

MY DEAR MINISTER: I have to thank you for your letter of yesterday; and I am gratified to learn that I was mistaken in my impression respecting your speech on the 23d instant.

I think, however, that when you assert that "electoral corruption is practiced on the vastest scale in the United States," and when you assume as truth and quote the scandalous stories respecting the elections in the city of New York, and apart from the deductions which you draw from them as to the effects of general suffrage, you distinctly indicate the exceptional condition of things in that city according to foreign newspaper correspondents, as "the results in an administrative point of view which universal suffrage gives already at this moment in the United States," it might be fairly assumed, I think, that public opinion was being "misled" as to what was the tendency and results of extended suffrage in the United States, as well as the moral condition of its people in consequence.

I am glad to be corrected in the impression I had formed of the character of your speech, and to be assured that you do not take the frightful condition of things in New York, as depicted in the newspaper stories referred to, as a type of the results of extended suffrage with us, and I venture to express the hope that you will publicly say so.

I have to ask you to excuse me for encroaching upon your valuable time with this correspondence, but I was anxious to correct a wrong impression, if it existed in your mind, and to set myself right with respect to the impression which your speech had made upon me if I was in the wrong.

I have again to thank you for your courteous response.

I pray you to believe me, my dear minister, with sentiments of great esteem, your obedient servant,

H. S. SANFORD.

His Excellency M. FRÈRE ORBAN, &c., &c., &c.

*Mr. Sanford to Mr. Seward.*

No. 420.]

LEGATION OF THE UNITED STATES,  
*Brussels, April 12, 1867.*

SIR : The contemplated purchase of the Grand Duchy of Luxembourg by France, and the consequences likely to follow the success or failure of that enterprise, have naturally excited a lively interest here.

While not put forward by this government, and probably will not be, the idea evidently finds favor here that the cession, by purchase of the Duchy, to Belgium, with the assent of the Powers, signers of the convention of 1839, would be the simplest and more satisfactory solution of what has become a serious difficulty. You will doubtless remember that, at the time the convention of 1839 was under discussion, this government offered 60,000,000 francs for the possession of the Duchy, which, from its geographical position, its population and past history, would appear to fall more naturally to Belgium.

On the other hand it is to be feared that the possession of so important a strategic point, even were its present formidable fortresses destroyed, would be a source of additional difficulties for this little State, especially in the event of a war between its powerful neighbors.

The King, who has taken a house at Paris for several months, and proposes frequent visits there during the period of the Exhibition, left for a week's sojourn there on the 10th. On the 23d he goes to Berlin, to be present at the marriage of the Count de Flander, on the 25th.

I have the honor to be, with great respect, your most obedient servant,  
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Sanford to Mr. Seward.*

No. 422.]

LEGATION OF THE UNITED STATES,  
*Brussels, May 5, 1867.*

SIR : The Count de Flander was married to the Princess Marie de Hohenzollern at Berlin on the 25th. The King was present, having gone on to Berlin on the 23d, on his return to Paris. Their royal highnesses made their entry in Brussels on the 30th, and were received by the authorities, civil and military, and by the people, with every demonstration of respect and consideration.

On the 2d they received the diplomatic corps, and will soon proceed to Paris, where the King proposes going again in a few days.

The King of Prussia is expected to visit King Leopold on his way to Paris next month, and to spend a day or two here, providing, always, a satisfactory solution of the Luxembourg question is arrived at.

I have the honor to be, with great respect, your most obedient servant,  
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Sanford to Mr. Seward.*

No 423.]

LEGATION OF THE UNITED STATES,

*Brussels, May 5, 1867.*

SIR: The apprehensions which have been excited on account of the Luxembourg question have been greatly calmed by the acceptance by France and Prussia, for its solution, of a conference at London of the powers, signers of the treaty of 1839.

The suggestion that all the powers, signers of that treaty, should be represented at the conference, thus including Belgium, emanated, I believe, from Great Britain. Italy, also, will be represented there, and in so far as I can learn, the proposition to that end came from the Italian minister at London, and was supported by France.

There seems to be considerable difficulty at arriving at a basis for the deliberations of the conference; the following points, however, are, I believe, fixed upon: Evacuation of Luxembourg by the Prussians, and abandonment of pretension to its occupation by France; neutralization of the territory.

With the neutralization of Luxembourg, under the guarantee of the European powers, it may be doubtful whether the King of Holland will be as favorably disposed to the alienation of the duchy of which he is sovereign, as he was under the uncertainties which late events in Germany had created, and under the pressure of France for its purchase, which has been made since September last. Belgium would, naturally, like to see the neutralization effected by incorporation within her limits, and if it makes no proposition to that effect would, doubtless, make no very serious objection to one if made; and Prussia will, in this respect, yield, probably, that concession, if urged to it by Great Britain.

The power to raise 60,000,000 francs, should events necessitate such expenditure, has been asked by this government of the chambers, and may have in view the possibility of such acquisition, as well as that of preparation for war, for which, in addition, the sum of 8,400,000 francs is also asked to perfect the arms of the infantry.

M. Van der Weyer, minister at London, represents Belgium at the conference. I do not think that entire confidence is felt here in the result of its deliberations. If there is on all sides a sincere desire to consolidate European peace, the conference will do much towards securing it. If selfish considerations are to be invoked, and excessive compensations asked for desired concessions, the result arrived at will probably amount to little more than a delay in the collision between the two powers in their struggle for preponderance.

As the question of Luxembourg is alone to be treated, the result will probably be arrived at and reach you by telegraph before this despatch.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Sanford to Mr. Seward.*

No. 424.]

LEGATION OF THE UNITED STATES,

*Brussels, May 18, 1867.*

SIR: The minister of foreign affairs communicated to the senate on the 15th the result of the labors of the London conference.

I enclose herewith, from the *Moniteur*, the communication in translation.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

[Translation.]

*Communication from the government.***M. ROGIER, Minister of Foreign Affairs :**

The Senate knows the circumstances which lead to the Luxembourg question. This incident threatened to cause a violent conflict, when the great powers not directly engaged in the difficulty succeeded, thanks to the sentiments of moderation of the states most directly interested, to bring about the meeting of a conference which should provide a new basis for the situation of the grand duchy.

Belgium, signer of the treaties of 1839, which it was proposed to modify in so far as regards Luxembourg, had naturally to be called upon to take part in the conference. And the King Grand Duke having addressed to us the same invitation that he did to the other state signers of the treaty, the government of the King hastened to transmit the necessary full powers to its representatives at London.

The independence and neutrality of Belgium being entirely out of the case, our plenipotentiary had for special instructions to join to the extent of his strength and influence in any pacific solution which should not clash with our interests and rights.

We have the satisfaction to announce, that coming together on the 7th, the conference terminated its labors on the 11th by signing a treaty which attains the desired object.

I am able to-day to make known to the senate the substance of this international act.

The Grand Duchy remains under the sovereignty of the House of Orange Nassau.

It is declared neutral state, and its neutrality is placed under the sanction of the collective guarantee of the powers signers of the treaty Belgium. Belgium as a neutral state is not a party to this stipulation. The city of Luxembourg will cease to be a fortified city.

The Prussian troops will be ordered to evacuate the place, and the King Grand Duke can only keep there the troops necessary for the public peace.

This treaty causes grave difficulties to disappear which had arisen between our two peaceful neighbors ; it augments on that account the security of Belgium.

It is also, the senate will understand, not without interest for our country to have been for the first time represented in a political congress which has had this rare and good fortune to preserve to Europe the benefits of peace, that greatest benefit to nations. By the terms of Art. 68 of the Constitution, the government of the King will submit to the chambers the text of the treaty immediately after the exchange of ratification, for which a delay of a week has been agreed upon.

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*Mr. Sanford to Mr. Seward.*

No. 425.]

LEGATION OF THE UNITED STATES,

*Brussels, May 27, 1867.*

SIR : The senate and house of representatives adjourned *sine die* on the 25th instant, after voting almost unanimously the appropriations for improved guns for the army, and the authority asked by the government to make a loan of 60,000,000 francs. If not needed otherwise it is to be applied to public works.

It is probable that the chambers will be convoked in extra session in July, to act upon the plan of reorganization of the army, which the special commission is now engaged in preparing. Meanwhile the triennial elections, to renew half the members of the senate for the next Parliament, will be held on the 11th proximo. No important changes in the relative position of parties seems to be anticipated therefrom, save the probable election of two conservative senators at Antwerp in place of the two liberals who now represent it.

The King and Queen are still in Paris with their household.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Sanford to Mr. Seward.*

No. 427.]

LEGATION OF THE UNITED STATES,  
*Brussels, May 25, 1867.*

SIR: With reference to my despatches, Nos. 403 and 411, in reply to an interpellation by M. Jacobs in the house of representatives yesterday, as to the present condition of the question between this government and Holland touching the impediments to navigation by works undertaken by the latter upon the Scheldt, and the request for the communication of the reports upon the subject by the engineers of France, Prussia, and Great Britain, the minister of foreign affairs stated that the three reports had been made by the engineers to their respective governments and successively transmitted to him.

It would seem from his statement of them that upon the principal point, that touching the influence in the future of the embankments built by Holland upon the channel of the western Scheldt, the English engineer is alone of the opinion that they would be unfavorable to it.

M. Rogier went on to say, that while these examinations were going on the works upon the Scheldt were not suspended by Holland, and he communicated a correspondence with that government, in which, on the one side, notification is made April 6th of the substitution of the canal of Sud Beverland for the Oriental Scheldt in the communications between the Scheldt and the Rhine, and the protest of Belgium, on the other side reserving all its rights in the premises. In the midst of the grave circumstances which have lately occupied Belgium and other governments, the minister continued, the subject had not been prosecuted further. The reports of the foreign engineers had, however, been referred to Belgian engineers, and the result of that examination would be awaited before deciding upon any new line of conduct.

I enclose translation of the communication of M. Rogier herewith.

I think it probable, especially in view of the opinions of the French and Prussian engineers, and the expediency of good relations between the two governments in these critical times, that the question will be satisfactorily laid at rest without any serious trouble.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

[Translation.]

*Chamber of representatives, sitting of May 24, 1867.*

M. ROGIER, (minister of foreign affairs:) Gentlemen, the honorable member for Antwerp having been obliging enough to inform me yesterday that he intended to address me to-day, I have been able to prepare the answer I had to make him. I thank him for his conduct towards the minister in not addressing him before previous information. I avail myself also, gentlemen, of this circumstance to thank the whole chamber and particularly the opposition for the attitude it has never ceased to observe towards the government in this difficult business. The assembly has never sought to impede the action of the government; it has left it its complete freedom of action, but has thereby also left it its entire responsibility. Am I to see in this reserve of the chamber a mark of confidence? I ask for nothing more. All I can promise is that I shall continue to direct this affair in such a manner as not to be undeserving of this confidence if I am authorized to rely on it to-day.

Gentlemen, I resume the affair at the point where I left it in the last statement which I made to the chamber, when I laid on the table the divers documents which it ordered to be printed. These documents comprise, on the one hand, the account of the negotiations which occupied a period of twenty years, and, on the other, the account of the sitting of the various committees which have been appointed to examine this difficult question. I presume that the members of the chamber have, perhaps, had time to acquaint themselves with the documents. As the honorable member stated, I had announced to the chamber that the govern-

ment had thought proper to have recourse to the kindness of three foreign governments to obtain from them the selection of engineers to whom the questions which had not been resolved by common agreement by the Dutch and Belgian engineers assembled in committee should be submitted. Since that time, gentlemen, reports have been furnished by the engineers to their respective governments, and have been by them successively transmitted to us.

My intention, gentlemen, is to publish in extenso the three reports which I have received, but in the mean time I think I may without any inconvenience communicate to the chamber the conclusion of each of these three reports.

The English and Prussian engineers have written their reports, each in his own language. It has been necessary to have them translated. Some time must elapse before I can lay them on the table. I confine myself to stating the conclusions of the reports.

Three points had to be examined by the foreign engineers :

1. Equivalence of the South Beveland canal substituted to the navigable pass of the Eastern Scheldt.

2. Effects of the barring of the Sloe on the preservation of the Rammekens roads.

3. Effects of the barring of the East Scheldt on the navigation of the West Scheldt.

The latter point was by far the most important.

On the first point—

The English and Prussian engineers are of the opinion that the new canal is a way fully equivalent to the present way.

The French engineer's examination has not been directed to this point.

On the second point—

The English engineer is of the opinion that the barring of the Sloe will, without doubt, hasten the destruction of the roads, without considering this consequence as serious enough to require the substitution of a viaduct, to the complete closing of the Sloe.

The Prussian engineer, in the anticipation that the barring will hasten the suppression of the roads, recommends, to insure the security of navigation, measures such as the establishment of new lights.

The French engineer's work has no reference either to this second point.

As to the third point, which we have always considered as the most important, and which has always made the chief object of our claims, the following is the conclusion of the three engineers :

The French engineer, who had received as his mission to place himself exclusively at the point of view of French interests, has declared that the final closing of the East Scheldt could not endanger the interests of French navigation in the West Scheldt.

The Prussian engineer is of opinion that the barring of the East Scheldt will not exercise any unfavorable influence on the navigability of the West Scheldt when a new and deep channel shall have been formed off Bath. "But the question is," says he, "whether the formation of this new channel can take place without occasioning a serious disturbance in the navigation; and whether, in the mean time, the existing channel may not reappear in such a manner as to render impossible the passage of large ships, excepting, at most, during the rather short time of high water. An interruption highly prejudicial to large navigation is, therefore, to be feared. As to the means of obviating it, the Dutch engineers, who are thoroughly acquainted with the local circumstances, and are especially competent in all that concerns hydraulic works, are more capable of indicating them than I, who have only rapidly inspected the river."

The conclusions of the English engineer are worded in the following terms :

"1. The closing of the eastern branch of the Scheldt by means of a solid barring will produce an unfavorable effect on the navigation of the West Scheldt from Antwerp to the sea.

"2. The construction of a viaduct, instead of this barring, is perfectly practicable, and would lead to no unpleasant consequences."

The Netherlands government has received, I am disposed to believe, as well as the Belgian government, communication of the reports of the French, English, and Prussian engineers.

It is well known that, while these engineers were employed in the examination of the questions laid before them, the barring works were not suspended by the cabinet of the Hague; and that, without waiting for their conclusions, the completion of these works was prosecuted with great activity. Under date of April 6th, I received from Baron Gericke the following communication on the part of his government :

"*Monsieur le Ministre :*

"In consequence of the works of art in course of execution in the West Scheldt, the medium of communication between the Scheldt and the Rhine will be shortly replaced for the navigation by the South Beveland canal between Antwerp and Wemelding.

"For the last few months already navigators have been able to appreciate, by a more and more frequent usage, the advantages of this canal; and my government is convinced that experience will speedily show that the canal constitutes not only as safe, as good, and as commodious a way as the East Scheldt, but a much better, safer, and more commodious way.



"It will esteem itself doubly happy, Monsieur le Ministre, should it see this experience give the same conviction to the government of his Majesty the King of the Belgians.

"In performing by this communication the orders of my government, I seize at the same time this occasion, &c.

"GERICKE."

This communication was transmitted to our minister at the Hague, who made thereto the following answer:

"MONSIEUR LE COMPTE: Baron Gericke d'Herwynnen has officially informed the cabinet of Brussels that the East Scheldt will be replaced by the South Beveland canal.

"The notification which his excellency has addressed to the King's government considers the substitution of the canal to one of the branches of the Scheldt only with reference to the relative facilities which navigation will meet with in the new way. It leaves unnoticed the litigious point on which Belgium has the most insisted, namely, the injurious effect which the barring of the East Scheldt might exercise on the principal course of the river.

"Public notoriety had already acquainted the Belgian government of the renewal and accelerated prosecution of the works intended to bring about the speedy and complete closing of the Eastern Scheldt. The communication of the Netherland's envoy has not the less produced the most painful impression on the mind of the cabinet of Brussels; and it is with deep regret that it has received the official confirmation of a fact against the mere eventuality of which it has never ceased protesting. We had reason to hope that the Netherland government would have taken into consideration the practical measures which have been indicated to it to arrive at a solution calculated to conciliate common interests.

"The event not having answered this hope, the King's government renews hereby its previous protestations and reserves, leaving the cabinet of the Hague the responsibility of the consequences of the act which it is about to accomplish.

"I have the honor, &c., &c.,

"BARON DU JARDIN."

"To Count VAN ZUYLEN VAN NYEVELT,

"Minister of Foreign Affairs of his Majesty the King of the Netherlands.

Since then, all correspondence on this subject between the cabinets of Brussels and the Hague has been interrupted. Amidst the serious circumstances which have lately almost exclusively occupied the attention of the Belgian government, and of different governments, the chamber will understand that the barring question has been suspended. Nevertheless, the government has not lost sight of it. The reports of the three foreign engineers have been submitted to the appreciation of the Belgian engineers, and we are awaiting the result of that examination to determine the new line of conduct we shall have to follow.

Such, gentlemen, is what I have to say to-day in to the honorable member.

I think this answer will suffice him for the present. It would be impossible for me to add anything more. I am willing to give all the information which may be asked as regards the past; but as for the future, I think the chamber will be pleased not to press the government to explain the course it intends to take.

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*Mr. Sanford to Mr. Seward.*

No. 428.]

LEGATION OF THE UNITED STATES,  
*Brussels, June 7, 1867.*

SIR: When in Paris, on the 1st instant, news was received that Queretaro had been taken by the Liberal troops, that Maximilian was a prisoner, and, according to the statement of a Mexican journal, would be executed by order of Juarez.

The King sent to me his *chef de cabinet*, M. Devaux, with the request that I would telegraph to you to ask, in his behalf, that you would intercede with the Mexican authorities in favor of his brother-in-law, and aid to save his life and secure him the treatment due to a prisoner of war.

I said to M. Devaux that I would cheerfully do so, but that similar intervention had already been asked by the Austrian legation at Washington; and a messenger had accordingly been sent by your orders to President Juarez, bearer of a recommendation in favor of humane treatment of that unfortunate prince, and that he had returned, the public journals announced, with a favorable reply; I had no other information on the subject; it was now, doubtless, too late to take any further steps which could be efficacious; I would, however,

telegraph to you if, with the knowledge of these facts, his Majesty still desired it.

M. Devaux thought that under these circumstances it would be unnecessary, and left with the understanding that, unless further word should come from the King, I should not send his request by telegraph, but communicate it to you through the usual channel. No further communication has been received on the subject.

The feeling manifested on all sides touching the capture and possible fate of Maximilian is very strong—something like consternation, especially on the part of those who advised and aided this unhappy adventure, and upon whose conscience the fatal termination, now generally feared, would naturally weigh heavily.

Their Majesties returned here on the 4th from their three weeks' visit to Paris.

I have the honor to be, with great respect, your most obedient servant,  
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Sanford to Mr. Seward.*

No. 430.]

LEGATION OF THE UNITED STATES,  
*Brussels, June 8, 1867.*

SIR: I deem it proper to mention to you that being in Paris on the 6th instant, when the attempt was made to assassinate the Emperor of Russia, I called the following day before leaving upon Prince Orloff, the Russian minister here, who was also in Paris and in attendance upon his Majesty, to offer my congratulations upon his escape, and, as the prince was out, I wrote a few lines to him expressive of my feeling on the occasion.

The Emperor sent Prince Orloff to my lodgings next morning—to-day—to thank me in his name for my congratulations, and to express the gratification which, as he said, my note had given to his Majesty; and, as I had already left town, he telegraphed to the Russian legation here, instructing the *chargé d'affaires* to transmit to me the message of the Emperor.

I have the honor to be, with great respect, your most obedient servant,  
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Sanford to Mr. Seward.*

No. 433.]

LEGATION OF THE UNITED STATES,  
*Brussels, July 5, 1867.*

SIR: The news of the execution of the Archduke Maximilian, at Queretaro, has excited a general feeling of indignation. Those opposed to his vain attempt to overthrow republican institutions in Mexico speak of the act as unnecessary, cruel, and impolitic, in striking contrast to our course towards those lately in arms against the Union. The news, although communicated to the King on the 30th ultimo, from Vienna, was considered till yesterday doubtful, but has now been confirmed, and the *Moniteur* of this morning announces that, "on the occasion of the death of his Majesty the Emperor of Mexico, the court will go into mourning from the 5th instant to 4th September, inclusive." The usual notification

to the diplomatic corps from the minister of foreign affairs has just been received by me and in the same terms as given in the *Moniteur*.

While I would not appear to be wanting in any mark of respect to the King in his grief for the death of his brother-in-law, with which I profoundly sympathize, I do not feel that it would be proper for me to go into mourning for "his Majesty the Emperor of Mexico," and, unless otherwise instructed by you, propose not to follow, in this case, the usage of the diplomatic corps, with respect to court mourning.

I have the honor to be, with great respect, your most obedient servant,  
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Sanford to Mr. Seward.*

No. 435.]

LEGATION OF THE UNITED STATES,  
*Brussels, July 6, 1867.*

SIR: A royal decree, under date of 30th ultimo, preceded by a report from the minister of the interior, appears in the *Moniteur* of the 5th instant, which, "considering it useful that a certain number of artisans, foremen, and workmen d'élite should be enabled to visit the International Exhibition at Paris," provides for a maximum subsidy of 100 francs, (\$20.) each, from the credit granted for the Exhibition, the 6th March, 1866, to enable 300 to go there, the choice to be made by the chambers of commerce and town councils. A large sum additional has also been raised, mainly by the towns, so that over 600 of the best workmen of Belgium will be enabled to study with profit those parts of the Exhibition which concern the branches of industry to which they belong.

Belgium is not alone in thus seeking to gather at the Universal Exhibition practical results for the benefit of her manufactures and sources of industry. Other States are also sending workmen there.

I have the honor to be, with great respect, your most obedient servant,  
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Sanford to Mr. Seward.*

[Extract.]

No. 436.]

LEGATION OF THE UNITED STATES,  
*Brussels, July 6, 1867.*

SIR: A report to the King from the minister of the interior, under date of the 3d instant, appears in the *Moniteur* of this day, proposing, in view of the cessation of the cattle plague in the states of the Zollverein, and its amelioration in Holland, the removal of certain restrictions upon various importations from those countries.

A royal decree follows under date of 4th instant, removing the interdiction of the entry and transit of horned cattle, hides, &c., from the states of the Zollverein, and of swine and pork, and dried hides from Holland.

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I have the honor to be, with great respect, your most obedient servant,  
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Sanford to Mr. Seward.*

No. 441.]

LEGATION OF THE UNITED STATES,  
*Brussels, July 23, 1867.*

SIR: I have the honor to acknowledge the receipt of your circular despatch of 29th March, relative to diplomatic costume.

I had already conformed to the joint resolution of Congress referred to therein on the only occasion when I was called upon to appear officially since its passage, viz: on a visit to their royal highnesses the Count and Countess de Flander upon their marriage, and on the 21st instant I was present with the diplomatic corps at the Te Deum on the 36th anniversary of the inauguration of the reign of Leopold I, also in citizen's dress.

I hope it will not be considered out of place here to refer to my views previously expressed on the subject of diplomatic costume, which are of record at the department, (letter of resignation, January 22d, 1853, rejoinder to Secretary Marcy, 12th March following, and letter to Secretary Cass, 19th January, 1860,) and to say they are in no way modified by subsequent experience, and that I rejoice in believing in the dissipation by this instruction of all hesitations in carrying out the previous circular and subsequent law; and that the various fancy costumes which figure at European courts as the official dress of our diplomatic representatives will give way to a garb more in keeping with our institutions and usages, which now becomes by law a *uniform*.

Upon my arrival here as minister I conformed to the desire expressed in the circular instruction of June, 1853, with respect to official costume; but finding that I was the only diplomatic representative near a European court who wore plain dress, to avoid an attitude of singularity or criticism in contrast with other ministers of the United States abroad, I appeared after a lapse of a year, on public occasions, in the uniform of an officer of our militia, in which I hold a commission, for I was proud to wear the insignia of our citizen soldiers, who were so gloriously combating rebellion at home. I never discovered, however, any impropriety nor encountered any difficulty here, other than as above indicated, any more than at the French court, in complying with the desire of the department as conveyed in that circular. The official dress, whether plain or embroidered with gold or silver, of diplomatic agents, it has seemed to me was a matter depending upon the wishes and usages of their own governments only, which it would be a manifest indiscretion if not impertinence for any foreign official to criticise, much less object to, without his opinion was invoked; while the court dress, so called, of individuals who go to court for their pleasure, should conform to its regulations and etiquette.

The objection which has frequently been urged that an American minister without an embroidered coat might be mistaken for a lackey, shows ignorance of court usages, and is unfounded, for all the servants of a court, from the highest official down to the lowest menial, wear its livery. He and his suite are, in fact, the only persons, with rare exceptions, who could appear at court in plain dress. I remember as such exception his Imperial Highness Prince Napoleon, who, as well as myself, wore plain dress at the Tuileries, until he was appointed a lieutenant general of the French army. Another exception which I recall is the princes of the Orleans family, whom I have met occasionally at court here, and who always appeared in plain dress.

It seems to me a subject of congratulation that uniformity and simplicity in apparel on official occasions is to be henceforth the practice as well as rule of our diplomatic agents abroad, and I am sure that its plainness will not detract from the respect or consideration which is due to the representatives of the United States.

I have the honor to be, with great respect, your most obedient friend,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Sanford to Mr. Seward.*

No. 443.]

LEGATION OF THE UNITED STATES,  
*Brussels, July 31, 1867.*

SIR: In my despatch of the 12th March last I gave, from what I considered an authentic source, the loss of the Belgian volunteers in Mexico at 200. As I have since learned from good authority, the loss was 700 out of 1,700 who went there three years previous.

It may not be out of place in this connection to say that the same authority estimates the loss of the French army during the period of its intervention in Mexico at 20,000 men. And few were better able to form a correct judgment than my informant.

I have the honor to be, with great respect, your obedient servant,  
H. S. SANFORD.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Sanford to Mr. Seward.*

No. 445.]

LEGATION OF THE UNITED STATES,  
*Brussels, July 31, 1867.*

SIR: The Sultan and suite passed through Belgium coming from England and on his way to Germany on the 23d instant. He was met at the frontier by dignitaries of the court, who accompanied him to Liege, where the King with his ministers received and entertained him at supper, when he proceeded on his journey. The contemplated visit to Brussels was not made, I believe, in consequence of the mourning of the royal family.

I have the honor to be, with great respect, your most obedient servant,  
H. S. SANFORD.

HON. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Sanford to Mr. Seward.*

No. 447.]

LEGATION OF THE UNITED STATES,  
*Brussels, August 6, 1867.*

SIR: I received in common with the other foreign ministers here a communication from M. Rogier, under date of the 3d instant, announcing that a funeral service would be held to day at the church of Saints Michel and Gudull, "in memory of his Majesty the Emperor Maximilian," and that places would be reserved for the diplomatic corps.

The same reasons which guided me with respect to going into mourning for the brother-in-law of the King, as given in my No. 433, governed me in abstaining from taking part at this religious ceremony, where the King and royal family, the ministers and others functionaries of the government, and the rest of the diplomatic corps were present.

I went after the service to the foreign office to see M. Rogier, and as he was out, requested the secretary general to say to him that while I would forego no suitable opportunity of manifesting my sympathy for the King and royal family on their bereavement, his communication had been made to me in a form to render my presence on this occasion impossible, as implying a sort of retrospective recognition of a political status that we had ever denied, and that I would have esteemed the omission to notify me quite as courteous as given in that form.

Baron Lambertmont replied that my abstention had not been unlooked for as a logical result of our position with regard to Mexico, and he felt assured that it would not be construed by his Majesty in any unfavorable sense. With regard to sending me the notification in that form, it had seemed more proper, he continued, to make it in the same terms to me as to the other foreign ministers, and that the abstaining to send me any, or one in other terms, had appeared also open to criticism.

I did not pursue the subject further. It seemed an ungracious act in the midst of this mourning to refer to it, but I did not feel that I could properly pass the matter over in silence.

I have the honor to be, with great respect, your most obedient servant,  
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Sanford to Mr. Seward.*

No. 451.]

LEGATION OF THE UNITED STATES,  
*Brussels, August 25, 1867.*

SIR: Parliament, which met in extraordinary session on the 19th, adjourned two days after, and now stands prorogued by royal decree. The officers of last session were re-elected, and nothing worthy of special note transpired save a reply of M. Rogier to an *interpellation* relative to the present situation of the question with Holland touching the barring of the Scheldt. The minister of foreign affairs stated to the house that the reports of the foreign engineers which this government had asked for had been presented, and would be laid before the chambers, and that they were now being examined and would be reported upon by Belgian engineers, when the period of examination would be definitely closed. He hoped, he continued, next session to furnish to the chambers more precise indications as to the course to be pursued by the government.

I send the documents referred to herewith. The dam across the entrance to the eastern Scheldt, which has been the cause of so much litigation, has, during the discussion, been completed, and now enters in the domain of accomplished facts.

The only practical result which seems likely to follow is the change of Baron Dujardin, the Belgian minister at the Hague, to another post, the acrimony caused by the correspondence on this question making his position there an unpleasant one.

I have the honor to be, with great respect, your most obedient servant,  
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Sanford to Mr. Seward.*

No. 457.]

LEGATION OF THE UNITED STATES,  
*Brussels, September 30, 1867.*

SIR: I have the honor to acknowledge the receipt of the last issue by the department of correspondence relating to Mexico, in response to the call of Congress. There is still great interest felt here in all that bears upon the subject of the origin, progress, and failure of the attempt to create an empire in that republic, and documents are daily coming to light, and are eagerly read by

the public, calculated to keep up that interest in removing the veil from the secret history of that ill-starred enterprise.

It will not be out of place at this time to correct a popular error which ascribes to the late King Leopold I the part of a promoter or instigator of the so-called Mexican empire. I have good reason to believe that the contrary is the fact; and I may say further, and upon high authority, that from the moment of the offer of the imperial crown to the Archduke Maximilian the King determined to exercise no influence upon him or his daughter in that connection.

When the first overtures were made even, his Majesty said in familiar conversation that he did not believe they would favorably entertain them; and later, when Maximilian and the archduchess had the proposition under consideration, the King repeated again and again that his firm resolution was to leave them to act entirely in accordance with their own inclinations, and to abstain from any counsel in either sense.

I deem it due to the memory of a great and good man, to whose enlightened and friendly interest in the United States the archives of this legation bear frequent testimony, to make this statement of record here, although the facts, communicated long since in a more informal manner, are not new to you.

That the King in his paternal solicitude, after the determination of his children to undertake this perilous adventure, favored the recognition of the "empire" and the formation of a Belgian legion of volunteers, who should serve as a protection for his daughter, is not to be gainsaid; but that he was directly or indirectly responsible for the scheme of a Mexican empire cannot with truth be ascribed to him in history.

I have the honor to be, with great respect, your most obedient servant,  
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Sanford to Mr. Seward.*

No. 465.]

LEGATION OF THE UNITED STATES,  
*Brussels, October 22, 1867.*

SIR: In my despatch No. 398 I had the honor to inform you that the Belgian government had appointed a commission, consisting of members of the senate and of the house of representatives and of generals and superior officers, for the purpose of inquiring into the most eligible means of reorganizing the army.

The debates of the commission have just been collected and printed in a report of considerable extent.

Before mentioning the suggestions and conclusions of the commission, it may be well to observe that the Belgian army, by the law of June 8th, 1853, is to consist, in case of war, of 100,000 men. But in reality the establishment had remained on the previous footing of 80,000 formed by yearly levies of 10,000, liable to eight years' service.

With the exception of the artillery, which, for technical purpose, are kept longer under arms, the actual time of service does not exceed two years and a half, the discharged soldiers falling into the reserve, but liable to be recalled to active duty till the expiration of their eight years. The peace establishment, therefore, amounts to 25,000 men, from which deductions must of course be made for casualties, &c.

The commission propose maintaining 100,000 men as the war establishment, that figure being considered indispensable for the security of the country. For this purpose, the yearly levy, consisting at present of 10,000 men, must be increased to 13,000; so that on an emergency the war effective of 100,000,

allowance being made for casualties, may be obtained by calling out all the eight years' levies.

At present the army is raised by conscription, as in France. The commission propose maintaining the system, with the power of obtaining exemption from military service on condition of paying the government before drawing a sum of not less than 1,000 francs. This would in the opinion of the commission put an end to jobbing and other inconveniences attending the present system of substitutes, and from the relative high sum would bring a better class of men into the army as privates.

The government, however, does not appear disposed to adopt this suggestion.

With respect to the time of actual service, the commission propose, as at present, two years and a half, with seven months' additional service spread over the remaining five years and a half.

In addition to the regular force of 100,000 men, the commission propose a reserve of 30,000 at most, supplied by the unmarried men and widowers of the first ban of the civic guard, (under 30 years of age.) But the commission do not seem to have come to a practical solution as to the best mode of putting this reserve on a war footing, and combining its operations with those of the army.

The Belgian infantry consist of 16 regiments, viz: one regiment of grenadiers, two of chasseurs, one of carabiniers, and 12 of the line; in all 84 battalions, 68 active and 16 reserve, of 876 men, making in round numbers from 70,000 to 74,000 men, including officers, commissariat, punishment companies, &c. No essential change is proposed by the commission, except that the number of officers will have to be increased in order to meet the augmentation of the yearly levy raised, as has been above mentioned, from 10,000 to 13,000 men.

The cavalry consists of seven regiments, viz: one of guides, four of lancers, and two of chasseurs; forming 38 squadrons, besides nine companies of gendarmes, in all 6,530 men. No alteration is proposed in this branch of the service.

The only serious changes proposed refer to the artillery, which, in the opinion of the commission, requires to be considerably increased.

It is well known that Belgium, at one time, was covered with fortified places, filling a conspicuous place in military and diplomatic history. For political and strategical reasons, it was decided in 1851, by a military commission whose labors were published two years afterwards, that the fortresses on the southern frontier and several in the centre of the kingdom should be demolished as useless and untenable, and that the national defence should be concentrated at Antwerp, that city to be covered by an entrenched camp of considerable extent, strengthened by a system of detached forts. Behind this bulwark the government, the houses, &c., might, in case of invasion, find a refuge under the protection of the army falling back on Antwerp, which place was to be rendered capable of sustaining a siege of six months at least.

It was not, however, until 1859 that the legislature voted the sums required for carrying out this system of defence. Since that time the works have been carried on at Antwerp, and I have had frequent occasion to refer to discussions in Parliament respecting them. They are, in so far as relates to the original plan, about terminated; although for a complete system of defence, other works will be necessary in all probability. It is estimated on high authority that 15,000 artillerymen would be necessary to man these works.

The Belgian artillery consists at present of four regiments, comprising 24 siege batteries and 19 field batteries, (4 horse and 15 mounted,) of eight guns each.

The force on foot is stated in last year's estimates at 4,772 men, besides a regiment of engineers, (839 men,) field train, &c.

The commission propose raising the artillery force to 15,394 men, of which 10,563 for Antwerp, and 1,650 for the fortresses of Diest and Termonde, serving as outworks to Antwerp, making for the three fortresses 12,213 men; the remain-



ing 3,181 men for the field artillery. The number of guns required for Antwerp is stated at 3,201. The commission propose forming 31 new siege batteries, which, added to the 24 existing ones, will make in all 55 batteries. The inspector general of artillery insisted on 64, but his opinion was not adopted by the majority of the commission.

The field artillery, consisting at present of 152 pieces, distributed into 19 batteries of eight guns each, should consist, according to the commission, of 27 batteries, (5 horse and 22 mounted,) of six guns each, the latter number being adopted by the principal European powers, and even by Holland and Switzerland, since the introduction of rifled cannon. These changes would raise the number of artillery regiments from four to six.

The annual budget for the war department amounts to about 35,000,000 francs, (\$7,000,000.) Should the proposed changes be made, the additional annual cost to the treasury will be about \$700,000; to the people 3,000 more conscripts annually, and the government will have its patronage increased by 1,000 more officers.

This report is attracting a good deal of public attention, and opposition as well, but its suggestions in all probability will be in the main adopted.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Seward to Mr. Sanford.*

No. 234.]

DEPARTMENT OF STATE,

*Washington, October 31, 1867.*

SIR: An absence of several days has delayed this acknowledgment of your despatch of the 30th of September, No. 457. It reopens in the records of the department a question which, although once a subject of profound concern, has now ceased to have a practical interest. Until the occurrence of the late ill-conceived European intervention in Mexico, the administration of the late King Leopold the First was not more highly distinguished for its wisdom in all other respects than it was for a just and enlightened consideration of the character and rights of the United States. It was with much pain, therefore, that this government saw the Belgian King lend recognition and a legion to establish in a neighboring country, on this continent, a system antagonistic to and incompatible with the permanent security and welfare of the United States. To Mexico, the United States, and the other republics of this continent, this proceeding of the King of the Belgians was not merely his own personal act; it was the effective act of the Belgian State. The only apology which has, or which can be offered for it, is one which least of all republics can be expected to accept. I mean the apology of parental affection on the part of the King, for the unsuccessful aspirant Maximilian. The part assumed by Belgium was a subordinate one. Enlightened statesmanship suggested to us that for this reason Belgium might be overlooked in the representations which were required to be made by the United States to France, the leading power of the intervention, nor is it my purpose now to dwell upon the great error of the first King Leopold's reign. Let it go before the tribune of impartial history.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., &c., *Brussels.*

## DENMARK.

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*Mr. Yeaman to Mr. Seward.*

No. 43.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, December 4, 1866.*

SIR: I do not make this paper a despatch, because it does not concern the internal or external affairs of Denmark, nor the relations between this government and the United States, and I leave it entirely to your better judgment whether the subject-matter or any of my observations in regard to it shall be laid before others having such matters particularly in their charge.

The subject is the organization and management—the whole efficiency—of the foreign diplomatic service of the United States; and I propose, with your permission, to submit to your consideration some reflections which I deem pertinent to the public service, not impertinent for me to make, and which, in any event, I will be partially excused for making, by their having been constantly forced upon my attention during my short stay in Europe.

It need hardly be remarked that the only rational object of the service is public utility; and it cannot be amiss for any citizen, more especially for one in that branch of the service, to point out what seems to him the means of increasing its efficiency and usefulness.

I feel the more entirely at liberty to do this, as I did not expect, in accepting my present position, that I would hold it, or be expected to hold it, for more than a few years at most, and am, therefore, in no way obnoxious to the imputation that any of my reflections would have a tendency to benefit myself personally. I have no fear of any such unfounded criticism, and its possibility will not deter me from making such observations as I think just in themselves, and adapted at least to inciting an increased and impartial consideration of the subject. Prominent among my reasons for accepting a position so kindly tendered without solicitation were the probability of restored health and the facilities for pursuing a long-desired course of study, while constantly having in my mind the desire and the expectation of a future return to my profession.

It is only too apparent that the American diplomatic service is regarded abroad as the least carefully organized and, as a necessary result, the least efficiently executed among all the great or highly civilized powers; and this opinion may be entertained and expressed by others without implying any reflection upon the gentlemen engaged in that service, at home or abroad, but as a fact arising entirely out of defective organization. Mr. Randolph has been censured for saying rather splenetically, and with more energy than grace, that Americans were "at the tail end" of the corps diplomatique in Europe. There was some petulance in the remark, and, as far as there is or was any truth in it, it may be safely affirmed that it is not the fault of the gentlemen sent abroad, but of the inherent and patent defect in the organization and conduct of our diplomatic service.

The matter has frequently been the subject of conversation between myself and my very intelligent and friendly colleagues accredited to this court, and I have thus, as well as in many other ways, been led to observe wherein our service differs from that of other nations, and in what points of difference it would appear to be susceptible of improvement.

One difference, perhaps the leading one, between our service and that of other

powers, is the care they observe to secure the services, while young, of men supposed to be adapted to it, and to prepare and qualify them by a long course of experience and training for the intelligent and skilful discharge of its duties, and which contrasts, in a marked manner, with the casual and transient service of American diplomatic agents.

European diplomats call it a profession, or, more commonly, a career, and of course to run the career well, it is necessary to know well its landmarks, its objects, its duties, and the most apt means of accomplishing these. A majority with whom I have conversed began, while quite young, as *attachés*, and were promoted gradually to second secretary, first secretary, *chargé*, minister, and envoy, a course of service embracing successive residences in various different capitals.

Aside from the official experience thus acquired, which is certainly its greatest advantage, the familiarity with different languages, and with the manners of diplomatic society and of social intercourse among European officials, and the reach and accuracy of political views, acquired by a studious residence in different countries, are very great advantages.

In speaking of qualifications for the diplomatic service, I wish especially to reject the idea that diplomacy is a lie; the art of polite and successful hypocrisy, of using language so as to conceal ideas; in short, of reaching any important end by finesse and strategy. In this the best and most successful practice would seem to corroborate the most approved advice, by demonstrating that entire sincerity and a properly guarded candor are, in the end, the best policy.

To say that one ought to observe a due caution, a discreet reticence, use all proper and worthy means of acquiring information, and say and write no more than is necessary, is only to prescribe such rules as would serve one equally well in any other sphere of life as in the discharge of diplomatic functions. But diplomacy, no more than the profession of arms or of law, is not all learned on paper, and it is a service apart and distinct from an ordinary political experience, only a little less than the military service, and clearly not to be learned in a day or a year.

I avow myself unable to conceive a greater or more apparent error in administration than the theory of rotation in office *merely for the sake of rotation*. It is extremely well for the public service that incumbents should be impressed that rotation will surely occur unless duties are well discharged. And in political offices irregular and frequent rotation must necessarily and often occur to give expression to the changed or dominant opinion of the constituency. This is a result of our institutions, and I profoundly believe in those institutions. But the idea of rapid rotation in ministerial offices is only a little less injurious, and scarcely any better founded, than rapid rotation on the bench; and the idea of frequent changes, in any department of the service, only with the view of gratifying a greater number of applicants with a taste of the supposed and unreal sweets of public official service, if good in its application to a short term of a few years, must be followed to its logical results, of a few months or even a few weeks; and it would thus become as ridiculous as disastrous, by always having a set of officers who are only learning their duties; who, as soon as they have learned them, or a little before, will give place to others who run the same short, and, to the government, unprofitable career. I have long been satisfied that upon this and the kindred subject of salaries the great body of the people are in advance of most of their public men, and that many errors upon the subject of short terms, rapid changes, and low salaries, done mainly because it is supposed such measures are demanded by the people, give the intelligent part of them real concern and displeasure. They want their affairs well managed, and are not ignorant of the advantages and necessity of experience.

As to the minor advantages of experience, it is quite true that a man who is a gentleman in America is a gentleman everywhere; but, for all that, he will

quickly find, when he undertakes to represent and protect the interests of his government near a foreign court, that it were far better for the substantial interests of his government, as well as far more comfortable to himself personally, that he should have known a few things, and if possible known them while young, which are not learned either at the bar or in political life in America. It is at once the part of wisdom and of duty to an agent's government, as well as of interest to himself, to be familiar with and to adapt himself to the prevailing modes of that sphere in which he is sure to have an influence for or against his government, so that he will neither miss opportunities for information and favorable impression, nor discourage or repel those who might be useful friends.

All this is quite plain, and very commonly understood, so much so that its mention would seem to be superfluous; but the point in the matter is, that it is a part of the service which has to be learned; that the greater number of our agents are unacquainted with it when they first come abroad, and are withdrawn as soon as they have learned it or had time to do so, and their places supplied with others equally able and equally inexperienced.

I am assured by gentlemen who have observed, in a friendly spirit, many of our diplomatic agents when they first come abroad, that while they have nearly always found them men of talent and force of character, they have seldom or never seen one who was at first qualified or at all knew how to take charge of a legation and to commence the discharge even of his official duties in the usual way; that some have seemed to regard a mission abroad as "a mere visit to Europe under advantageous circumstances," and were as much discouraged as surprised by the difficulties encountered in their new career.

European diplomatic agents are frequently transferred from one capital to another, but the rapidity with which those of the United States are taken entirely out of the service and fresh ones put in, is regarded in Europe with undisguised and pronounced astonishment. This objection to the system, as a system, is not met by the observation that our diplomatic agents resign as often as they are displaced. One evil begets the other, and there are other reasons for resignations found in the system itself. The understood habit of rapid changes makes some gentlemen willing to accept a few years of such service, with the expectation, if not the implied understanding, that it is a temporary employment, and they enter upon it without any intention of seriously and laboriously devoting themselves to that line of study that will prepare them for the discharge of its duties. It would be strange if it were otherwise. With no expectation of promotion or of permanence and distinction in the service, there is naturally some indifference to such labor; and it is known some of them resign a place of comparative obscurity, and return home to engage in more promising and exciting political aspirations. And it may safely be assumed that some of the influences I have named, and other unpleasant effects on what was supposed to be a pleasant and easy position, often lead to resignations sooner than they were at first intended. The office ought more nearly to resemble judicial positions, whose duties are not thought to be a pastime, for which a man is only prepared by a long course of study and experience, and a sphere of *labor*, which, being assumed, would generally be continued while the discharge of it was satisfactory.

The summary and ill-founded observation about "republican simplicity" and "aping royalty and aristocracy," is only made by well-meaning gentlemen who have not stopped to look into the subject. There is probably no instance of any American diplomatic agent having fallen into unrepugnant ways of thinking and feeling; and if there is a class of Americans who make foolish and unjust remarks while abroad about the institutions and manners of their own country, every thoughtful, cultivated and observant American only has his love for our institutions deepened by a closer study and observation of other systems. The true aim is not to be peculiar or ostentatious by appearing to parade whatever may distinguish us from others, but to be acquainted with and to practice such

things, both official and social, as will increase our usefulness to the government by increasing our influence among those with whom we come in contact; those deferences and compliances which, without compromising us, will give those numerous facilities and advantages that exist outside of a mere written controversy. Whoever thinks he can do this suddenly and with success, without previous experience, has only to make the effort to be suddenly undeceived. And a government which constantly relies for the discharge of diplomatic duties on men without that experience, though it may select its ablest lawyers, legislators and captains, will be served, at least occasionally, with as much clumsiness as fidelity. A legation may be compared to a window or lens through which others see our government, our people, and our institutions.

Near akin to experience and nearly of as much importance is the necessity of being acquainted with modern languages, especially the one which has become, for the most part, the language of diplomacy. In no other particular does the American service, when compared with others, appear to greater disadvantage. My own lack of this qualification has furnished me with the means of intensely appreciating its importance, and has excited me, against my intention and expectations, to attempt, at least in part, to remedy the deficiency. This disadvantage arises in part from our isolated situation. No country has so great or so many facilities for an ordinary substantial education as the United States. But so little have we felt the need of modern languages, and so little have they been cultivated with us, especially in the west, as compared with European countries, that the government might not always conveniently find gentlemen having this knowledge by education in early life, and, at the same time, combining the other qualifications and claims to consideration generally deemed material in making such appointments. When they can be, then, other things being equal, the linguist ought certainly to be preferred. An agent without this acquirement ought to have it impressed on him that he is expected, as a matter of official and honorable duty, to attain it at his earliest convenience, at least so far as to read and translate with accuracy.

It is fair to presume the government sends no agent abroad not tolerably well acquainted with the works of Kent, Wheaton, and Vattel, upon international law, and these are standard works the world over. But a man may conduct a law office on Blackstone's and Greenleaf's Commentaries, without books of practice and reports, nearly as well as a minister can conduct the business of a legation without consulting, if not studying, the various works upon the rights, duties, and powers of ministers, the formal part of diplomatic intercourse and correspondence, the various collections of treaties, the histories of treaties and negotiations, works upon maritime law, and the collection of precedents and leading cases arising under the law of nations. If these books exist in the English language, I have not been able to find them here in that dress, and though a man in middle life or past may not often learn to speak a foreign language, it ought to be expected that no minister will remain unable to read such works as may be necessary for his enlightened guidance.

If I have correctly understood the several circular instructions found on file in this legation, taken together, they make out quite a curious case on this subject, and one to which I cannot think attention has been called. An agent is sent to a foreign court with full knowledge that all communications addressed to him by the government to which he is accredited will be in a language of which he is wholly ignorant. He is instructed not to employ foreigners in copying; is required to give translations; is furnished with no secretary to do the copying and translating, and is enjoined not to charge the cost of translation to the contingent fund.

This prohibition of expense to the government for translating would clearly imply that a minister may hire it done if he will pay for it out of his own means; and as all translations necessarily involve a copying, and give the best possible

opportunity for taking or keeping a copy or the substance of a document out of the office, it is not perceived how he can obey the rule about copying and have anything translated. A minister may receive a communication upon the most important or most confidential subject, and, for not being able to read it, cannot possibly know whether to report it to his government, or to answer it, or what answer to make. He has no resource left to him but to have it translated by some one not connected with the legation. The situation would certainly be awkward and embarrassing, and to any suggestion that no practical inconvenience has so far resulted from it, it is a sufficient response that the inconvenience and the injury might be so great that no opportunity ought to be allowed for it to occur, and that it is possible we may not be aware of all the damage it has caused in times past. It is much to the credit of the United States that their diplomatic agents have furnished some of the best and ripest contributions of this century to legal and historical literature. Gratifying as these examples are, it is certainly to be regretted that the acquirements necessary for such service have been the brilliant exceptions to the general rule.

Closely connected with this subject is that of a legation library. This need not be extensive, but that it ought to be more so than it is, and of a different sort from that now supplied, there cannot be any reasonable doubt. A minister for the ordinary and respectable discharge of his functions, and especially for the management of any important and difficult question, not only needs such a help, but without it he will generally fail to satisfy either himself or his government, no matter what his natural ability, his common-law learning, or his legislative experience. It is true, access can generally be had for reference to the necessary authorities in the large libraries to be found in the different capitals of Europe, but that is not equal to having them on the book-shelves of a legation. Every American legation in Europe is either encumbered with or has given away to some institution, by permission of the department, hundreds of volumes of public documents, some of them very costly, and the most of them of the smallest use conceivable to a legation. If a minister were furnished with the state papers and diplomatic correspondence of his own government, the balance of these books might well be dispensed with, and a fourth or a tithe of their cost would furnish many works of very great utility.

The orderly and neat preservation of the archives of a legation ought in some way to be better secured and enforced, so that an incoming minister may, with facility, make himself acquainted with the history, the business, and the duties of his legation previous to his accession to it. My own experience and difficulties in that matter have been detailed in previous despatches. Some system of binding, labelling, and indexing ought to be enforced that would not only preserve the archives from destruction and loss, which appear in a great measure to have happened to the papers of this legation, but would also give a reasonably industrious man access to their contents without an undue amount of drudgery.

This naturally leads me to the observation that every legation ought to have a good secretary. The advantages of this are manifold and too great to allow the trifling expense of his salary to be mentioned as an objection. Besides the greater order and neatness that would probably be attained in the ordinary despatch of business, and in making and keeping the records, its conformity with the uniform custom of other governments would prevent those inquiries, and those expressions and looks of surprise to which the absence of a secretary so frequently gives rise. The diplomatic service is perhaps the one in which we can least afford to be peculiar, or to depart from the usual customs, and in which such departure is ordinarily most injurious. When at any court the envoys extraordinary of other governments, some of them not having a fourth the population and wealth of the United States, are furnished with from one to four secretaries and attachés, who assist them in their official labor and in the

ordinary formal testimonies of respect on public occasions, the attitude of an American minister resident representing a government so great and powerful, standing and working alone, constantly excites remarks and conclusions which do not add to the efficiency of the legation or to the estimate accorded to our government. It cannot be other than an evil to have it supposed that such a government as the United States withholds secretaries from its legations on account of the small expense thereby saved, or from not really knowing the advantages of having a secretary in every legation. A legation is either useful or not. If not it ought to be withdrawn. We are under no obligation to support legations, no matter on how limited a scale, merely as a compliment to other governments. If useful they ought to be supplied with all the means of usefulness and efficiency. It requires no argument to show that a minister with a competent intelligent secretary can acquire information useful to the legation and to his government more rapidly and accurately than without one. As to labor, particularly in such matters as are specially given in charge to a minister, you are aware it must be irregular. There are times when of course there is but little to do, and there are occasions when a minister, without a secretary, has to perform an amount of mere physical and mechanical drudgery which ought not to be required of a man otherwise fitted for the place, and who could be otherwise so much better employed. It is in the experience of every professional man, and of all who have engaged in the duties of legislation or diplomacy, that while supported by the first ardor or mental excitement of composition the labor of reducing an argument or a document to form is comparatively easy to bear. But that first draught is nearly always unfit for use, and when thus roughed out, for a minister to have to make out two copies with his own hand, one for the Secretary of State, and one for the records of his legation, (and in case it is addressed to the government to which he is accredited, then still a third one for its foreign office,) to men who do not copy with much facility, as I imagine most ministers do not, the task, before completion, falls little short of torture.

Not only does every legation need a secretary, but I have to submit that the difference at present existing upon that subject is unequal and not founded on reason. Some of our legations have two secretaries, and some one, and some none. When the difference in the salaries of ministers is also taken into account, the difference seems still greater and still more unsupported. I hope I am very far from desiring to make our legations ornamental. My whole argument points the other way. Another very obvious and considerable advantage of furnishing all our legations with secretaries is in the training and experience it would afford to worthy young men of laudable aspirations in preparing them for the service of the state. This is so apparent that it is a part of the organized system of other governments; and the course of our own government in this respect is in marked contrast, not only with the policy of other governments, but with its own care and solicitude to prepare young men for the army and navy. These young men should not be put into the diplomatic service with any understanding that promotion comes as a matter of course, but only as a matter of desert. If they are found worthy of promotion, it does not need to be shown that they will be more familiar with their duties by this course of experience. If they do not accept or are not offered promotion, they will at least have performed their parts as secretaries while abroad, and upon their return the country cannot be the loser by having in our midst a greater number of citizens intimately and practically acquainted with the foreign affairs of our government, and with the internal politics of foreign governments. These several considerations have partly anticipated and now lead directly to the consideration of the subject of expenses or salary. However delicate this subject may appear in my hands, I shall approach it with entire freedom, and I hope with as much justice as boldness. The subject is not without its difficulties. The first and most apparent consideration is to make the salary sufficient for the purposes of gentility

and efficiency, and within this rule the real amount needed would vary with the size, ages, and sex of a minister's family, matters which a government cannot stop to consider. The next is that while it should be just, it should not be large enough to make it sought after as a means of money-getting. It cannot be just unless sufficient to save a minister from loss, considering the expenses of coming and going, the cost of living, and the loss of time and business at home, even counting nothing for services rendered. Viewed in this light, it is quite evident that public and individual economy are consulted by permanency and regularity of service rather than by short terms and frequent changes, apart from the advantages to the government of having experienced agents. Ann independent of the amount of a minister's salary, one cannot avoid reflecting upon the singular inequality which at present exists. Any attempt to graduate salaries according to the strength, wealth, population, or political importance of the country in which a legation is maintained, or even in any great degree with the importance and intimacy of our relations with its government, is a misconception of the subject. The senators from Delaware and Rhode Island are justly deemed worthy the same salary as the senators from New York and Pennsylvania, and the cost of living at Washington is quite the same to one as to the other.

In Europe the difference in the cost of living at different capitals is not nearly so great as is often assumed or imagined. House-rents, meats, and carriage hire are more costly in the large than in the small capitals, while dry-goods, carpets, linen, furniture, and servant's hire are cheaper in the large, and dearer in the smaller capitals. As to all those additional and quite considerable expenses of living, aside from mere comfort, which a minister and his family must incur in order to appear as becomes them and their government in that society in which they are expected to move, they are very much the same all over Europe. One court, in all that distinguishes it from any other good society, is about as expensive as another. A court wardrobe for gentlemen or lady must be equally good at Copenhagen or Stockholm as in London or Paris, and is more expensive in the smaller than in the great capitals; just as it costs a family more to get to and from Copenhagen and Stockholm, than to and from London and Paris. Certainly some legations are far more important, and have more labor to perform, than others; but so have they more rank and official position, (so far as that may be held a consideration,) and have competent help in the performance of that labor. It would be difficult to show that the legations which have one or those which have two secretaries, have any more, or even as much work to do, in comparison with the working force provided, as those which have none. This observation seems especially true of such legations as Madrid, Florence, St. Petersburg, as compared with the Hague, Berne, Copenhagen, and Stockholm. It is not insisted that salaries should be entirely equal, that they should all be as high as the largest now are, but only that the present very great inequality has no solid and just foundation. Compared with the salaries of the ministers from Russia, France, and England, the amount of which I refrain from mentioning, ours is so small as to suggest either extravagance on one hand, or a mistaken economy on the other; possibly somewhat of both. But all this does not prove that the salary is really deficient. My own experience has convinced me, and I feel not the least hesitation in declaring my conviction, that with no outfit, and with short terms of service, which seems to be the habit if not the policy, it is palpably deficient; and that a man with a family, supporting them and the legation as he ought, and as the real interests of the government require he should, will either lose money or barely save himself in the matter of money received and spent, giving his services to the government, and losing that much time from his business at home. So that with a man who has tolerably good prospects at home, it is literally paying for the privilege of being minister. I do not affirm that ministers always lose money. It cannot be required of them, and it would hardly be wise in them to do so. But the most of them can avoid



it only by a kind of economy far more injurious to their government than to themselves. I cannot imagine anything more embarrassing to a minister, and less serviceable to the state, than for him either to refuse all proffered hospitality, or to be constantly accepting it without the ability fairly to reciprocate. The department could not long remain ignorant of an abuse so coarse as the act of hoarding the larger part of a man's salary instead of maintaining the dignity of his legation and the interests of his government by bestowing proper attentions upon his official acquaintances, and upon deserving Americans abroad; and it would be nearly as gross for us to presume in advance such conduct as to be guilty of it.

After being once established here, I can live a little inside my salary; and that would decide the matter with those who overlook the cost of coming and returning, of providing suitable wardrobes, the loss of breaking up and selling out at home and the loss of buying and selling furniture here, or the still greater expense of renting it. In my own case, counting travelling expenses, the necessary additional outfits, cost of living here, cost of furnishing house, not yet quite defrayed, I have not only consumed my salary, but am in arrears by several months with my banker, who from the first kindly offered to advance me quite as much money as I was willing to borrow on my mere promise to draw my checks in his favor as they fell due. I understand other ministers have had to do the same thing. It is an indulgence and an assistance which we have no right to exact on strict business principles, and is a favor which it seems to me no government ought to be willing to see its agents compelled to ask. It is not a fit thing that a minister should be indebted to cabinet-makers, upholsterers, and linen-drapers about town, nor even to a kind and confiding banker. If a man had no regard for his personal credit, a clear perception of his duty to his government, and as the head of a legation, would induce him to avoid debt; and I cannot avoid the conclusion that a government has not fully regarded its own interests or done its whole duty, until it has so dealt with a newly-appointed minister as that any material indebtedness at the capital where he is to reside would be his own fault. There ought to be no occasion for those painful and embarrassing questions with which an indebted minister might be confronted on being suddenly recalled, or having, from any unexpected cause, to ask for his passports. Our system has presented unsafe temptations and facilities for the abuse of outfit and infit; but surely if any such abuse was ever detected, means could have been found to avoid it in the future; and if the present system of naked salary and rapid change is continued, it may be expected that after a little the government will begin to find difficulty in getting proper men for the service, except by confining its offers to those who have spare means of their own and are willing to use them in that way. When I learned there was no outfit and no transportation, had I also known the expenses of coming and of living here, matters about which I was singularly misinformed, I would have felt constrained respectfully to decline the proffered appointment. The idea that living in Europe is so much cheaper than in America is being rapidly dispelled, by the experience of those who try it, and by the marked rise all over Europe of rents, labor, hotel bills, and the cost of the necessaries of life.

The common and ready answer by some to all arguments upon this and kindred subjects is that the government can easily get the offices filled for the present salaries. Undoubtedly it can. Indeed, those who are satisfied with that mode of investigation do not do justice to their argument; they do not carry it far enough. The government can get the places filled on half the money, and occasionally for none of it. A man can come to Europe, put his family in mean apartments on the third floor in a mean street; see nothing, learn nothing, and have no influence while abroad, and in leaving carry with him the contempt of others for himself and his government, on much less than the present salaries. Or the government can find learned and patriotic bachelors who, being expected

to have only a very limited establishment, can better live on half the salary than a man of family, who occasionally opens his house, can live on all of it.

I submit that our government ought always to accredit to each power a minister of at least equal rank to the one maintained by such power at Washington. This in itself involves no additional expense, and a contrary course is liable to be injuriously misunderstood. It is certainly far better to regulate our own conduct in this respect by the conduct of other governments towards ours, than to make distinctions in the grade of rank of our own ministers, based upon our own estimate, either of the importance of a foreign nation or of the utility of maintaining a legation at its capital. It is not to the purpose to say that rank is in itself a matter of no consequence. There is no proposition an American will more readily admit. But the real question is, how does it affect our diplomatic standing and influence at the several courts of Europe where the rule I suggest is disregarded? No one who has observed it will say that it is not a perceptible disadvantage. And if rank really be indifferent in itself, there can be no solid objection to doing what every American diplomat in Europe would admit to be desirable on public considerations.

It has heretofore been proposed to provide by law that diplomatic and consular agents should not be removed except for cause. Whatever benefits might flow from a legislative recommendation or declaration of a policy intended to secure competency and experience in that branch of the public service, the wisdom and practicability of placing any such legal restrictions upon the President's power of removal would appear very doubtful. To remove only for cause the cause must yet be inquired into and determined by somebody; if by the President, it comes to the same thing as before; if by a tribunal before which investigation and decision must be much slower, it would involve delays which, at times, might become extremely pernicious to the public interests. The President, having under his executive direction the management of foreign relations, subject to the approval of the Senate, ought to be left free, not only in the choice of his agents, through whom he must always act, but to displace them instantly and substitute others for any reason that appears sufficient to him, whether improper conduct, inadequate or inattentive discharge of duty, or the belief that some other agent can more successfully manage the business in hand. Neither such discretion nor the public good, nor public opinion will demand frequent changes for the sake of rotation, nor on account of ordinary differences of political opinion.

The diplomatic relations and service of the United States have suddenly been invested with a vastly increased importance. The admitted and admired position of our government among the leading powers, the remaining political connections of the Eastern with the Western hemisphere, and our own great and just interest in all that occurs in the latter; the great questions of public law affecting the whole world, and originating mainly in the affairs of the United States; the important and beneficent changes in that law which have been so much advocated by our own government, and the accomplishment of which is now almost visible to the mind's eye, all bear witness to the increased importance of the service. We may adhere as closely as possible to the Washingtonian precept against entangling alliances, but the great fact remains that the civilized, independent Christian powers of the earth are, in a large degree, a grand commonwealth of nations to which we must belong, and in the councils of that commonwealth it is equally our duty to guard our rights and our right to guard our influence. The world is probably just entering upon a great and interesting epoch in the history of parliamentary government. There are some indications that that form of political machinery will become universal in the civilized world, and there are other fainter indications that the same public opinion which is demanding and obtaining this form of representative expression will also be soon demanding more immediate, energetic, and direct action than has so far been

attained in those assemblies in which discussion has maintained so attractive a pre-eminence. The question is interesting in itself to the safety of popular political rights, and to the growth and healthy action of public opinion. To the same extent that we are interested in all these things we ought to be close and intelligent observers.

I beg to close this letter, which has grown so unexpectedly on my hands, with the assurance that nothing less than the hope of doing a mite of good for my government could have induced me to trouble you with any observations upon this subject.

I am sir, very respectfully, your most obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Yeaman to Mr. Seward.*

No. 45.]

LEGATION OF THE UNITED STATES,

*Copenhagen, December 12, 1866.*

SIR: For the fuller information of the Department of State, I here enclose a copy of a Danish newspaper, the *Berlingske*, the official journal, in which will be found, printed in the French language, a statement of the substance of the report and recommendations of the royal commission appointed to consider the subject of the defence of the kingdom and the reorganization of the army and navy. The report has not yet been acted upon by the *Rigsdag*. It will be observed that the principal changes proposed to be introduced are the abolition of substitution and the establishment in its stead of the compulsory service for a given term of all able-bodied men within the military ages. The estimated annual expense of the army on the new basis is 3,506,000 rigsdalers—say \$1,928,300. The part of the report relating to the navy has not yet been published, but I understand from other sources that it proposes to reform the navy so that by 1877 it shall consist of four iron-clad frigates, four cuirassed batteries, two monitors, three screw frigates, three screw corvettes, six cutters, four paddle-wheel steamers, 40 transports, and 6,000 men; of which establishment the annual expense is estimated at 1,511,400 rigsdalers, say \$831,320.

I also enclose, as a matter of general, though not official, interest, a copy of another Danish newspaper, the *Dagbladet*, one of the leading organs of the advanced liberals, and of the national or Scandinavian party, in which will be found some articles printed in the French language, (a course occasionally adopted by these papers for the more ready access of foreigners, diplomats, &c.,) in relation to the duchy of Schleswig, German pretensions, and the condition and development of Denmark. It will be seen the writer takes strong ground against what he calls "Germanism," the alleged superiority of German civilization being sometimes urged, even by Danes, as an answer to "Scandinavianism."

His royal highness the Crown Prince of Denmark, after attending the marriage of his sister, the Princess Dagmar, at St. Petersburg, returned by the way of Berlin, where he paid a visit to the royal family of Prussia. While there the King of Prussia conferred upon the prince and upon his father, the King of Denmark, the order of the Black Eagle, the most complimentary one at his disposal. These attentions, and the very cordial manner of the prince's welcome at Berlin, were by many persons here interpreted as an encouraging response to the generous confidence expressed in the speech of the King of Denmark at the opening of the Danish *Rigsdag*, and of which I have heretofore sent you a copy. But other developments do not support that view: notably the "bills of annexation" prepared by the Berlin cabinet for the Prussian

parliament, the suppression of telegrams from the duchy to a *fête* at Copenhagen in honor of a distinguished advocate of the national sentiment, the refusal to allow a subscription to be solicited in the duchy for making a present to the Princess Dagmar before her departure, and the reply lately given to a deputation of Schleswigians, asking for an early and favorable consideration, that the treaty would be observed, but that steps could not be taken to hold the election until the affairs of the duchies were "consolidated"—an expression somewhat dubious, to say the least.

The very great interest felt in this matter in Denmark, and, indeed, throughout Europe, will justify the frequent allusions I have made to the progress of the question and to everything which may seem to indicate its probable solution. From 1848 to the present day, nearly twenty years, a sentiment and a necessity, or, if we please, two necessities, have combined to make the politics of Germany appear, at least on the surface, a little inconsistent; the aspiration for a German nationality which should consolidate all German populations, and the admitted need of a greater sea-board and more commodious harbors, which tends towards the absorption of communities not quite subject to the theory of nationality.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Seward to Mr. Yeaman.*

No. 30.]

DEPARTMENT OF STATE,  
*Washington, D. C., December 24, 1866.*

SIR: Your elaborate communication of the 4th instant has been received. I think you err in describing it as a letter instead of a despatch. Practically the head of the Department of State can have no private correspondence with the representatives of the United States in foreign countries upon political subjects otherwise than in the customary diplomatic form adapted to the records and archives of the government. Your letter will therefore be recorded in that form and marked 43. The paper presents an argument in favor of certain alterations of the laws of the United States by which the diplomatic service is regulated. All the matters you have discussed fall properly within the province of legislation. The habit of Congress in regard to such reforms as you contemplate is to inaugurate discussion by itself, calling upon the President, when it thinks necessary, for information. The inconveniences which need correction, as you assume, are not new, special, or extraordinary, but, on the contrary, they are long-standing subjects of public discussion. In such case, the President, confining himself within the sphere of the executive department, forbears from entering upon the debate. A practice, however, has obtained in the several departments of occasionally holding informal communication, with the President's leave, with committees of Congress, upon important questions which present themselves in the ordinary course of administration. In conformity with this practice I have transmitted a copy of your despatch to the Senate's Committee on Foreign Relations. That committee will doubtless bestow upon the matter discussed such consideration as it shall seem to demand.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE H. YEAMAN, Esq., &c., &c., &c.

*Mr. Yeaman to Mr. Seward.*

No. 51.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, January 16, 1867.*

SIR: The Schleswig question is still cause of dissatisfaction and excitement here. I have before stated that the "bills of annexation" proposed to the Prussian Parliament embraced the whole Duchy. After the passage of these bills a leading Berlin organ, the *Nord-Zeitung*, declared that the Duchy question had "ceased to exist." Since annexation the Duchy is divided into election districts for the election of members of the Parliament of the North German confederation, and the men within the military ages are being enrolled by order as a part of the Prussian forces, in consequence of which it is alleged that an immense and hasty emigration, in the inclement months of winter, is going on from the north part of the Duchy, and that from some neighborhoods this movement of the population is *en masse*.

It is quite possible that after all this, the clause of the treaty of Prague referring to North Schleswig may be in some sort executed; but few here expect it, and all openly avow their lack of confidence that there will be an execution in good faith and fairness. It is probably true that most of the friends of progress, liberalism and nationality throughout Europe were rejoiced at the late military and political successes of Prussia; and equally true that the conduct of the cabinet of Berlin in regard to Schleswig, under the treaty of peace, whatever may be the causes or the ultimate justification of that conduct, has so far given pain and disappointment in every other capital of Europe.

I am, sir, very respectfully, your obedient servant,  
GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington.*

*Mr. Yeaman to Mr. Seward.*

No. 58.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, March 15, 1867.*

SIR: Yesterday evening I received a note from Count Frijs announcing the death of the mother of the King of Denmark, and now herewith enclose a translation of his note, and a copy of mine in reply.

I am, sir, very respectfully, your obedient servant,  
GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Count Frijs to Mr. Yeaman.*

[Translation.]

COPENHAGEN, *March 14, 1867.*

MONSIEUR: I perform a melancholy duty in announcing to you that God has been pleased to call to Himself last night her highness Madame the Duchess Dowager Louise Caroline of Schleswig-Holstein-Sönderborg-Glückborg, by birth princess of Hesse Cassel, the mother of the King, my august sovereign.

In inviting you, monsieur, to bring this sad death to the knowledge of your government, I seize this occasion to reiterate to you the assurances of my most distinguished consideration.

E. JUEL FRIJS.

Monsieur YEAMAN,  
*Minister Resident of the United States of America.*

*Mr. Yeaman to Count Frijs.*

LEGATION OF THE UNITED STATES,  
*Copenhagen, March 15, 1867.*

MONSIEUR: I have received your excellency's note of yesterday conveying to me the melancholy intelligence of the decease, in the previous night, of her highness Madame the Duchess Dowager Louise Caroline of Schleswig-Holstein-Sönderborg-Glückborg, the mother of his Majesty the King of Denmark.

I will hasten to inform my government of this afflicting event, and in the mean time I assure you of my own most sincere sympathy with those whom it has so overwhelmed with sorrow, and beg your excellency to accept the assurance of my most distinguished consideration.

GEO. H. YEAMAN.

Monsieur Count FRIJS,  
*Minister Foreign Affairs and President of the Council, Copenhagen.*

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*Mr. Yeaman to Mr. Seward.*

[Extract.]

No. 69.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, May 27, 1867.*

SIR: Yesterday, the 25th anniversary of the marriage of their Majesties the King and Queen of Denmark was celebrated in this capital, with very great interest and with many and very marked manifestations of loyalty to the government and to the persons of the royal family. The ovations during the day could not have been otherwise than extremely gratifying to them. In the evening a grand soirée was given at Christianburg Palace, attended by between two and three thousand invited guests. No minute and detailed description of such festivities could be of interest to the department, and, besides the vast numbers and elaborate preparations, it varied in little from other distinguished entertainments, except in the pleasure afforded the members of the diplomatic corps of being presented to his Majesty the King of the Greeks, a very young man, of easy and popular manners, and his Imperial Highness the Grand Duke of Russia, much admired for his magnificent person and frank, open countenance. Very general regret was expressed at the absence of the Prince and Princess of Wales, caused by the sickness of the Princess. The felicity which the King and Queen must find, as parents, in having their children sought for and settled in such brilliant and distinguished alliances, was much commented upon, and the hope was expressed that they may live to celebrate with as much generous hospitality their "golden" as they have their "silver" wedding.

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I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Yeaman to Mr. Seward.*

No. 70.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, May 28, 1867.*

SIR: I have no official or reliable information, nothing but telegraphic and editorial notices, of a reported resolution of Congress touching the use of an

official dress or uniform by diplomatic representatives of the United States. I am not in a condition to state authoritatively that any such resolution has passed, and taking the fact as true, I would yet not know whether a future day was fixed for the act to go into effect, nor whether Congress had presented any uniform more acceptable than those now used.

I beg you to believe that I am not disposed to attribute more importance to the matter than it really deserves, but, if it has been of sufficient importance to demand the action of Congress, it is appropriate that those whom it immediately concerns should know just what that action has been. I receive scarcely half the numbers of the *National Intelligencer*, in which the laws of the United States are published by authority, which will account for my not having seen the resolution (if any such) in that paper.

Desiring to comply with whatever may be the requirements of law on the subject, and having, like many other representatives of the United States abroad, expressed a preference for the simple dress of an American citizen where it is at all permissible, I yet find in our "personal instructions," prepared by the department, this very proper direction: "In performing the ceremonies connected with his official reception, as well as on other formal occasions, the diplomatic representative will be governed by the established usage of the country in which he is to reside, and the rules prescribed for representatives of his rank." Any other course than this, pursued without the authority and direction of his government, would put a representative to a manifest and useless disadvantage. I have, therefore, supposed that any such resolution as the one in question ought to be officially brought to the notice of the proper department or officer of the government to which a representative is accredited. For most of the formal, official, and semi-official occasions upon which uniforms are now worn, the invitation or note granting an audience is so expressed that a representative, by disregarding the established custom, would, without some sufficient and authoritative reason, be thought lacking in courtesy, or committing an eccentricity, neither of which would benefit his government or his own standing with the government to which he is accredited. I have, therefore, respectfully to request that the department will furnish me with a copy of any law or resolution upon this subject by Congress with an opinion whether it is deemed necessary to communicate it to the proper officials of this government.

Another matter may arise for consideration upon which I would be much obliged for your opinion. You will remember that at least two distinguished members of the British Parliament have deemed it proper and necessary for them to stay away from the official receptions and dinners of the Speaker of the House of Commons, because they did not approve of going in court dress, and could go in no other. When a resolution of Congress, such as the one in question, is definitively made known to the diplomatic representatives of the United States, and by them to the governments or courts to which they are severally accredited, if the courts near which they reside should not express themselves entirely satisfied with the course prescribed for American ministers, or should make no exception in their favor in the form of invitation or grant of audience, and should continue to extend to them invitations to appear on certain occasions in "gala," can they do otherwise than politely decline such invitations, giving the proper and true reason for their course?

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Yeaman to Mr. Seward.*

No. 72.]

LEGATION OF THE UNITED STATES,

*Copenhagen, June 1, 1867.*

SIR: It is stated, and generally believed here, that Prussia has proposed to Denmark to order the election by universal suffrage in North Schleswig, provided for by the treaty of Prague, to determine whether the people will remain with Prussia or return to Denmark, excepting from the vote *Als*, an important and beautiful island off the eastern coast of the Duchy, and excepting also the important fortress of Duppel, and requiring that some special and extra protection shall be extended in some respects to the few Germans living within the bounds of the district that may be restored in virtue of the vote and the treaty. It is believed that Denmark has rejected or will reject the proposition.

I have recently visited a new and remarkably well built fort in the harbor of Copenhagen, which presented to me some points of great interest. The greater part, all the upper and most exposed portions of the walls of the fort, as well as the magazines and interior apartments, are built of a composite of cement and pebbles or small stones, forming one solid and connected mass; and the very intelligent officer accompanying us, by the kind attentions of the minister of war, assured me that reliable and satisfactory experiments and experience have proved that it will resist either the concussion of a ball or the explosion of powder, as of a mine or a magazine, more effectively than the most approved granite masonry.

I was shown, while in the fort, a Danish invention for obtaining almost instantly the exact range of an enemy's ship. There are three forts in the harbor, properly arranged for the defence of the city with reference to the approaches. These have submarine telegraphic communication with each other, and with the citadel on land. Each fort is supplied with a carefully graduated chart of the harbor, the sound, and all the batteries, each fort on this chart being made the centre of a number of circles. When an enemy man-of-war appears, its angle or bearing from each fort can be instantly taken by a fixed mathematical instrument, made for the purpose. This bearing is in a moment telegraphed from each fort to both of the others, and thus each fort has acquired almost instantly the data for reckoning with precision the distance of the man-of-war from its battery. When the angles are thus obtained no calculation is needed, but their intersection is at once obtained with delicate threads of silk or hair attached to the centre of each fort as represented on the chart, and the application of good instruments gives the distance.

It is far more than probable that our military men are so familiar with these ideas that they would smile at my meagre and unscientific description; but if, perchance, their attention has not been called to this ingenious device, I am sure they would feel very great interest in it, especially if, in their opinion, it would offer any practical advantage in gunnery by so getting the range of an object as to bring a battery to bear upon it with effect at the first round. In the use of modern heavy artillery of immense range, with which firing cannot be so rapid, and when one well-placed ball would often decide the fate of a vessel, it must be of importance to know the precise distance of the vessel from the gun at the earliest possible moment.

There were two American citizens with me, Messrs. Strout and Farrington, of Boston, and in returning they proposed we should make an informal, unannounced visit to the flag-ship of the Russian squadron which conveyed the Grand Duke and Grand Duchess from Petersburg to Copenhagen. The admiral and other officers received us with marked warmth and hospitality. Several appropriate and decided sentiments were proposed touching the friendly alliance between Russia and the United States, and when we had taken our leave and our boat was moving off from the ship, a splendid United States flag was run



up to the masthead and saluted with sixteen guns. We received, standing and uncovered, this token of respect to our country and its loved emblem, a standard everywhere dear, and dearer the farther from home it is seen.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Yeaman to Mr. Seward.*

[Extract.]

No. 78.]

LEGATION OF THE UNITED STATES,

*Copenhagen, July 4, 1867.*

SIR: A note has recently been published which was addressed last month by the Prussian minister at Copenhagen to the Danish government upon the Schleswig matter. The principal difficulty in the way has been the demand by Prussia for special protection, or guarantees by Denmark in behalf of persons of German language and nationality who might be embraced within the retroceded district. The objection to this here has been that Denmark, being a mild and just government, would assuredly extend to such men the same rights and protection which it extends to its citizens of Danish extraction, and, it is further alleged, Prussia can demand such a condition with no more propriety than Denmark could demand special guarantees for German subjects of Danish language and nationality in Holstein or southern Schleswig.

Moreover, it is feared and alleged that such a stipulation by Denmark would endanger the future peace and integrity of the kingdom by leaving too much for construction, and by inviting almost, a difference of opinion as to the facts.

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I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Seward to Mr. Yeaman.*

[Extract.]

No. 46.]

DEPARTMENT OF STATE,

*Washington, July 6, 1867.*

SIR: Your despatch of the 28th of May last, No. 70, relative to a recent act of Congress prohibiting the use of any uniform or official costume by the diplomatic representatives of the United States, has been received.

For your information, I enclose herewith a copy of the act referred to.

As regards the latter paragraph of your despatch, the department perceives no other course for you to pursue when you receive official invitations or grants of audience, and are expected to appear in court dress, than to decline such invitations, assigning the true reason therefor.

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I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE H. YEAMAN, Esq., &c., &c., &c.

*Mr. Yeaman to Mr. Seward.*

[Extract.]

No. 79.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, July 7, 1867.*

SIR: \* \* \* \* \*

Herewith you will find enclosed a copy of the *Dagbladet* newspaper containing a copy, in French, of the address to the King lately voted by the Rigsdag. I cannot discover that it has much political significance. It shows what everybody knew that the government and people of Denmark are in thorough accord upon the subject of North Schleswig, and can hardly be taken as an indication of impatience with the King and his ministry. The Danish government is behaving with firmness and dignity in the matter, and possibly feels that it is not in a condition to say all it thinks about the affair.

The opinion exists among my colleagues and some Danes of high official position that the question is not in a satisfactory or hopeful attitude; and further, that notwithstanding the settlement of the Luxembourg question, France and Prussia will inevitably drift into a war, and, in that event, the opinion is now stronger than ever that Denmark would, almost of necessity, fall into an alliance with France.

The publication, at Berlin, of the note of the Prussian minister to the Danish government before any answer was made, is considered among the diplomats here as a very strange and unwarrantable proceeding. I sent you a copy of it in my last despatch. Its tone is severely criticised here by my colleagues, and it has been very distasteful to the Danish government.

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I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Yeaman to Mr. Seward.*

No. 82.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, July 17, 1867.*

SIR: The following is a translation of the response made by the King of Denmark to the address voted by the Rigsdag, a copy of which I enclosed in my No. 79, of 7th instant:

We thank the Rigsdag for the unanimous accord with which in its address it has adopted the views which we have expressed in our opening speech, upon our external situation. This accord which reigns among our people will strengthen our government in the persevering efforts which it makes to consolidate, so far as is within its power, our friendly foreign relations, and to avoid real difficulties without sowing the seeds of new complications and new conflicts.

The expression of a desire to avoid sowing the seeds of new complications and difficulties may be considered an exact and definite indication of the policy that will be insisted upon by the government of Denmark in reference to the demand by Prussia for special guarantees for the German population in North Schleswig.

Touching that matter I herewith enclose the French text of an address signed and published by four hundred and twenty-six Germans domiciled in North Schleswig.

The document itself is the only information I have on the subject which it dis-

cusses. Whether it has been in any [manner] partially influenced, or whether it is be considered a fair representation of the feelings and opinions of the Germans residing within the disputed territory, I have had no indication.

I am, sir, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

[Translation.]

In view of the demand of special guarantees for the Germans in Schleswig, with which Prussia has opened the negotiations relative to the execution of the peace of Prague, the Germans settled in Denmark have thought they ought to bear witness to the very kind and considerate manner with which they have been treated in our country.

The committee appointed at Odense has drawn up the following declaration, which, without having been publicly circulated, has in brief time received 426 signatures:

We have learned with real joy through the public press that the Prussian government has opened negotiations with the Danish cabinet in view of the definite settlement of the question of North Schleswig, and on this occasion we cannot but express the hope that the two governments may succeed in showing it in such manner that the result may be lasting relations of friendship between Germany and Denmark, which must be regarded as particularly desirable on account of the numerous relations which exist between the two countries.

But we have at the same time learned that the Prussian government has judged necessary to lay down certain conditions for the eventual reunion of North Schleswig with Denmark, and among others, to require special guarantees for the Germans settled in the districts which shall be retroceded. This demand was well constituted to fill us with astonishment, but we find it yet more extraordinary that it has been supported by all the German press—the only exception is perhaps the Gazette of Cologne—and that it is considered as natural and well founded under existing circumstances. In presence of this manner of seeing it, we, undersigned *Germans by birth*, but long settled in Denmark as Danish subjects, regard as a sacred duty as much toward our new country, to which guarantees of this kind can only create embarrassment in the future, as to truth, which should be dear to all of us, to declare before Germany, and even before all Europe, free from the influence of anything but our own feelings; 1st. That as well during the sad season of war, when our former countrymen inflicted such wounds on Denmark, as at this moment, when the Danish population of Schleswig suffers a hard oppression of which thousands of Schleswig refugees bear witness, we never met with, nor do we now meet in our new country anything but kindness and cordial hospitality as well on the part of the Danish government as of our fellow-citizens; 2d. That grounding ourselves on our exact knowledge of the real state of things we can assert with entire certainty that there is no need of special guarantees from the Danish government for the security of the German population in the district of North Schleswig which may be eventually retroceded.

*Mr. Yeaman to Mr. Seward.*

No. 85.]

LEGATION OF THE UNITED STATES,

*Copenhagen, July 27, 1867.*

SIR: The government of Denmark has rejected, as was indicated would be the case by the response of the King to the address of the Rigsdag, the demands of Prussia set forth in the note of which I sent you a copy in my No. 78, of the 4th instant, for special guarantees in behalf of the Germans residing in North Schleswig.

It is impossible to see what course the affair will now take; whether Prussia will keep the whole of the duchy, or yield the demand for guarantees and allow the election to be held, or whether there will be a reference, or other form of compromise. The opinion here seems to be that the ultimate chance of a war, in which Prussia would have Denmark and France allied against her, has been increased.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Yeaman to Mr. Seward.*

No. 86.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, August 5, 1867.*

SIR: Some weeks ago I commenced the preparation of a despatch to the department in reference to several applications which had then recently been made to me by naturalized citizens of the United States for protection against the demand made upon them by the Danish government for military and naval service. But the matter so grew upon my hands as to appear unfit or inconvenient for a despatch and I have made it the basis of a printed essay upon the whole subject, a copy of which I will forward by the same mail with this and ask for it your indulgent consideration.

The argumentative part of the essay cannot prove of much interest to one who has devoted so much attention to the subject as you have, but I cannot refrain from asking your attention to the policy indicated. I am clearly impressed that whenever such a policy is adopted, there is not a government in Europe would allow a shot to be fired in defence of the assumption which some of them still occasionally put forward.

I have to say that the conduct of this government, while not yielding the principle involved, has been of the most conciliatory and generous character in dealing with particular cases, and of all those who have applied to me, I think there is not now a man detained except one who I thought had no case, and for whom I declined to interfere. But what I think open to objection is the form in which these discharges are generally asked for, and what I think desirable and safe, and the only thing I think adequate to the rights of our naturalized citizens, and to our own duty, and to our rights and just position as a nation, is that the release in all proper cases shall be demanded as a matter of right.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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#### ALLEGIANCE AND CITIZENSHIP.

*An inquiry into the claim of European governments to exact military service of naturalized citizens of the United States, by George H. Yeaman.*

The frequency with which applications are made to the legations and consulates of the United States in Europe by naturalized citizens of the United States, of European birth, for protection against the claims of the governments of their native allegiance to exact military service of them when they are found sojourning temporarily there on business, or as transient passengers or visitors, will justify some general observations upon the subject, with the view of discovering, if possible, the true ground upon which the whole matter should be placed. It is a question that affects our relations with all European governments, with some of them only slightly, but with several of them materially, and, it might easily occur, vitally. We have, in the main, so far contented ourselves with attempting to dispose, advantageously and peaceably, of each case as it arose. This policy has not always afforded satisfactory results, and it is clearly not commensurate with the importance of the question, nor with the position of the United States in the family of nations. It seems sufficiently certain that no effectual remedy for this continual source of trouble and of crying hardship will proceed from European governments, but must proceed from our own and be accepted by them.

It is not deemed necessary to swell the proportions of this essay by numerous and lengthy quotations from laws, state papers, proclamations, and the diplomatic discussions of cases that have arisen. The attempt will rather be to make a clear and fair statement of the principles and questions involved, and of the conclusions which it is believed afford a correct solution of the difficulty; and this statement will mainly be submitted without detailed argument. To quote from American writers and statesmen who maintain the liberal view on

this subject would be to incur the objection of attempting to sustain our position by our own authorities. To accept as law the opinions of those modern European writers who have maintained the theory of indissoluble allegiance and continuing, unavoidable duty to serve the crown, would be to yield the contest, for truth and right, to those who discover a supposed interest in maintaining what we hold for error. It will be far more satisfactory to rely upon general principles, and, so far as authority is invoked, to seek for it in the works of those great European masters of the laws of nature and of nations who built up and illustrated the science of which they are the acknowledged fathers.

While the old world governments cling to a fiction of the past, past in reality but historically modern, and refuse to meet us on any ground inconsistent with the unity and completeness of that legal fiction, for the removal of the difficulty, it behooves us to look thoroughly into the merits of the controversy, and consider whether we may not assume a position in relation to this subject that will enable us justly and consistently to leave it with other governments to choose between the abandonment of a harsh and practically worthless claim of jurisdiction, on one hand, and on the other giving cause of war to a nation which, of all others, should be the most jealous of the rights of its citizens, because the nation itself is but the aggregate of free citizenship. Not that we should assume to give law to other nations, or mould the law of nations to suit our own views, or give our own statutes of naturalization an extraterritorial effect; but only that we should be consistent in our position, define that position with scrupulous regard to the rights of other governments, and then demand, without conditions or compromise, an observance by other nations, not of our statutes, which affect only ourselves, but an observance of what we know to be the law of natural right, and of what we believe, on the highest European authority, to be the law of nations.

A nation or state, in the sense of a government, can exist for but one legitimate object, the protection of its constituent, individual members. All else is a question of form, of agency, of means to an end, and any end other than this one legitimate object is either perversion or usurpation. These members of an organized civil society are either born into its jurisdiction, or come there voluntarily. Coming by choice, they at once receive its protection and accept its legitimate and necessary burdens, without which organized and regular protection cannot be afforded. The same is true of those born under its allegiance and protection; but it is assumed that though the protection may be abandoned the allegiance cannot be dissolved, nor its duties and burdens avoided. The reciprocity of allegiance and protection need not be here discussed; it is only referred to as a well-understood principle that may be borne in mind as helping to illustrate the discussion of the subject in hand. Neither is it material here to discuss a revolutionary severance of the tie between subject and crown, or between citizen and government. These cases are a law unto themselves; they belong to those human interests and aspirations where "nothing succeeds but success;" and necessarily, whether justly or unjustly, the event, the ultimate fact, is the only known and the only possible measure of the law of the case.

Is there no other mode of throwing off one's native allegiance, and being absolved of its duties and burdens? There is a mode; it is based on man's nature and the physical organization of the world; and upon this great natural law is based, by the best writers, what we claim to be a rule of the law of nations. A man is not created in order that an empire or a republic may exist in perpetuity on a given portion of the earth's surface. Rather does the government exist that the man may till the earth, attend his flocks, weave his cloth, and forge his metal in peace and security; and if the government is by its nature necessarily confined within certain geographical limits, and if the man undoubtedly owes obedience to the government while he lives within those limits, the *world* is the theatre of his enterprise, and he goes where it offers the best reward for his labor. Man's right to draw his sustenance from the earth is as old and quite as clear as the necessity of laboring to obtain it. The right is limited only by the condition that the laborer or grazier must appropriate a part of the earth not already held by another, or obtain it without wrong and with the consent of him who is already in just possession. The earliest history and traditions of the race afford numerous examples, some of them as poetic and touching as they are distinctly in point, of the exercise of the natural right a man has to seek the subsistence and welfare of himself and his family wherever on the earth that subsistence and welfare can, in his judgment, be found. There is with some a disposition to think lightly of any attempt to ground ourselves on great first principles; but what has been worthy of notice and commemoration in sacred history, and worthy the attention of the greatest jurists of every age, cannot be useless in conducting us to a firm and clear conclusion of this question. This right is stated and richly illustrated by so many writers of the very highest authority, that one is embarrassed, not how to prove by quotations from their works this moral judgment of mankind, this rule of natural law, but rather what to select out of the abundance of proof.

Savages, though clannish, change their tribes and hunting companions when so inclined; shepherds seek more room and fresh pasturage, one going to the left hand, and the other to the right; and civilized men, for various reasons and in various pursuits, change their locations. Wherever man goes he carries with him the necessity for a government, and it is thus that he retires from one government and adopts another. Whatever forms attend this change are only for convenience, security, and certainty, and are not designed to affect, and cannot be held to affect, the natural fundamental right. Positive or enacted law may regulate the

exercise of the right to absolve a native allegiance and to adopt a new one, but it does not in strictness give the right. So far as natural law is concerned, the right to leave one's native community is even stronger and clearer than the right to become a member of another organized community. However clear this right to retire beyond the confines of the government under which he was born, and to appropriate to himself and till the unappropriated desert or wilderness, it might be maintained that he did not have the right to become, at his own option, a member of an already organized corporate community without its express or implied consent. That consent being given, no other community, except in special cases to be noted, can object to, or restrict the effect of, the change.

Grotius\* says: "It is asked if it is allowable to citizens to depart from the state without permission?" and proceeds to show that unless there is an express prohibition, or a custom to the contrary having the force of a convention, it is a right that may be freely and lawfully exercised. There is in section XXIV, chapter V, liv. II of the French translation a slight ambiguity, but by comparing it with the approved Latin edition of 1689 it becomes clear that the author's meaning is that among the Romans a citizen might freely transfer his domicile from one province or municipality to another, but could not thereby relieve himself of the charges of the municipality from which he retired. These charges or obligations might at first be held to refer to those which had accrued, or were subsisting and undischarged when the citizen retired, and not that it was a continuing obligation as to all future charges, else the privilege of change would be a political nullity; it would be a mere privilege of natural locomotion, without imparting or acceding to the change any legal or political effect. But a reference to the Code and Digest makes it certain that the Roman citizen was liable to assessment both in his native and in his adopted municipality; and this applied only to those who remained within the empire, and not to those who went beyond its limits. "But," he adds in the next sentence, "we seek here that which ought naturally to occur when there is no regulation upon the subject, and we speak here of those who go, not from one part to another of the state, but entirely out of the state, or quite beyond the dominions of a sovereign. That men may not go from the state in troops appears sufficiently clear by the end of civil society, which could not exist if such permission were accorded, and in moral affairs that which is necessary to attain an end is held for law. But it seems that we ought to judge quite differently of the migration of a single person; as to exhaust the water of a river is quite a different thing from taking a part of its waters into a canal to form a new stream." He quotes Tryphonius as saying: "It is free to every man to choose the state of which he will be a member. \* \* \* The Romans obliged no person to reside in their state, and Cicero warmly praised this maxim; he said that every man ought to be able to retain or renounce his right, and that this is the firmest foundation of liberty." Grotius proceeds to qualify, "that one ought not to leave the state if the interests of civil society demand that he should remain there," which is only another form of saying that he may leave if not prohibited; and among other examples of cases in which the common public good of society will justify it in withholding this right, he puts that of a war in which the sovereign has engaged, counting upon the number of the citizens. In this case the citizen ought not to leave, and may be prohibited from leaving "unless he has some other person to put in his place, equally capable as himself of assisting in the defence of the state. Except in these cases, the presumption is that nations leave to each one the liberty of leaving the state." &c. The learned commentator upon the text of his master very pertinently adds that, "It can scarcely be that when the government is tyrannical, or when a multitude of men cannot subsist in a country, as, for example, if manufacturers or other artisans no longer find materials to work with, or purchasers for their wares. If the government is tyrannical, it is for the sovereign to change his conduct, and no citizen has engaged to live forever under tyranny. If the men who go out in troops are constrained to do so by suffering, that is a reasonable exception to the most express engagements. The natural obligation of preserving one's self prevails in every agreement, and whoever submits himself to a government does so only for his own good."

Puffendorf† says: "The most common method of ceasing to be a citizen of a state is when, of his own mere volition, (*pur mouvement*.) and with the permission of the state of which he was a member, a man goes to establish himself in another. \* \* \* In Argos the law prohibited quitting the country under the penalty of death. But when there is no law upon the subject it is necessary to judge by custom, or even by the nature of the common obligations of subjects, of the liberty which each one has in this respect. Each citizen may legitimately do that which is permitted by custom. \* \* \* If nothing is established by custom, and there is otherwise no mention made of the matter in the agreement by which a man has become the subject of a state, there is reason to presume that each free person, in entering into civil society, has tacitly reserved to himself the permission to leave it when he wishes, and that he has not pretended to oblige himself to reside all his life in a certain country, but rather to regard himself always as a citizen of the world." There may be traced in this extract more of the idea of an original social compact than is now accepted by the best thinkers and writers upon government. But the error of the text has relation only to the theoretical origin of government and of our social obligations and rights, and not to the nature or extent of them; and in this regard the principle laid down is so manifestly just and well

\* *Droit de la Guerre et de la Paix.*

† *Droit de la Nature et des Gens.* Liv. VIII, chap. XI.

founded as to need no argument in its behalf. Also the idea that a man may always regard himself as a citizen of the world must be understood only in the connection and in the sense in which the author used it—that is with reference to this right of removal and change of citizenship, the right to become a citizen of any country in the world, and not that his duty as a citizen of any given country may be neglected, abridged, or renounced by himself while he remains a citizen or inhabitant of that country. His *pur mouvement* has reference solely to his remaining or removing, and not to his duty while he remains.

Puffendorf continues: "Indeed by only entering into (becoming a member of) a state a man does not renounce entirely the care of himself and his affairs; on the contrary, he seeks thereby an efficient protection under which he may live and labor in security and procure for himself the necessities and conveniences of life." Speaking of those who do not approve of the government and laws of a country, or who might live more comfortably elsewhere, he says: "They ought to be permitted to retire to any other place where they hope to better their affairs. \* \* \* To refuse such persons the permission to establish themselves elsewhere would be as great a tyranny as to prohibit free men from aspiring to a condition more elevated than that of their parents. \* \* \* The Romans received all who came to them, and forced no one to remain with them." He concludes that no argument can be drawn against this position from the nature and rules of patriarchal government: "For in every other kind of society each member may renounce it, provided that he does not do so in bad faith, nor out of season, nor to the prejudice of others, especially if the society has not contracted for a certain specified time." Both he and Grotius recognize the necessity that soldiers, officers, and all in public employment, shall obtain permission to retire, and the right of the state to prevent emigration in time of war, at least until the subject has left a substitute in his place. They expressly speak of those who retire beyond the territory and jurisdiction of a state or sovereign, and declare that for any who reside always in a state to claim not to be submitted to its laws would be contrary to the constitution of all civil society.

Admitting the continuing power of the sovereign over the subject who departs in violation of law, or of his own express agreement, or who only sojourns temporarily in a foreign country, Puffendorf denies the right of the sovereign to recall those of his subjects who have been allowed, under the custom of the country, to go and settle elsewhere, and denies that over such the state of their nativity has any longer a rightful power or jurisdiction. He stoutly contests the opinion and the reasoning of Grotius, that men may not leave the state in troops, and asks, if each individual may go, why may they not go in troops? observing that it is no more a necessity that a state should contain a given number of citizens than there is that each man should have a given quantity of land or of money; and, exposing the fallacy of the idea that a state, by granting such permission, would destroy itself, declares that while it is the order of nature that civil societies should exist among men, it is not required that a particular state should remain and flourish forever. He draws a deep and accurate distinction between personal emigration and political secession, and says that those who leave in troops, as well as those who go singly, must go beyond the territory and jurisdiction of the state of their native allegiance: "Otherwise there would be a great confusion of jurisdictions if cities and entire provinces might, at their pleasure, divest themselves of subjection to their sovereign to give themselves to another, or erect themselves a separate state." Puffendorf quotes Plato, who states the Greek custom: "At Athens it was permitted to each person, upon examining the laws and customs of the republic, if there was nothing found to his charge, to retire, with all of his goods, wherever else it pleased him."

Vattel discusses the matter more explicitly than any who had preceded him in the science of natural and public law and international jurisprudence. Without making extended quotations his position may be concisely stated: That every citizen, and especially the skilled artisan, owes a debt of gratitude to his country, and ought not to abandon it without cause: that in certain cases of necessity the state may prevent his doing so, but this is a right that ought to be used very soberly, and only in cases of importance and necessity, for he says: "La liberté est l'ame des talens et de l'industrie;"\* that the earth belongs to mankind in general, destined by the Creator to be their common habitation and foster-mother—a principle that is stated not in any agrarian meaning, but as the foundation of the right to take possession of vacant countries, and, in connection with the necessity of cultivating the earth, as the real foundation of private property.† That every nation, or the representative of its sovereign power, has the right to accord to foreigners the quality of citizenship and incorporate them into the body of the political society.‡ If each nation may rightfully extend this privilege and quality to those foreigners who apply for naturalization, it is difficult to see how the native government is wronged, or can continue to claim and exercise its power over the naturalized citizen as if no such step had been taken. He further says, that if society has not contracted with the citizen for a determinate length of time he may retire, if he can do so without prejudice to society, and that a citizen has the right to quit that society of which he is a member, provided he does not do so in those conjunctures when his quitting the state would cause notable prejudice; and that every man, on coming of age, may deter-

\* *Le Droit des Gens*, Liv. I, Chap. VI, Section 74.

† *Le Droit des Gens*, Liv. I, Chap. XVII, Section 203.

‡ *Le Droit des Gens*, Liv. I, Chap. XIX, Section 214.

mine for himself if his interest is to remain a member of the society in which he was born, and if he thinks not he may quit it; for the obligations of a man to his country may naturally change, alter, or vanish when he quits it legitimately and with reason.\* That there are three cases where the citizen has absolutely the right to renounce and abandon his country: 1. When he cannot find subsistence in it. 2. When society absolutely fails to discharge its obligations to the citizen; for, he says, the contract between society and its members is reciprocal, and when one fails to fill the engagement the other is discharged. 3. When the nation or sovereign establishes laws upon matters in regard to which the nature of the social compact does not oblige a member to submit himself, as in matters of conscience, by prescribing one religion and prohibiting others.† Speaking of the right of emigration he says it may be derived from several sources, as laws, treaties and the express grant or license of the sovereign, but that in the cases he has just discussed it is a natural right reserved in the agreement of civil compact.‡ That the citizen or subject of a state who absents himself temporarily without intention of abandoning the society of which he is a member, does not lose his quality of citizen by his absence, but preserves his rights and remains bound by the same obligations. Received in a foreign country, in virtue of the natural society, of the communications and the commerce which nations are obliged to cultivate among themselves, he ought there to be considered as a member of his nation and treated as such.§ Vattel correctly thinks that the duty of defending a country devolves upon all who are permanently domiciled there and accept its protection, and denounces as infamous deserters those who abandon their country in time of need; to whom he might have added those who seek to avoid all nationality, and are therefore unworthy of any; the rascals, for instance, who declared their intention with us, then in the midst of our troubles ran off to Europe to avoid service in the Union army, and in Europe pleaded their American citizenship to avoid service there. It is only the *legal effect of a bona fide change that ought to be held beyond doubt or dispute*. The change itself may, in each case, be properly held a *question of fact*. Fraud and pretence will vitiate it as in other matters, and in the cases just referred to either government should be at liberty to hold the swindler to service so that he would lose rather than gain by his wrong. The responsibility of deciding the fact of each case correctly and justly is with each nation, subject to the equally independent judgment of its neighbor and to the last and highest appeal of independent equals.

Among more modern writers, Kluber, without discussing the questions of natural and public right involved, merely alleges, in a very few words, the right of the state to prevent emigration. He says nothing of those cases in which, emigration not being prohibited, the subject becomes a naturalized citizen of a foreign government and returns temporarily to his native country || Martens says it is a public right, universal and positive, for a state to determine at what point it is authorized to restrain or prevent the emigration of the natives of the country. "Although the tie which attaches a subject to the state of his birth, or that has received him as a citizen, *may not be indissoluble*, each state has the right to be informed previously of a subject's design of expatriating himself, and to examine if for cause of crime, debts, or engagements not yet fulfilled towards the state, it is authorized still to retain him. *These causes excepted, it is not authorized to prohibit his emigration.*"¶ It is submitted that a better statement would be that only these causes limit the right or vitiate the legal and political effect of emigration; that when they exist the right of the government reverts whenever it can lawfully acquire possession or jurisdiction of the person; and that the mere fact of emigration without permission, without the license prescribed by law, is not itself a sufficient ground for continuing jurisdiction and subjection, without the existence of some of these causes of complaint. If leaving the state is not absolutely prohibited, then the forms for obtaining a discharge from allegiance ought to be held directory in their effect, not as creating or vesting a right, but pointing out a mode for exercising it, and that exercising it in another and innocent mode is not a wrongful or a void act. In other words, if the subject neglects what would be advantageous to himself, he ought yet to have the right to show that he had done no wrong to the state, or even to demand that the state shall show that he has done a wrong. Fœlix, the highest modern European authority upon that branch of jurisprudence which we generally denominate "the conflict of laws," while observing that most ancient writers have limited themselves to stating the right of changing a man's domicile, omitting the question of a change of nationality, yet states himself, broadly and apparently without restriction, the right of a free man, of full age, to change his nationality.\*\*

It will appear, from a fair review of the reasoning and the authorities applicable to the

\* *Le Droit des Gens*, Liv. I. Chap. XIX, Section 220.

† *Le Droit des Gens*, Liv. I. Chap. XIX, Section 223.

‡ *Droit des Gens*, Liv. I. Chap. XIX, Section 225.

§ *Droit des Gens*, Liv. II. Chap. VIII, Section 107.

|| *Le Droit des Gens Moderne de l'Europe*, Section 39.

¶ *Précis du Droit des Gens*, Section 91.

\*\* La soumission au pouvoir souverain de sa patrie existe depuis la naissance de l'individu et continue aussi longtemps qu'il ne change pas de nationalité. \* \* \* La nationalité et le domicile d'origine se conservent pendant tout le temps qu'il n'est resté dans l'état de minorité; car durant cette période il n'a légalement parlant, aucune volonté. Mais aussitôt que, conformément à la loi du domicile d'origine, l'enfant a atteint l'âge de la majorité, il devient libre de changer de nationalité et de choisir un autre domicile. \* \* \* Le changement de nationalité résulte, ou de la seule force de la loi, ou bien de faits de l'individu.—*Droit International Privé*.



question, that those writers, statesmen, diplomatists, and legislators who have treated allegiance, which is imposed by benefits and protection, and is made definite or particular by the accident of birth as an *indestructible political tie*, have labored against reason, against nature, against the highest authority, and against the common sense and common practice of mankind. The states which adopt this theory are far more obnoxious to the charge of arrogance than those who accept and act upon the idea that a man has a right to choose his own nationality. They attempt to give their own will, their own municipal regulations, an extraterritorial effect, in this: that though they may enforce them only within their own territorial jurisdiction, they enforce them against those *who, under the laws of nations, have become foreigners, and in matters wherein the public law of nations does not subject a foreigner to any but the command of his own government.* Those matters of police, of civil order, and the administration of justice, in which all men found within the limits of a country are rightfully, for the time being, subjected to the government of that country, are indicated with sufficient clearness by the public law. There is also no question as to the duty of every man to do military service in the defence of that civil society of which he is a member. The question is, can he change that membership? change his nationality? And if he rightfully can, and if another nation or civil society may rightfully accept his proffered allegiance, then, both these things being done, it is a pure and arbitrary assumption in his native government to attempt to hold him longer. They would make their own regulations higher and broader than the laws of nature, and such attempts are never permanently successful. The duty of military service will itself help to illustrate the subject. The duty is to the nation, government, or society which renders protection and defence to the person and goods of the man. Then, by fact, by custom, and by the reason of the thing, he owes it to his adopted country. He cannot owe it as a legal and political duty to two countries at the same time, for this might work an irreconcilable conflict of jurisdiction and the most melancholy consequences, as in case of war between his native and adopted country. The latter would punish him for refusing to fight in its defence, and the former would shoot him as a traitor or a deserter for being found in arms against his native government. Such a predicament is not in accordance with reason or natural right, and it cannot be too often impressed that the *real question, upon which all the others turn, is the right of the man to change his nationality and adopt another.* And just so far as a free human being, endowed with affections and with reason, is superior to the soil from which he digs his sustenance, the territorial jurisdiction of a particular government, just so far, is the lawfully adopted citizenship superior to that which was lawfully, of choice, and without impediment, abandoned.

Nearly all nations recognize this right of removal by permitting it. Not that all have formal statutes under which it may be granted upon application; some have and some have not; but in practice it is nearly universally admitted. Occasionally it has been forbidden, and in some countries it is exercised under restrictions; but these regulations are the exceptions, while the exercise of the natural right has been the rule, both in ancient and modern times. The mere fact of allowing a man peaceably and openly to remove ought to be held a consent by his government to his removal which it could not subsequently revoke or ignore. It is not sufficient to say that his government had a law, by which, if he desired, he might apply and be formally released from his bond of allegiance, so that its duties could not be afterwards required of him. Had it a law *prohibiting* his removal and change of allegiance? And if it had, was he yet in point of fact allowed to exercise his own option to make the change or not? Was he in default in his relations to the state in any of those matters mentioned by Martens? And from the strength and clearness with which the best authors put the natural right, which is the main foundation of international law and duties, it is worthy of consideration whether each nation would not be justified in determining for itself how far it would regard or disregard the prohibitive policy of other nations, when that policy, and the municipal law or regulation for its enforcement, are based upon mere opposition to emigration, or upon a claim of continuing rightful power over the emigrant, or upon both, without the existence of those conditions named by Martens as exceptions to the right.

The old exploded idea that a nation may impoverish itself, and give its fields and manufactures up to waste, by allowing its artisans and agricultural laborers to remove from its borders, is not fit to be urged at this day when the real sources and causes of permanent national prosperity are so much better understood than they formerly were. The idea is only a modified form of slavery, and slavery is no longer approved. If all the people of a country would voluntarily leave it, that is proof sufficient, either that the country itself is not a fit abode for man, or that its government is such as men ought not to live under; and to compel a man and his descendants to live in such a country against his will is to a certain extent enslaving him that a government may exist on a certain part of the earth's surface—a good illustration of the idea, not yet entirely abandoned, that the people were made for the government, rather than the government for the people.

But all of the people, nor too many of the people, will not leave any country, allowing that happiness is the chief and the highest earthly object of existence. The limit and the remedy are entirely natural; they are founded on the laws of population, production, and exchange. When such a proportion of the inhabitants of any district of the earth have abandoned it as will make or leave labor nearly as profitable there as in the countries which attract the emigrant, then (political and religious causes aside) emigration will cease. The

profitableness of labor is here used with reference to its capacity or efficiency in obtaining for the laborer the necessaries of life; and in this view the price and quality of land are primary considerations in determining the real productiveness of labor. The wit of man will not devise any other remedy or regulator of the course and numbers of emigration than this natural one, the law of values, of production and exchange. It is a law higher than edicts and statutes. It is the law of nature and of nations, a condition of human existence. It may be compared to those rights which the jurists say were not acquired or granted, but were born with the man. All nations and governments have practically acknowledged its paramount authority by their own general course of conduct. All free peoples have exercised it. And aside from the right, the impolicy of attempting to constrain any large number of persons to reside where they do not wish to remain is too apparent for discussion. The right to go elsewhere implies the right to seek for admission into other civil societies, and, upon admission, to become a citizen and be the recipient of the benefits of another government.

By permanently settling in another country and adopting the forms prescribed by its laws, the immigrant either becomes a citizen of that country or he does not. If he does, he is a citizen without qualification, as to other nations, both in his duties and in his rights, and is entitled to the full benefit of the protecting arm of the government. If he does not thus become a citizen, he remains a subject or citizen, though residing in a foreign land, of the country of his birth, the government of his native allegiance. He cannot owe allegiance to both. This observation is made with reference to the external relations of independent and equal sovereignties. It has no reference to an internal dual system of government, under which in some things the general or national, and in some things the local or municipal government commands the obedience of the citizen, whether this be considered as being really a duality, or only the different forms of expression for different purposes of the one sovereignty, the details being merely matter of arrangement and convenience. But the idea of a double allegiance and citizenship united in the same person, and having reference to two separate, independent, and sovereign nations or governments, is simply an impossibility. And those writers and jurists, some of them of our own country, who have spoken of a double or dual citizenship and allegiance, have not, it will be found upon examination, meant really to define any such impossible thing. The cases will be found to be only those of native allegiance and foreign domicile, or the allegiance of birth and an inchoate adopted citizenship, or that temporary state of suspense and transition (sometimes happening in the case of civil convulsion and revolution) during which the right of election to become the adherent of one government or the other may be exercised. But this right of election cannot remain unexercised for indefinite length of time at the pleasure of the party. It will be presumed to have been made within a reasonable time; this presumption must be held conclusive, only allowing it to be a question of fact how the choice was made.

If, then, a citizen or subject has the right of removal, and if another nation has the right to make him a citizen by naturalization, when emigration and naturalization are both accomplished, what should be the effect? In accepting the offer of the duties of allegiance we assume the reciprocal duty of protecting the citizen in all the rights and immunities of citizenship. We require him to renounce all former allegiance, and especially to the king or potentate under whom he was born. In assuming to do this, and in accepting his oath of allegiance, his covenant of citizenship, the evidence of his membership of our civil society, we also, of necessity and in fact, and not by mere implication, covenant to afford him protection as a citizen.

The difficulty in the way of the performance of this duty is that the government of the naturalized citizen's native allegiance claims, and occasionally exercises, the right of coercing him to the performance of military or naval service when he is again found within its jurisdiction. It is said we may protect him against this claim and in all respects regard him as a citizen wherever he may go in the world, except within the borders of the land of his birth, within the territorial jurisdiction of his native allegiance, where, if he returns or goes there voluntarily, he is held accountable to its laws and the burdens of the allegiance to which he was born. The distinction cannot be maintained on principle. Either he had a right to become an American citizen, or he had not. If he had that right and has exercised it, he is no longer a citizen or subject of any other country. Either we had a right to make him a citizen and to accept his proffered allegiance, or we had not. If we had that right and have exercised it, he is thenceforth a citizen of the United States to all intents and purposes wherever he goes on the face of the earth, until he again exercises the right of expatriation. Why do we demand of him to renounce especially his natural allegiance? If he may be seized whenever found within the limits of his government, it had been sufficient for us, and certainly better for him, that we had simply required of him an oath of fidelity so long as he chose to remain in our midst. I speak now of the one question of military service as resulting from or depending upon the fact of citizenship or nationality. In regard to punishment for crimes or offences committed before expatriation, there is no difficulty.

The government of the United States approved the conduct of Captain Ingraham in defending and releasing Martin Koszta, an Austrian subject by birth, but who had declared his intention to become a citizen of the United States, and who had been arrested outside of Austria by the officers of an Austrian man-of-war, to be transported to Austria and there tried

for participation in the Hungarian insurrection. He was at the time outside the territorial limits of Austria, outside the jurisdiction of that government, and within the well-known limits and jurisdiction of a third power; and our government and people deemed the case a proper one for interference.\* It is true European publicists have generally condemned the conduct of Captain Ingraham, not only on the merits of the question involved, (the facts of which they state quite differently from any version generally known to the American public,) but also because Captain Ingraham was about to, and had threatened and prepared to inaugurate an armed naval conflict between the public armed vessels of two nations not at war, and (upon which they put more stress) *within neutral waters*, within the maritime jurisdiction of a third power, within which it is not lawful to commit hostilities. Whatever consideration this objection may be worth, those who have urged it with so much confidence seem to have forgotten that the first use of force, and the first approbation of lawless force already used, and within the same neutral jurisdiction, was by the Austrian officers in getting possession of the person of Koszta, and that it was to prevent the continuation of this force by the consummation of the deportation of Koszta, that the American frigate brought her guns to bear and threatened to use them.

But when Simon Tousig, another subject of Austria, who had declared his intention under the naturalization act, voluntarily returned within the jurisdiction of the Austrian empire, and was arrested for the same cause of offence, participation in the Hungarian insurrection, the government of the United States, after mature consideration, declined to interfere: upon the ground that the charge against him was that he had committed an offence against the government and laws of Austria, while an undoubted subject of that empire, and had voluntarily placed himself again within its jurisdiction. Mr. Marcy said: "Tousig voluntarily returned to Austria, and placed himself within the reach of her municipal laws. He went by his free act under their jurisdiction, and thereby subjected himself to them. *If he had incurred penalties or assumed duties while under these laws*, he might have expected they would be enforced against him, and should have known that the new political relation he had acquired, if indeed he had acquired any, could not operate as a release from these penalties. Having been once subject to the municipal laws of Austria, and while under her jurisdiction violated these laws, his withdrawal from that jurisdiction and acquiring a different national character would not exempt him from their operation whenever he again chose to place himself under them. Every nation, whenever its laws are violated by any one owing obedience to them, whether he be a citizen or a stranger, has a right to inflict the penalties incurred upon the transgressor, if found within its jurisdiction. The case is not altered by the character of the laws, *unless they are in derogation of the well-established international code.*"

These were cases of offence, and it is deemed material to note carefully the ground upon which they were placed, to avoid confounding them with the case of military service. But suppose the case of Koszta had been a claim of military service, merely upon the ground that he was an Austrian subject by birth, and not that he had ever failed or refused to render any term of service due or demanded; and suppose there had been a treaty of extradition between Austria and Turkey providing for the rendition and delivery of such persons, from whom such services were claimed, on such grounds, and that under such a treaty Koszta had been demanded by Austria and delivered by Turkey? Against whom would we have had a complaint? Austria, Turkey, both, or neither? In general terms each power is the sole judge of what laws it will make for the government of its own subjects, and each state must judge what extraditions it will grant. And if it grant them in the case of a demand of military service against the naturalized citizens of a third power what remedy has that power? It has a very plain remedy. Its own laws are of as much force and dignity as the laws of any other nation. Neither can give laws to the other, but in case of conflict each may and must judge for itself whether its own laws or those of its neighbor are more in accordance with natural right and the laws of nations, and act accordingly. This does not signify, as some have thought, that there is no such thing as the law of nations. It only signifies that there is no tribunal over the two nations to decide between them which is right. And if this must sometimes lead to the last resort, it is yet true that this right of independent judgment, vested in each independent nation, is the surest means yet discovered of securing respect for the rules of the international code and the reasoning upon which those rules are founded.

So that in effect the whole question is whether a man is a fit subject for the protection of the United States, and has a right to that protection as a citizen, not against his former crimes, but against a continuing claim of military service after he has changed his citizenship and nationality. Or, to make it shorter, can he change, and has he in reality changed, his citizenship and nationality? If he has, then that protection must logically follow him wherever he goes, for the manifest reason that it is a political status, a legal right, a personal quality, and not an accident of time or of place. A great European writer, in discussing elementary principles, has well and beautifully remarked that it is a poor justice that is bounded by rivers and mountains. The remark was not made, and is not now referred to,

\* Mr. Marcy, as Secretary of State, also correctly put the case upon the ground that Koszta had been banished by Austria, and that banishment, under the laws of nations, operates a release of allegiance. In this position he is sustained by reason and the highest authorities.

in any spirit of propagandism or national egotism. For the administration of municipal justice, forms and even legal rights may, and often ought to, vary, in different countries, on different banks of the same river, and even upon different sides of an imaginary line upon land. But there are some principles of elementary right and justice, too large, too fundamental, too vital to be thus bounded. Citizenship is one of them. Just as a national public vessel of war carries with her a little atmosphere and a little sea of her own, just as the decks of a merchantman are the *terra firma* of her government, so a citizen should be a citizen wherever he goes for a legitimate purpose and with no act or intention of expatriation. Who was a Roman citizen, whether by birth, by choice, by conquest and adoption, or by emancipation, was a Roman citizen wherever choice, or accident, or the command of his government carried him. *Civis Romanus sum* was his passport and his shield. American citizenship is as noble as Roman and should command no less deference among the nations.

There is in print an extract from one of Mr. Wheaton's MS. despatches, while he was minister at Berlin, that may be thought not to coincide with the view of the law here contended for; though in his standard work he adopts the opinion of Fœlix and states that: "The allegiance to the sovereign power of his native country exists from the birth of the individual, and continues till a change of nationality."<sup>3</sup> The extract referred to is from a letter addressed by him to Mr. J. P. Knocke in 1840 in answer to his application for protection from military service demanded of him by Prussia. He wrote to Mr. Knocke: "Had you remained in the United States or visited any other foreign country (except Prussia) on your lawful business, you would have been protected by the American authorities, at home and abroad, in the enjoyment of all your rights and privileges as a naturalized citizen of the United States. *But having returned to the country of your birth, your native domicile and national character revert,* (so long as you remain in the Prussian dominion,) *and you are bound in all respects to obey the laws exactly as if you had never emigrated.*" Taken literally, by itself and without reference to the facts of the case or to his opinions as expressed at other times, this language would seem to be sufficiently broad. But Mr. Wheaton was then disposing of a given case, and to appreciate the precise meaning of his language we must take it as we do the opinion or judgment of a court, with reference to the facts and questions before it. The writer has not now access to all the facts or the entire despatch in that case. If Mr. Knocke had left Prussia in default of having rendered service due and demanded, then, as applicable to that state of fact, the language of Mr. Wheaton is only an expression, in a different form of words, of the opinion of Mr. Marcy in Tousig's case. But if Mr. Knocke was in no such default, and the action of the Prussian government was based generally on the supposed immutability of natural allegiance, then the opinion of Mr. Wheaton was error and is not consistent with other opinions expressed by that great jurist. Besides the position stated in the text of his standard work, his biographer states that before he was sent abroad in a diplomatic capacity he had published an argument in the United States, advocating the right of expatriation, in response to a contrary opinion by Gouverneur Morris, at a time when British authorities were threatening to execute for treason the naturalized citizens of the United States of British origin, who might be taken prisoners of war, at the same time that "*military service was exacted from natives of the United States domiciled in Canada.*" Such a threat, coupled with such treatment of domiciled Americans, is not properly described by calling it illegal, inconsistent and arrogant: it was to the last degree barbarous, and any government that should tamely submit to such treatment of its naturalized citizens would be as hopelessly covered with shame as the government that should inflict it. If that argument of Mr. Wheaton's is still in existence it would be of no less interest now than when it was first made.

There is little difficulty in discerning the origin of this idea of an irrevocable natural allegiance. It is eminently feudal in its nature, and, as to the modern western nations of Europe, purely of feudal origin. The born vassals, villeins, followers, attached to the soil and sometimes transferred with it, the fighting machines who went to the wars of ambition, spite, rivalry and gallantry of their masters, were not citizens or free men. They held by the tenure of military service, and they owed a personal fealty to the liege lord that could not be shaken off at pleasure. Such a practice or such an idea would have been a logical, perhaps a practical, dissolution of the whole system, and therefore the system could not have tolerated it, for the system was one of gigantic proportions and of tenacious vitality, grasping with an iron hand and repressing with an iron will. The idea of loyalty to the person and fortune and to the family of a chief, and of the indissolubility of that allegiance, were fit and appropriate parts of such a system. They were necessary to its existence. The idea of loyalty to a government as distinguished from the person of the governor, to a government as the embodiment and operation of certain principles, to a government as a thing of compact, positive or implied, was more than the mind of that age could reach, and had the conception been possible it would have been deemed an atrocious crime against the rights of those who were the born lords of that social and political structure. That organization was incompatible with the personal freedom of the masses, with the expression and dominance of anything like a public opinion, and with any healthy and efficient nationality. And it crumbled, not suddenly but stubbornly, before the advance and increase of personal liberty,

<sup>3</sup> *Elements of International Law*, part II, chap. II.

public opinion, and a consolidated nationality under one lord paramount. Tenures changed from feudal to allodial, and fealty was transferred from the liege lord to the lord paramount. Thus came national strength, local tranquillity, security of estates and the personal freedom of the masses. In every instance the mass of the people have sided with the national sovereign in effecting this change.

But systems of thought, of government, and of education, often leave an influence or an idea to survive them long after they are in their main features abandoned. When feudalism and its tenure, its service, its remorseless caste, were gradually undermined and finally broken down by the combined force of the benign and elevating influences just named, it left as an evil legacy this idea of the perpetuity of natural allegiance, transferred from the liege lord to the state.

And that was not the only evil it left to the world. Out of its abundant storehouse of untruth, error, born of force and made insolent by prescription, a system of legal and political metaphysics, artful and seductive in proportion as it lacked the real natural bottom of right, there were transplanted across the Atlantic the germs of those ideas of the separateness, the completeness, the rivalry, the chivalry of neighboring communities as to each other, and their jealousy of a predominant nationality; and also those ideas of caste, of land and land owners as the rightful political power of a state, and of land tillers as a class politically and socially degraded; those fears of being overshadowed or absorbed, so naturally inherent in the system, and that idea of local allegiance as being the first and highest duty of the follower, all which, under different names, culminated in our own great war. In that contest a great majority of those who were engaged against the government earnestly believed in the cause they had espoused, and fought bravely for local dominion and feudal ideas, and thus, if there was some wickedness in the attempt, there was far more that was the natural production of historical causes. But the good and the bad combined fought against the whole tendency of modern civilization and political development, with tolerably even physical chances, yet morally they contended against destiny, and the battle was lost before it was fought. By a singular and enormous growth from those unobserved political seeds planted in the western hemisphere in our very origin; in the discovery, conquest, and settlement of the continent; in its division and government by grants, charters, plantations, and colonies; and the introduction of a colored serfdom after the white slaves of England had been set free, it has happened that a great democratic republic, in order to achieve a real and substantial nationality, a real and substantial equality and freedom of citizenship, has lately had to pass through the same conflict with the spirit of feudalism, caste, and local allegiance, which the great monarchies of Europe had, each at different times, partially accomplished in the 15th, 16th, 17th, and 18th centuries.

Long since most of the governments of Europe, by an alliance between crown and people, have triumphed over the idea of a local, feudal allegiance. In Germany and Italy, where this consummation has been delayed by causes too prolix to be here discussed, the twin spirits of national union and personal liberty have lately achieved the same great result. But the monarchies, many of them mild and constitutional, which have been thus built, in one sense on the will of the people, and certainly on the ruins of feudal arrogance and feudal allegiance, have not always accorded to the citizen an increase of personal liberty in full proportion and correspondence with this increased development of political nationality; and one of the most notable exceptions is this claim to perpetual and indissoluble allegiance—this refusal to admit, in all its political consequences, that while a man must obey some one government, and that the government of his residence, he may live and labor wherever his inclinations and his interests dictate. That great and most gratifying progress has been made is most undoubtedly true. For ourselves we claim, not with boasting, that we have now realized in fact the idea of a positive, undisputed nationality, based on free and equal citizenship. The form of political structure is immaterial, in its relation to the international rule here contended for. We have never asked others to adopt our ideas of internal government; only we proclaim our country a home and a field for useful and remunerative labor for all who come, exacting of them loyalty and obedience while they accept our protection, and granting them the right of dissolving the relation at pleasure, by removal to another country. It is upon this broad, simple, and natural basis we ask others to settle with us the question in hand.

I cannot regard this part of the discussion as a digression, or as being immaterial. The question is one of such extreme interest that we cannot well and safely ignore its history in the past or its relations with present tendencies. Everywhere in the civilized world the people are showing a marked preference for great and vigorous national governments, especially when this nationality can be built upon identity of race and language. In that direction the citizen moves with even more enthusiasm than the government. Great national governments and a high degree of natural personal freedom are twin and indissoluble parts of the modern political systems that have succeeded the feudalism of the middle ages. This is no accident, any more than the commercial and mechanical activity and success of the century are accidents. And those governments in whose greatness the citizen finds at once his pride and his protection can well afford to cast away the last material political remnant of feudalism and grant to each citizen a degree of liberty in choosing his residence commensurate with their own real greatness. They deprecate rather than minister to their power when they deem it necessary to resort to the harsh claim in question.

While most European governments cling with great tenacity to the theory of an indissoluble natural allegiance and the right to enforce the rendition of military service to them by our own naturalized citizens, we do them the justice to say that few of them enforce it rigidly and uniformly. Yet it is sometimes enforced, men are sometimes imprisoned for refusing it, and some avoid the service and the prison by the employment of a substitute, and yet far more frequently American ministers and consuls are put to the humiliation of asking or in any event of accepting as a favor or courtesy a release which ought to be due as a matter of right. It is submitted that the time has come when if, after due and careful investigation of the facts, interference is deemed proper, the release should be demanded as a matter of right. If estimated by the real number of soldiers which this claim enables the sovereigns of Europe to put into their armies, it has to them no practical value whatever, and they would lose no material force by promptly and frankly abandoning it. But if estimated by its effects upon the person, the feelings, the happiness and the liberty of the citizen when it is enforced, its importance cannot be exaggerated. For a man who thinks he is a citizen of the United States and whom we have solemnly declared such, who has lived in our midst as such for years, and who left his native country in conformity with a custom so undoubted and general that the jurists say it amounts to a public law, and left it with no complaint or undischarged duty hanging over him to return with a sense and conviction of security as they do to visit relations or transact temporary business in Europe, and be arrested and constrained to render years of military service to a government whose protection and allegiance he has renounced, or to lie for months in a loathsome prison for his refusal, is a bitterness and a cruelty that does not find adequate expression in language. Heaping upon it epithets only hides with words the enormity of the fact. It is a thing that ought not to occur, and it is believed that there is not now a government in Europe that would insist upon doing it if thoroughly satisfied that it could only be done at the risk of war with a republic fighting for the personal liberty of its citizens. Much as they might believe in the right to do so it would also be considered that no monarch would increase the affections of his people, so many of whom contemplate emigration or have friends who have emigrated, by engaging in such a contest.

Several governments of Europe have a law whereby a man desiring to expatriate himself can make application for that purpose to the executive government, and, no objection appearing, he may be absolved from his allegiance, to go into effect, of course, only upon his emigration from the country. From the custom of unimpeded emigration, from inattention, and often from positive ignorance of the law, the instances are comparatively rare of such applications being made. The result is that foreigners, on being naturalized in the United States, naturally suppose that the change is a real one, and that their new citizenship inheres in them as a quality, from the date of the oath and certificate, and goes with them and hangs over them as a substantial protection wherever they go. It is only upon revisiting the land of their birth that informers and the secret service of the police department awake them to the most unwelcome surprise and disappointment that could possibly overtake a man. Some of them grow indignant and defiantly flaunt their papers into the faces of the authorities. All ultimately seek the assistance of consuls and ministers. In a case coming under the cognizance of the late Mr. Wright, while minister at Berlin, less than two years ago, the emigrant was *thirteen years old* when he left Prussia with his brother for the United States. If he had emigrated or been carried from the country while at his mother's breast, the legal claim to his service would have been just as strong. If one is valid the other is. The harshness and absurdity of such a case may more sensibly arouse our indignation, but it is as strong in law as that of the grown up man who emigrates without being indebted for a definite term of unperformed military service. The cases all rest alike on the fact of the birth and the theory of the perpetuity of allegiance. It is unworthy of the subject to say that a man goes back to Europe with his eyes open, and if he would avoid trouble let him stay away. He may have good and sufficient reasons for going; it may be necessary for him to go, and the only question is has he a right to go as an American citizen.

When these cases are brought to the knowledge of American ministers and consuls, these officials always in a proper way protest against the proceeding and ask for the discharge of the unhappy man. Then naturally comes a discussion in which the American view is insisted upon, the right of expatriation is defended, and the liberality of the American theory in the matter in dispute is affirmed. Then he is politely reminded that the government claiming the service and making the arrest had a law by which the detained man probably would have been allowed to absolve himself, if he had applied for that purpose, and that we have no such law; and, it is alleged that there is no mode provided or known by which a man born a citizen of the United States can cease to be such. In vain do we reply that he may go where he pleases, and that the right of expatriation is with us so universally recognized, and practiced so entirely without restriction, that no law upon the subject is deemed necessary; and if the fact is hinted that there is neither so much desire nor so much necessity for leaving the United States as other countries, it takes more the form of pleasantries than serious argument. The foreign diplomatist thinks he sees, perhaps does see, an immaterial technical advantage, one which sounds well or reads well, though it may be without reaching the marrow of the case, and we cannot complain if he uses it. He thus claims to show that so far as municipal law is concerned, his own government is more consistent than ours, and that, much as we complain of his practice, his laws are, more nearly

than our own, conformed to our more advanced ideas of the law of natural right involved. However immaterial this polemic advantage may be, it is one which ought not to be allowed to exist a day beyond the adjournment of the next session of Congress.

The opinion has been attributed to several of our most noted and learned statesmen that an American citizen cannot, as to his own country, cast off his citizenship, and that though we regard his expatriation as a right to be exercised at his option, it is effectual only while he remains abroad; gives him, as to his own government, only domiciliation in another country, and that immediately upon his return to the United States he is clothed with all the rights and held subject to all the duties of citizenship; and this though he may have been regularly and formally naturalized in another country. It is difficult to discover any sufficient reason for this opinion. It is inconsistent with the position we assume in regard to our own naturalized citizens, and their relations to their former governments. It is very much the same position assumed by those governments. It differs only in the perfect freedom with which we allow the citizen to depart from our midst and live and labor elsewhere in the world. But this theory gives no more political or legal effect to the change than other governments accord to it. The opinion is quite easily sustained by a reference to the British or common law doctrine of allegiance, which it is said we have inherited as a part of the common law of England. But there are two sufficient answers to this course of reasoning: the common law of England is not the international law of the world; and we have inherited and adopted the common law of England only in so far as its provisions and its reasoning are adapted to our new situation and our political institutions. Therefore the common law doctrine of indestructible allegiance is not a part of the system of American law any more than it is of the international law.

The non-professional reader who does not wish to pursue the subject through Foster, Hale and Blackstone will find a very good statement of the English doctrine in the Encyclopedias under the title of "Allegiance." "The allegiance of a subject, according to the law of England, is permanent and universal; he can by no act of his own abjure or repudiate the duties which it involves; nor can he, by emigration, or any voluntary change of residence, escape its legal consequences."<sup>\*</sup>

"The thing itself, or substantial part of it, is founded in reason and the nature of government; the name and the form are derived to us from our Gothic ancestors under the feudal system, &c. \* \* \* Allegiance, both express and implied, is divided by the law into two sorts or species: the one *natural*, the other *local*; the former being also perpetual, the latter temporary. \* \* \* For it is a principle of universal law that the natural-born subject of one prince cannot by any act of his own, no not by swearing allegiance to another, put off or discharge his natural allegiance to the former, for this natural allegiance was intrinsic and primitive, and antecedent to the other, and cannot be divested without the concurrent act of that prince to whom it was first due. Indeed the natural-born subject of one prince, to whom he owes allegiance, may be entangled by subjecting himself absolutely to another, but it is his own act that brings him into those straits and difficulties of owing service to two masters; and it is unreasonable, that by such voluntary act of his own he should be able at pleasure to unloose those bands by which he is connected to his natural prince."<sup>†</sup>

This is a correct and logical statement of the English doctrine, and the reason and the origin of the thing sufficiently appear in the statement. There is no difficulty in understanding it. There is an "intrinsic," "primitive," "perpetual" quality in "natural allegiance" that is outside of and higher than the reciprocity of obligation between citizen and government. It is the relation between the "natural-born subject" and the "natural prince," and prince is used synonymously with "master." It is a natural and symmetrical part of the theory of divine right, non-resistance and passive obedience. It is a correct legal deduction from premises which assume, in relation to the particular subject-matter, that the rights and prerogatives are all on the side of the prince, and nought on the side of the subject. It is intensely feudal in its character, and is therefore consistent with the obsolete system of which it is a surviving fragment, but plainly inconsistent with that splendid and solid fabric of personal liberty, and of constitutional, responsible government based upon public opinion, which is the glory of the British isles and a wholesome influence over the civilized world.

We have now, at some length, prepared the way for stating in a few words what is meant when it is proposed that we shall be consistent with ourselves upon this subject. First, in regard to our own laws: either repeal our naturalization laws, thus only allowing foreigners to become domiciled among us, extending to them the protection of our laws, and demanding of them obedience while in the country, but allowing them to carry with them not a particle of our obligation beyond our territorial limits and jurisdiction; or enact, as a part of our system of laws upon the subject, a suitable well-considered expatriation act that will make our statutes applicable to both sides of the matter, consistent with themselves, as broad as the convictions and the practice of the American people, in harmony with the position we assume towards other nations and the concession we seek to obtain from them; will put us on a footing of reciprocity, and thus will give us a vantage ground which at present we do not occupy. The fact of removal, residence, and the assumption of other allegiance should be held a sufficient dissolution of his obligation of allegiance to our government, without the

\* Perny Cyclopedia.

† Encyclopedia Britannica.

formality of a previous permission and release. A fraudulent or pretended removal, naturalization and return, by which a native might seek to reside among us as a foreigner to avoid military service, or for other purpose, would be a question of fact to be determined upon the evidence. And so in an emergency of war the government could prevent all emigration or departure by proclamation or suspension of the law. If we have no naturalization laws, let it be understood that foreigners, domiciled in our midst, though protected while so domiciled, go abroad at their own risk. But if we continue, as at present, to assume to make a foreigner a citizen, and to accept his oath of fidelity as such, and to impose on him the burdens of citizenship, then we should extend to him its rights and protection wherever he goes, and should plant ourselves without compromise on the position that a *bona fide* naturalized citizen of the United States shall neither be punished for serving in our armies, nor compelled to serve, against his will, in the armies of any other government, nor be imprisoned or otherwise punished for refusing to do so. A perfect willingness and readiness to insist upon this position just so far and in just such forms as others may make proper and necessary, will make it the accepted undoubted law of the world without a blow struck or a shot fired.

In adopting an expatriation law there must be some cardinal principles observed, and they should be the same of which we demand or concede the observance by other nations. The rule of right in each case is necessarily the same. Every government has powers and rights appertaining to it as such, as well as having duties towards the several persons of the community, and it is not competent for any individual to avoid the exercise and discharge of these by merely retiring from that government and becoming a member of another. There are three matters that come naturally to be considered in this connection:

First. As to debts. Every man must be held responsible in the civil courts of a country for the debts he contracted there before he retired from it, and therefore may be proceeded against for them upon his return, as he may be for all debts contracted during his temporary sojourn there. As nations, by comity, allow foreigners access to their own courts against their own citizens, so foreigners must be held liable to answer in those courts, when found within their jurisdiction, to the complaints of the citizens. A man does not discharge a debt by becoming a foreigner through the process of naturalization, and so plain a matter is mentioned only to keep clearly in mind the reason of the thing, and to avoid confounding this just jurisdiction, by any false analogy, with the right to demand and the duty of rendering military service.

Secondly. As to crimes. As a man is amenable to the laws of any country where he may choose to go for crimes and offences committed while there, so, being charged with the commission of an offence while a subject of the government complaining of the infraction of its laws, he cannot escape liability to punishment by removing himself from that country and taking upon himself allegiance to another government, but must be held answerable whenever found within the jurisdiction of the government whose laws he has violated. Here too we must avoid confusion, for the ground upon which this rests is totally different from that of military service. In addition to Mr. Marcy's observations in *Tousig's* case, those who wish to peruse a complete essay upon this branch of the question will find it in the report of Mr. Webster, as Secretary of State, to the President in response to a resolution of inquiry by Congress in the case of John S. Trasher.\*

Thirdly. As to the rendition of military service, which is the only real difficulty in the way. Every subject or citizen of a government owes that government military service when needed to defend the country, or to execute the laws of the government. If that service is not voluntarily rendered when asked for, the government has the right to enforce its rendition. This need not be enlarged upon. Whether force, express compact, prescription, or tacit consent be the foundation of any government, the use of *force*, when needed for the legitimate purpose of protection, which embraces punishment and all just compulsion, is the last and highest object of its existence, to which all other means are subsidiary or preparatory; and without this capacity of force on the part of the government, and the corresponding duty on the part of the citizen, he is a greater loser than the government. How the relation of allegiance may be dissolved we have attempted to point out. But just at this point some foreign governments affirm that this duty to the government of one's native allegiance is so innate and permanent that it cannot be dissolved at the option of the subject or citizen, even by permanent removal to another country and the solemn engagement of loyalty to another government. This is the position or assumption we combat, and it is the point upon which the whole question turns. A subject or citizen surely cannot absolve himself from the duty while he remains such. Neither will a foreign naturalization, manifestly sought for the purpose of avoiding the service, or any other obligation of citizenship and loyalty, have any such effect in favor of one who returns to remain or even to sojourn within the government of his native allegiance. Such a change may be treated as fraudulent and absolutely null and void. But such cases would be so rare that they scarcely deserve to be considered as any impediment to a just understanding and a satisfactory practice upon the subject. The change must be in good faith and accompanied with corresponding action and residence; and while the effect of such a real change ought to be an admitted rule of law, the good or bad faith of the transaction ought to be only a question of fact. There being no room for dispute about the law, self-interest would make it incumbent on each government to avoid

\* Webster's Works, vol. vi, p. 521.



carefully the appearance of straining the facts to find a wrongful intention of avoiding a rightful service. If two governments differ about the facts, having opposite opinions of what is the truth, it is no more than happens in many other cases. Every government may prohibit expatriation or abandonment of the country, or even departure from it, by able-bodied arms-bearing men, during war. It would not be fair to allow a man to run off and take an oath to another power, and return to remain an exempted foreigner in our midst, or, remaining abroad during the war, to return and simply resume, without further change, all his rights as a citizen.

If these observations have been well founded, it results that the true line of distinction would be to put such cases, as near as possible, on the same footing with that of crimes or offences committed before emigration and naturalization. European governments adopting in some measure this line of reasoning, draw too broad a conclusion from it. They hold that the government having the right to demand, and the citizen being undoubtedly under a general obligation to render the service, and some governments requiring that a certain term of service shall be rendered by every man fit for military duty, in person or by substitute, that emigration from the country before that service is rendered is in the nature of an offence or crime for which the party may be punished on his return; and emigration, before a certain term of service is performed, is too apt to be held a conclusive presumption that to avoid the service was the object of emigration. This is only running round a circle, the central idea of which is that each nation may, by its own municipal laws and regulations, determine the whole question, as to its own native citizens, without regard to international law, and without regard to the municipal or statute law of other governments; an assumption which, we have already submitted, other governments are not bound to regard as true or conclusive. The right to require the service is based on the relation of the citizen or subject to his government; but this relation does not exclude the right of the citizen to cease to be such by changing his nationality. The two rights must both be observed, and the two rules of law are not at all incompatible. It is observed that in practice the arrests are not generally, though occasionally, made for the purpose of punishing the former subject for not having served a given term, but he is arrested for the purpose of enforcing the service. It is a forcible conscription more often than a punishment for an alleged desertion. War, military service, being the exceptional and not the normal condition and business of mankind, and the duty of the citizen or subject to fight for the government, or to drill for a certain number of years in its armies, being, by the common consent and practice of mankind, a duty to be performed *on demand made*, and at a time and place *fixed by law or summons*, so that what of a man's time is not thus needed and demanded may be devoted to the support of himself and family by ordinary labor, it would seem just that if the subject has emigrated at a time and in a manner not prohibited by his government, (a prohibition that can be made justly only to meet the exigencies of actual war,) so that in the mere act of leaving the country he violated no law, and has become a naturalized citizen of the United States, then the only pertinent inquiry would be *whether he was, at the time of emigration, in default of the rendition of service due or demanded*, and not whether, in general terms, he was of an age and physical capacity that made him *liable to be called into service*, or had not served that term of months or years *to which he might be held by his government*. There must be a distinction, a line of division somewhere, for if a foreign government may rightfully compel military service of every man who was born under its allegiance, and may pursue him with this claim throughout his life, regardless of the length of time he has lived elsewhere, and regardless of the allegiance he has sworn to another government, it is difficult to see why the principle may not be extended still further and applied to the children of such born subject, though his children were born in the United States. It is no material or logical difference to say that he was born in Europe but that his children were born in the United States. The point in the case is that his birth is claimed to have made him a subject in such irrevocable fashion that he cannot cease to be such, therefore he was such during his entire residence in the United States. Then as children of a subject or citizen born abroad are generally held and admitted to follow the allegiance of the parent, it is precisely the argument of birth that gives the foreign government the right to claim the allegiance and demand the military service of the American born children of the naturalized citizen of the United States. Any other conclusion, following the line of the argument we combat, would make the father subject to one government and the children of his family subject to another, and a family divided in their allegiance and therefore divided in their duties in case of war between the two governments. The absurdity and enormity of such a thing, and of the idea that foreign governments have any valid claim to the allegiance and military service of a fourth or a third of the people of the United States, so far from showing that the conclusion just stated is not a logical result of the pretensions set up, only shows that those pretensions have already been carried too far.

The necessity and advantage of an expatriation law has attracted the attention of the Supreme Court of the United States,\* and it is curious, considering the nature of our differences with foreign governments upon the subject, that such a law has not before now obtained the earnest and practical attention of the legislative department of the government.

\* See *Inglis v. Trustees of Sailor's Snug Harbor*, 3 Peters, 99, and *Shanks v. Dupont*, 3 Peters, 242, for much interesting matter upon the subject of allegiance, and the election and change of nationality.

It may be asked what advantage would be derived from an expatriation law if the public law gives the right so clearly. The same question could as well be asked of a naturalization law. As was held by our government with great clearness and entire correctness in Koszta's case: "The conflicting laws on the subject of allegiance are of a municipal character, and have no controlling operation beyond the territorial limits of the countries enacting them. \* \* \* Neither Austrian decrees nor American laws can be properly invoked for aid or direction in this case, but international law furnishes the rules for a correct decision, and by the light from this source shed upon the transaction at Smyrna are its true features to be discovered." This opinion was held with reference to a transaction within the limits and jurisdiction of a third power, but if the conclusions we have reached and attempted to sustain in this article are correct, the language is equally applicable to the case of a naturalized citizen found within the territory of the government of his former allegiance. But while this is a correct statement of the relation of municipal law to the subject, the advantage of an expatriation law would be political and argumentative rather than legal or real.

It would complete our policy and strengthen our position upon the subject-matter. It would give us a body or system of statute laws upon the subject consistent with themselves, consistent with international law, and will deprive foreign governments and their diplomatists of a technical though immaterial advantage which they mistake for something substantial.

The President, in his last annual message, after succinctly stating what had been the position of the government upon the subject of expatriation and national allegiance, said: "Peace is now prevailing everywhere in Europe, and the present seems to be a favorable time for an assertion by Congress of the principle, so long maintained by the executive department, that *naturalization by one state fully exempts the native-born subject of any other state from the performance of military service under any foreign government, so long as he does not voluntarily renounce its rights and benefits.*" Now Congress can assert this principle either wholly or partially. It would be done only partially, either by declaring that in future the government will demand and enforce an observance by others of this principle, or by simply applying the principle, in the form of an expatriation law, to our own citizens, saying nothing of the future policy of the government as to its own naturalized citizens; and it can assert the principle stated in the message, in its entirety, by doing both of these things, which is believed to be the course best adapted to the subject and entirely just in itself. Not that we have a right to prescribe a rule, by statutory enactment, to measure the rights or regulate the conduct of other governments, but only that we have the right to insist upon what we consider as lawful and just, under the law of nations, regardless of our statutes or theirs, and the declaration of our intention to do so may facilitate an understanding rather than precipitate a conflict.

Upon this subject it is worthy of notice that during our late civil war, when the question of exemption from military service, for various reasons, became one of very great interest, Congress enacted that "all able-bodied male citizens of the United States, and persons of foreign birth who have declared on oath their intention to become citizens," shall constitute the national forces, and be liable to draft within certain ages, exemption being granted for certain mental and physical defects. To this line of distinction it was objected that a foreigner might have been here for years, partaking of all the benefits of the country and of the protection of the government, but if from neglect, or a more selfish and cautious motive, he had omitted to take the preparatory oath, he was exempt under the act. This was admitted, but it was urged in answer that we must regard the views and opinions of foreign governments, and only assume such a position in the statute as could be defended against their objections; that men who had not made the preliminary declaration of intention were merely foreigners domiciled in the United States, and still under the allegiance of their parent governments, at least their governments might so claim, and we might thus incur the risk of a misunderstanding, at a very inopportune moment, besides checking in a material degree the tide of agricultural and mechanical immigration, by requiring service of those only domiciled, or of any except the fully naturalized; those who had declared, under the statute, their intention to become naturalized, and those who, with or without these conditions, had exercised the right of suffrage. The writer was on the committee which arranged the details of the bill, and it has since seemed strange that it did not then occur to himself and his colleagues of the committee that the line drawn was not a very substantial or satisfactory one in the eyes of other governments, nor entirely just to ourselves. Those governments which maintain the doctrine of the indissoluble allegiance of birth, hold our own naturalization laws, and the acts of their own subjects done under those laws, as null and of no effect whatever; because, in their view, neither the laws nor the acts of their subjects, nor both combined, can dissolve the natural allegiance. From their point of view we have no more right to demand military service of a naturalized citizen, or of a person who has taken the preliminary oath of intention, or of one who has voted, with or without such compliance with the act of Congress, than we have to demand it of a merely domiciled foreign subject, because the naturalized citizen, or the hasty or presuming voter, not being, in the opinion of such governments, released from his original allegiance by these things, is still subject to the command of his native government. We are therefore at liberty to deal with the matter on its own merits, and in doing this it may well be considered whether the duty of defending the government, as of paying taxes for its support, should not be exacted of every one permanently settled within its jurisdiction, and accepting its protection.

In the event of irreconcilable difference of opinion between the United States and any foreign government upon the law of these cases, the ultimate resource for a solution of the difficulty has been stated with much force and clearness in a despatch addressed by General Cass, while Secretary of State, to our ministers abroad in relation to several most important and interesting maritime questions: "They (the United States) claim the right to decide for themselves what is the law of nations, and they yield the same privilege to other independent powers. If positions are assumed by other nations which affect injuriously the rights of this country, and which it believes are in contravention of the code of international law, its remedy is well defined and depends upon itself. A just deference is due to those differences of opinion which may honestly arise in the vast variety of subjects involved in the intercourse of nations; and they should be considered in a spirit of reasonable forbearance: but that limit passed, duty and honor equally enjoin resistance."

The latest attempt at negotiation between the United States and any foreign government upon this subject which has been made public, was with Prussia. During the last residence of the late Mr. Wright at Berlin the Prussian government was brought by that valuable public servant, who was an ardent and able defender of the rights of our naturalized citizens, to make proposals, which, though not deemed entirely satisfactory and acceptable by the present administration, were certainly a long way in advance of anything that government has heretofore conceded. In the progress of the correspondence upon the subject Mr. Seward observes to Mr. Wright: "The United States have accepted and established a government upon the principle of the right of men who have committed no crime to choose the state in which they will live, and to incorporate themselves as members of that state, and to enjoy henceforth its privileges and benefits, among which is included protection. This principle is recommended by sentiments of humanity and abstract justice. It is a principle which we cannot waive."

It is, a principle we cannot waive without being false to our origin, to our institutions, to our history, to the highest interests of humanity, to natural right and to international law. It is very certain we will not waive it. It is very desirable that other governments will discern the justice and necessity of yielding their assent to it without further or serious controversy.

NOTE.—By accident a quotation from Bynkershoek, who succeeded Grotius and Puffendorf, and who was the greatest lawyer of his day, was omitted from its proper place in the argument until the foregoing was in print. He affirmed in clear terms the right of expatriation, and said that with all nations except China, Muscovy, and England, it was, and had always been, the right of each man to change his nationality, "De se transplanter ailleurs, et par là, de depouiller la sujétion où l'on étoit, par rapport au Souverain du pays qu'on a quitté." It would seem that since his time several other governments have been willing to join in the lead of China on this question. England has sometimes objected since then to both the internal and foreign policy of China on other subjects; and when we consider how very different was the Muscovy of the 17th century from the Russia of the 19th, England appears to have been curiously assorted, as put by Bynkershoek, on a question of law and internal and foreign policy. To-day China heads the list of nations adhering to one view of this great question, while the United States head the list adhering to the opposite and rational view.

COPENHAGEN, August, 1867.

*Mr. Yeuman to Mr. Seward.*

[Extract.]

No. 87.]

LEGATION OF THE UNITED STATES,

*Copenhagen, August 6, 1867.*

SIR: \* \* \* \* \*

Referring to the subject of my communication of the 4th December, 1866, and which was numbered by the department in my despatch No. 43, I have now to say that when I wrote it I was ignorant of the fact that the whole subject-matter had been so thoroughly investigated by any government as was done by the British government in 1860 and 1861. I now forward to the State Department, in the package named above, a book printed by order of the House of Commons, and kindly procured for me by my very obliging colleague, Sir Charles Murray, the English envoy at this court. I have perused it with much interest and instruction, and from its dimensions you will perceive it was no small undertaking.

The book comprises the report of a committee of the House of Commons, a vast mass of evidence comprised in the answers to several thousand questions put to witnesses who were examined, the official opinions of nearly all the diplo-

matic agents in the service of the British government at that time, and reports or statements, furnished upon request, by the foreign offices of nearly all the governments with which Great Britain holds diplomatic intercourse. Very much of all this has relation to subjects of minor interest to the American statesman and diplomatist, such as a scale of pensions and the service that will entitle to a pension, the question of unpaid attachés, messengers' leave of absence, interchange of persons and service between the state department and legations abroad, and between the legations and the consular force, and to a system of examination for admittance into the diplomatic service. But much of the contents of the book also relates to the questions I discussed in my above-named despatch No. 43, and by the evidence and opinions upon those subjects I have been confirmed in all the views I then ventured to express.

There are also in this book many suggestions worthy of consideration in regard to the general conduct of diplomatic business, among which I may mention that I have been especially interested by the evidence upon the question raised as to the effect of the publication of "blue books," and upon the benefits of a private correspondence between the head of the foreign office and the ministers abroad.

I am not advised that this investigation led to any material change in the organization of the diplomatic service of Great Britain. The term of unpaid service among the junior attachés was shortened and made definite. Upon several points wherein change had been proposed the evidence differed widely. The result of all the evidence seemed to be that the British service was organized at least as well as any other; and as to compensation, while the diplomatists were complaining of being underpaid, Parliament was complaining of the large amount of money the diplomatic service was costing the country.

Upon this subject it will be observed that besides outfits, retiring pensions, a greater working force of attachés and secretaries, and practically a life estate in the office, four considerations certainly very material, the English diplomatic agent has generally about *three times* the amount of annual salary received by his American colleague. The French and Russian compensations are not so easily estimated, owing to the several different forms in which they are made, but it appears probable they are no less well served than the English. I will not here discuss whether this monstrous disparity redounds to our interests and our political and national influence. As to its compatibility with our institutions, it is directly the reverse, because it tends to attach a property or money qualification to the office, which it is confessed in the book is really the case in England, notwithstanding their much better pay. My attention was arrested in a marked manner by the answers to questions Nos. 1137, 1185, 1356, 1403, 1617, 1765, and 2234.

I marked with pencil various passages in the book as I read it, which was done with the intention of making an abstract or summary of its contents for the department and others who might feel interested in the matter; but I have concluded that the value of any such epitome would not compensate for the labor of making it, and that in any event the unabridged original would be more satisfactory to those who should wish to examine the questions thoroughly, and I therefore send the book to the department. It is probably already in the department library, but it is also possible that the attention of yourself and of the appropriate committees of Congress has not been called to its interesting contents. It will of course be understood that in marking so many passages in the book I have not thereby always indicated my approval of the opinions expressed, or indicated any opinion of the significance of the facts stated, but only that the matter noted was worthy of consideration in making such a synopsis of the evidence as I had at first intended doing.

I am, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Yeaman to Mr. Seward.*

[Extract.]

No. 89.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, August 12, 1867.*

SIR: \* \* \* \* \*

Since my last despatches with reference to that [the North Schleswig question] matter there has been much discussion and interest in relation to the subject throughout Europe. I have not deemed it necessary to repeat to you all the mere reports upon the subject, but I may now say that it appears tolerably certain that France took the initiative of diplomatic representation and interference in behalf of Denmark by insisting upon the execution of the fifth article of the treaty of Prague, it having been inserted into the preliminaries of Nicholshourg at the instance of the Emperor. This movement from Paris has been promptly and energetically repelled by the cabinet of Berlin, upon the ground that Prussia can submit to no interference by any other power in the relations between Prussia and German affairs. It seems nearly as plain that Austria has declined the invitation of France to make a joint representation to the cabinet of Berlin, and that Russia, without a formal representation, has contrived to make her opinions known and to throw her influence in favor of Denmark. It seems that England has done nothing except to indicate a tolerably plain intention to do nothing.

If it is a matter of any interest to the government of Berlin to know the opinions and wishes of other governments in Europe, it is now sufficiently clear that the course pursued on the subject is distinctly condemned by some, and regretted by all. But this may in the end injure Denmark by misleading her. It is the opinion of some of my colleagues that Denmark counts too much and unreasonably upon the active and efficient aid of other powers, and that this expectation may make her more unyielding than good policy would indicate. No nation is going to war about the Schleswig question. It may be used as one pretext for war when France and Prussia fight, but its real use and importance will be to enable France to draw Denmark into an alliance; and that was the object of the late preliminary representation. It was known beforehand precisely what fate it would meet with.

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By invitation, about a dozen French journalists and members of the assembly are on a visit to Copenhagen. They are such as have shown most interest in behalf of Denmark, and are the guests of the citizens. French and Danish flags are flying side by side on private and public buildings. The invitation and the visit, at this juncture, have made their natural suggestions to the German mind.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Yeaman to Mr. Seward.*

No. 93.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, August 20, 1867.*

SIR: The French visitors have returned to Paris, after a most pleasant sojourn in Denmark, attended with much hospitality and many very marked attentions. Before their departure, the King conferred on the deputies to the French assembly the order of the Grand Commander. This has much pleased the people here; for it is alleged that in view of the relations between Denmark

and Prussia, between Prussia and France, and in turn between France and Denmark, it required some decision and boldness to take the step.

There has been for some months much rumor of state or political marriages in northern Europe: first, between the Princess Louise, of Sweden, and the Prince Royal Frederick, of Denmark; then between the same princess and Prince Albert, of Prussia, cousin of the prince royal of that kingdom; and now again it is to be between Sweden and Denmark. I have never been acquainted with enough consistency or evidence of these things to make them of much consequence. Still they are interesting from the view taken of them here. First, the Scandinavian or national party rejoiced at the prospect either of ultimate Scandinavian union, or at least of the greater probability of an alliance between Sweden and Denmark in any contest with Germany. Then followed some chagrin, and fear that the policy of Sweden had changed, and that the cabinet of Stockholm was looking to an alliance with that of Berlin, with the view of effecting the ultimate partition of Denmark. Then followed a little elation when it was semi-officially announced here that the Swedo-Prussian alliance was broken off; the "Emperor," who is usually thought to be ubiquitous, was thanked and praised, and the devoirs of Prince Frederick are again supposed to be delightfully in the ascendant.

Of course I do not know what marriage will occur, and what will not; but the whole matter is of much less political importance than some have supposed, and much less than it might have been in times gone by. The time and the political system that gave importance to state marriages, so far as they affected alliances, seem in a great measure to have passed away, and I cannot regard such things as of much importance in countries where public opinion and constitutional government have made so much progress and obtained such foothold as they have in Sweden, Denmark, and Prussia.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Yeaman to Mr. Seward.*

No. 95.]

LEGATION OF THE UNITED STATES,

*Copenhagen, August 23, 1867.*

SIR: Referring to the subject of my despatch, No. 70, of the 28th May last, and to your circular of the 29th March last, received at this legation the 30th July last, and to your despatch of the 6th July last, No. 46, I have now to say that recent publications, in both European and American papers, stating that some of the diplomatic servants of the United States had appeared in military uniform, in virtue of the construction given by the department in that circular to the two acts of Congress affecting the subject, have only served to place other members of the diplomatic service in a still more embarrassing position. I have already declined to attend some occasions at which uniforms were worn, (also attending one in citizen's dress when my absence would have subjected me to unjust criticism, and given rise to false and unjust inferences against my government,) and my absence from fêtes where uniforms are worn, of course gives rise to an explanation. Then when the announcement is made that American diplomats at other capitals wear uniforms, that causes inquiries and observations and gives rise to *another* explanation; and when *that* explanation is made the wondering foreigner thinks he has discovered at last that after all we have classes and castes, and that a gentleman who has been in the military service is something more than an American citizen, and that they were mistaken in supposing that a man not actually in the public service was only a private citizen, and that a diplomat was *only* a diplomat while in that service.

Thus in attempting to set ourselves right before the world as a democracy of equal citizens, we have only complicated it and given rise to false conclusions.

With the utmost possible respect and deference, I have to submit that the construction given by those gentlemen who declined to wear any uniform *after* the passage of the resolution of Congress, and *before* the receipt of the circular referred to, which is stated to have been their course in the published accounts I have seen, was right; and that the construction given in the circular cannot be maintained. I have not the whole act of 28th July, 1866, before me, which is always necessary for a thorough conclusion, but only the section 34 given in the circular. From that section, nothing else appearing, it would naturally seem to be a sort of honor by brevet conferred upon those who served *as volunteers* in the civil war, by putting them always thereafter, in some things, as dress and title, upon an equality with *regular* officers of the army and navy; and that the "occasions of ceremony" referred to are such ceremonies of a naval, military, political and funeral character as occur within the United States, and recognized or directed by the government or some department thereof.

Then turning to the very short resolution of Congress of 27th March last, it would seem that the *object* of it must have been to prevent our diplomatic agents from doing that which was believed to be inconsistent with our political institutions, and to indicate what would appear most natural for us to do at foreign courts, and if so, the *policy* of the act applies to all equally, no matter what may have been the past official position at home of some of them.

In this view the words "not previously authorized by Congress" do not mean or refer to what *was* previously authorized, but to what *shall* be previously authorized before it is worn. That section 34 did not refer to a diplomatic uniform, nor was thought to confer any privilege in regard to it, would seem to be shown by the fact (as I am informed) that several had worn their military uniforms before the passage of that act, in the exercise of that discretion indicated by Mr. Marcy's circular, and by virtue of which others wore a non-military uniform. And if section 34 clearly did embrace diplomatic agents' uniforms and ceremonies, I would still hold that the object and positive character of the resolution of 27th March require that the words "previously authorized" shall be construed to apply to the prohibition from "wearing *any* uniform," except such as may hereafter be authorized by Congress if it sees fit to do so; and therefore that to this extent it repeals section 34, rather than refers to it, on the well-known rule of construction that a subsequent act repeals all acts and parts of acts inconsistent with it, though not specially referred to.

Puffendorf, in his chapter on interpretation says: "That which is only *permitted* gives place to that which is *commanded*;" and "a law *forbidding* the doing anything is to be preferred before a law *directing* the doing anything." These just and sound rules of construction seem to me exactly applicable to this case.

I cannot too distinctly assure you that I feel not a particle of personal interest or preference in the matter. My first desire was simply to know what the law was, that I might obey it, and now my solicitude is that our government may have a consistent and just policy, and not one which is uselessly and inconveniently open to criticism; and further, that some of the courts of Europe that are *sensitive* on such points should have no occasion to ask why we appear to show more deference to Paris, St. Petersburg, and one or two others, than we do to ourselves.

If Congress agrees with the department in the construction given it ought promptly to amend the law.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

*Mr. Yeaman to Mr. Seward.*

No. 101.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, September 8, 1867.*

SIR: I have the honor to acknowledge the receipt of your despatch, No. 51, of the 23d of August, and have felt extremely gratified with the good opinion you have so kindly expressed of my pamphlet on allegiance and citizenship. I have sent one to Mr. Bancroft, as requested.

General Raasloff, Danish minister of war, saw it on my table and asked for a copy. He at once, without having read it, entered into a conversation upon the subject, in which he spoke with much candor of what he conceived to be the difficulties on both sides; and remarked that he did not think the Danish and other European governments really cared so much about the service, nor even so much about the law question involved, as that they wanted regularity of proceedings, mutuality or reciprocity of legislation, and certainty and fulness of proof of a man's status. He said it was idle to wish to hold a man to service who did not wish to be a citizen; but observed that they nearly all leave Europe without obtaining a release, as they might; and some abuse their acquired status, or wish to carry two characters. I observed all such would have to be questions of fact.

He said the whole question was one of immense importance, involving often no less than a man's citizenship and personal liberty, and ought to be settled on some basis satisfactory to all parties. As one feature of a settlement he suggested what appeared to me a measure of some value: that the State Department should be furnished regularly with lists of persons naturalized in the courts, and that the department, through its legations, should furnish these lists to the department of foreign affairs of the government of the man's natural allegiance. He thought the several governments would make no further claim over men whose names were thus furnished, except when they left already in default, and that we could much better make such information the basis of a notice, actual or implied, that such men must not be arrested. I referred to the passport and judicial certificate; but he thought the other plan preferable and more reliable. It might sometimes have the advantage of preventing the annoyance of a citation or arrest, so that there would be no occasion for showing the passports, provided it is distinctly understood such men must not be meddled with. The general thought it was due to the government here to have a defence against fraud, and supposed the case of a Danish subject leaving here without release, the presumption of Danish citizenship continues. He naturalizes in the United States; goes elsewhere and gets into trouble; is dealt with as an American, but claims to be a Dane. The Danish government, desiring to discharge its duty of protection, would yet not wish to be imposed upon. It has no evidence here of change of citizenship, and the man is still *prima facie* a citizen. I submit his suggestion as one well worthy of consideration.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Yeaman to Mr. Seward.*

No. 103.]

LEGATION OF THE UNITED STATES,  
*Copenhagen, September 21, 1867.*

SIR: Admiral Farragut arrived off this capital with his fleet on the 13th instant, and after exchanging salutes with the forts in the harbor, was visited



and welcomed to the city by the commandant of the naval station. He at once sent Lieutenant Commander Watson, of his staff, on shore to announce his arrival to me, and to ask when he might wait upon me at the legation. I at once asked permission to make the first visit to the Admiral on board his flag-ship, and started with his aid to do so, but we learned the Admiral was already on shore, and he immediately called at my house. On the 16th the Admiral and Mrs. Farragut, the captains, and the two senior commanders, a part of the staff, the Danish ministers of marine and of war, the envoys and ministers of the diplomatic corps, and the American ladies accompanying their husbands of the fleet, were invited to dine at my house. I much regretted the absence from town of Count Frijs, the minister for foreign affairs, and the more so as he has expressed a desire to meet with the Admiral during his European cruise.

On the 18th the Admiral gave a reception on board the flag-ship Franklin, which was attended by several members of the Danish cabinet and several members of the diplomatic corps, who were duly saluted in the order of their precedence. Music, dancing, and a most elegant collation were enjoyed by the ladies and gentlemen present. In the evening of the same day General Raasloff, the Danish minister of war, entertained the visitors and several prominent Danes in a most hospitable and elegant manner.

On the 19th I had a special audience of his Majesty the King, for the presentation of the Admiral and eight of his principal officers, Captains Pennock, Strong, Le Roy, Wyman, Harmony, Foltz, and Shirk, and Commander Watson. I had previously received a very kind note from General Othohu, grand marshal of the palace, regretting that the absence of the Queen, and the deep mourning of the royal family on account of the recent death of the Queen's father, had prevented such attentions to the Admiral and his distinguished officers as they would otherwise have paid them, and asking them and myself to dine with the King at 6 o'clock at his country chateau. At the presentation the King cordially repeated the invitation in person. At dinner we met the King of the Greeks, the Crown Prince of Denmark, and two of the King's brothers. It was in all respects an agreeable and exquisite piece of hospitality, and our distinguished officers properly felt that under the circumstances it was an extremely kind and complimentary attention on the part of the King. The King first drank with the Admiral, proposing "the prosperity and happiness of the United States;" to which the Admiral appropriately responded. Soon afterwards his Majesty proposed to me his "pleasure at meeting so many of my (your) renowned and heroic countrymen," and for which I thanked him, as well as for his very polite attentions to them. He drank the healths of Captains Pennock, Strong, and Le Roy, and again proposed with the Admiral, "the most renowned of naval captains," which disconcerted the patriot hero far more than the battle of Mobile or the gauntlet of the forts. Being said in a low, soft tone, I did not know precisely what was done in time to volunteer any verbal assistance. The King probably wanted no response or speech-making, and in any event the Admiral's modest silence and earnest bow, with "thank your Majesty," was the most impressive answer.

The King of the Greeks, the crown prince, and the other gentlemen present, expressed a lively desire to be acquainted with the Admiral and his officers, and I had the pleasure of presenting them all during the evening. They spoke with enthusiastic admiration of the Admiral's naval exploits, with which they seemed quite familiar, especially the King of the Greeks, who was educated for the Danish navy; was in the service when elected King, and has a keen appreciation for daring naval feats. He will soon return to Athens by the way of St. Petersburg, where he will be married next month to the eldest daughter of the Grand Duke Constantine of Russia. He gave our officers a most pressing invitation to visit his country before returning to the United States, and expressed himself to me as being very much gratified with the resolution of Congress concerning Cretan affairs.

I desire to render my distinct and emphatic testimony of the extremely happy and favorable impression which the accomplished officers of the Admiral's fleet have made on this court and on public opinion here. They are an honor to the American name and the American naval service, and wherever they have gone the effect of their visit and their intercourse with society has been an unmixed advantage to our reputation and to our political interests.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Seward to Mr. Yeaman.*

No. 59.]

DEPARTMENT OF STATE,

*Washington, September 23, 1867.*

SIR: I have to acknowledge the receipt of your despatch of the 8th of September, No. 101, which relates to the interesting subject of the effect to be secured by naturalization, in the United States, of persons emigrating from and dissolving their allegiance to foreign nations. Your suggestion that records of naturalization should be preserved in the Department of State, and that transcripts thereof should be furnished to the governments whose allegiance is renounced, has much merit, and will be cheerfully brought to the attention of proper committees in Congress. I will not conceal from you, however, that the difficulties attending such a proceeding are so great as to make it seem impracticable. Two hundred and fifty thousand (250,000) emigrants, male and female, old and young, arrive in this country annually. In the course of a few years all of them become citizens by admission in the federal, State, and territorial courts, in the 40 and more States and Territories of the Union.

In so great a number of cases, there would be much confusion of names. Especially, transcripts in which the names of wives, widows, and infant children should be mentioned, would give very uncertain information to the foreign States concerned. After much reflection I have formed the opinion that the democratic principle of the natural right of men to change their homes and allegiance, as the hope of improvement or other motives may prompt them, is to become an acknowledged principle throughout the civilized world, and that the sooner it is accepted by European States, as it has been by our own, the better it will be for all parties concerned, and for the peace and welfare of all mankind.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE H. YEAMAN, Esq., &c., &c.

## PORTUGAL.

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*Mr. Harvey to Mr. Seward.*

No. 419.]

LEGATION OF THE UNITED STATES,  
*Lisbon, December 7, 1866.*

SIR: My No. 414 has already informed you of the measures adopted here, upon the receipt of a telegram from our minister at Rome, requesting a ship of war to be sent immediately to Civita Vecchia. The United States steamer Swatara was intercepted in the Mediterranean and ordered there, as soon as Rear-Admiral Goldsborough came into this port.

Subsequently, information was received of the arrest of the conspirator John H. Surratt, at Alexandria, whence he had escaped from the papal territory, accompanied by a request that a ship of war should be sent to Malta to receive him. Orders were communicated by telegraph, on Monday, for the Swatara to go there, but, as there might possibly be some interruption or accident, the United States steamer Frolic was despatched there from this port yesterday morning, for the same purpose. Whichever vessel may receive him will proceed directly to Washington with the prisoner.

In order that the government might be fully apprised of these proceedings, I sent the following telegram yesterday:

Hon. CHARLES FRANCIS ADAMS, *Minister of the United States, London:*

Please inform the Secretary of State, by Atlantic cable, that United States steamer Swatara was ordered, by telegraph from Civita Vecchia, on Monday, to Malta to receive Surratt, and that Frolic left here to-day, on the same errand, to prevent mishaps. He will be sent to Washington immediately.

JAMES E. HARVEY.

It is believed that these precautions will be effective, and that the wretched criminal, who was concerned in the foulest conspiracy ever known in our history as a nation, will be soon delivered over to the tribunals of justice.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Harvey to Mr. Seward.*

No. 420.]

LEGATION OF THE UNITED STATES,  
*Lisbon, December 7, 1866.*

SIR: I enclose herewith a translation of an official notice modifying the quarantine imposed upon ships coming from American ports, and making it retroactive to the first of November. This change is quite important to the whaling trade of New England, which is just about starting out on its annual voyage, and which this year is expected to be unusually large. It is, therefore, desirable that immediate publicity should be given to the fact.

The rendezvous of the whaling fleet is at Fayal, and our consul there made

an urgent representation to me in regard to the then existing quarantine, which would have compelled our ships to come here, as there is no lazaretto at the islands, and thus have practically broken up the enterprise.

I had repeated conferences with the minister of foreign affairs on the subject, and a lengthy and somewhat animated correspondence, which cannot be communicated with this despatch for the want of time to prepare it. The council of health, which regulates all such matters, is an independent organization, clothed with extraordinary powers, very tenacious of its authority, and sensitive about any form of interference. After much difficulty I was enabled to get the desired modification, which will prove of very material advantage to a large interest.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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[Translation.]

COUNCIL OF PUBLIC HEALTH OF THE KINGDOM.—NOTICE.

LISBON, *December 5, 1866.*

The council of public health of the kingdom hereby makes known, that New York Philadelphia, and Cincinnati are considered as suspected of cholera, from the 1st of November last, and all other ports of the United States of America are declared clean and free.

DON MARCELLIUS CRAVEIRO DA SILVA.

The above notice involves a quarantine of five days of observation for the ports "suspected."

J. E. H.

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*Mr. Harvey to Mr. Seward.*

No. 424.]

LEGATION OF THE UNITED STATES,

*Lisbon, January 3, 1867.*

SIR: I transmit herewith a French translation of the royal speech made to the Cortes, which opened their regular session yesterday. It is mainly and wisely devoted to matters of internal interest.

The occasion was taken to emphasize with particular distinctness the liberal tendencies of the government, because of the bad condition of the things in Spain, and the recent visit of its sovereign and royal family, had produced impressions not altogether favorable to the Portuguese ministry for the time being. His Majesty only responded to the popular sentiment in declaring that "liberty is the basis of the government;" for although the country at large may not be educated up to the full appreciation of all the blessings that free institutions confer, there is not a nation in Europe where the principles upon which they rest are more generally cherished, where their progress is more generously welcomed, or one where it would be more difficult to revive the arbitrary ideas which were crushed out forever by costly sacrifices and repeated civil wars. The whole direction of the public mind is toward enlarged and enlightened liberty.

The press is as free as in our own country, and no year passes without some essential and significant reform. Popular education is spreading rapidly, old traditions are disappearing, and the King's name is no longer a tower of strength except so far as it may be associated with public and private virtue as the chief of the state, and identified with liberal ideas. The contrast which

Portugal presents in these respects to Spain, from which it is only separated by an imaginary geographical line, and to which it would seem to be bound by the natural ties of mountains and rivers common to both, is striking, and, in some points of view, quite extraordinary. The two peoples are as widely different in their natural characteristics as they are radically separated in political tendencies, thus presenting side by side a curious study to the philosophical mind.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

[Translation.]

LISBON, *Thursday, January 3, 1867.*

We give to-day the speech delivered yesterday by his Majesty the King Don Louis, at the royal sitting of the opening of the Parliament :

Worthy Peers of the Kingdom, and Representatives of the Portuguese nation : I come to inaugurate the new period of your parliamentary labors.

I always feel a great pleasure when, after having accomplished the mandates of the political laws which happily direct the action of the country, I find myself among you. To those institutions the nation owes the prosperity that natural alliance of the principles of progress, of liberty, and order, brings to peoples who know how to accept them with firmness and extend them widely.

You are called upon, in your character of representatives of the country, to watch over the maintenance and the execution of the constitution, and to take the part which is due to you, in the legislative organization, as one of the great powers of the state.

That mission, which is as difficult as it is important, you will accomplish it in appreciating the acts of my government, and in discussing projects of reforms and improvements which the public welfare claims so urgently.

War, which towards the close of the last legislative session appeared so imminent, has finally taken place between Italy and Prussia on one side, and Austria and several German states on the other.

Portugal has maintained herself in the strictest neutrality which was advised by her national interests, and has during the war preserved good and unalterable friendship with all the powers. These amicable relations have continued since the peace until at present.

I have had the satisfaction of receiving in this capital, a few days ago, the visit of her Majesty the Queen of Spain, accompanied by his majesty the King her august consort, his royal highness the Prince of the Asturias, and by her highness the Infanta Dona Isabelle. The presence of these illustrious guests has been very agreeable to my heart. It delighted me to see in the reciprocal manifestations exchanged on that happy occasion the proof of a cordial esteem which exists between the two sovereigns, and of the tendencies which, while drawing closer two peoples, brothers by their historical origins and the glory of their traditions, respect nationalities consolidated by ages, and favors the development of the vast resources lavished by Providence upon the peninsula.

My minister of foreign affairs will place before you the settlement of two interesting questions, which were the subjects of a negotiation between Portugal and the Holy See : the prorogation of the extraordinary jurisdiction conferred upon the Archbishop of God, according to the concordat (agreement) upon the rights of the Portuguese crown relative to the dioceses in the east, and on the affair of the missionaries recently sent to Congo.

The satisfactory result of these negotiations leads us to hope that, with the same conciliatory spirit, means will be found to avoid other difficulties, so as to obtain a definite and complete restoration of the royal patronage in the dioceses depending from it in Asia and Africa. An important treaty of commerce and navigation has been concluded between my government and that of his majesty the Emperor of the French. That treaty inaugurates the commercial policy which we must adopt, in the sense of a wisely progressive liberty, seeking to open more extended markets for our products, and at the same time facilitating to foreign commerce the advantages of importation in the country.

I hope, that, besides these treaties, others of the same nature will yet be submitted to you during the present session. There will also be presented to the Cortes, for their examination, conventions with France relating to the powers and prerogatives of consuls ; and between France and Belgium for the reciprocal guarantee of artistic and literary property.

The boundary and transit treaties between Portugal and Spain, as well the additions to the boundary treaty to fix the means of execution, have been ratified, as well as other treaties approved during the previous legislative session.

At a proper opportunity, projects for improving our foreign service, and the report of the most important acts concerning international relations, will also be presented to you.

Security and public peace have been maintained without alteration in the interior—a happy consequence, not only of the general faith in the advantages resulting from the tranquility of the kingdom, but also of the influence which the public mind exercises more powerfully every day, on the progress and existence of the nation.

Civil administration and public instruction among free nations are different in their various branches, but they meet and unite in the general system which must rule them, that is to say, in the spirit of liberty, in the immediate co-operation of the nation, and in the development of all intelligence and aptitude.

The general reform upon that subject will be laid before you by my government.

Led by the ideas already suggested, it will comprise every branch of the administration and instruction.

The obstacles which prevented the immediate enforcement of the law of June 6, 1864, have been overcome. The result has realized the expectations which were anticipated by the government, and met those of the interests which the law sought to protect.

A visit to every province has been ordered to the prefects.

An inspection and a commission of inquiry for the primary schools.

The immediate co-operation of the nation for everything that can generalize education among the people, and develop charity, are important matters which you will appreciate from the documents which will be presented to you.

The final introduction of the mortgage registry has been postponed owing to the difficulty of execution, which always precede every new organization in the public service, principally when it requires a great number of employés. However, my government hopes that the country will soon enjoy the benefits of the law of July 1, 1863.

The minister of justice will submit for your examination the project of a *code penal*, containing reforms upon the prison system, the organization of public administration, the subsidy for the church and clergy, and upon other subjects of an equal and important interest.

From the authorizations granted in the laws of July 27, 1855, and June 19, 1866, the government has called into effective service the army reserve, and opened in the treasury department two extraordinary credits for six hundred cantos (millions) reis for the purchase of armaments, equipments and war materials. The reserve was again disbanded by the decree of November 21, of last year. My government will give you an account of the use made of these authorizations, and you will have the opportunity to appreciate the motives which have determined the measures taken by the cabinet.

However, I call your attention to the organization of the army, where a reform is necessary. Some special proposals have been offered by the war department tending to the better formation of the army, the facility to develop its strength, and the conciliation of these reforms with the strictest economy and the general interest of the population. The military and disciplinary penal codes and the laws of trials of competence will be presented to you in the shape of projects of laws, which you will take into the consideration exacted by subjects of such high importance. The state of the finances calls upon the most serious attention, and is recommended to your solicitude. My minister of finances will present you with the budget of the receipts and general expenditures of the state.

Several projects of laws having for object the maintenance of the public credit, the continuance of the moral and material progress of the country, and the provisions for the expenses of the treasury, will be submitted to your deliberations.

I hope that you will examine these grave matters at the light of your patriotism, and I rely entirely upon the enlightened co-operation of the legislative body to bring to a successful issue the reforms required by that important branch of the State administration.

Relating to the colonies, measures of great importance have been decreed in accordance with the powers granted in the additional act. You will have the occasion to exercise your enlightened judgment. The government has taken up the question of free labor in the Portuguese possessions in Africa, to which the moral, commercial and economical are closely connected in these countries, which I hope will become one of the most considerable sources of public wealth. My government will present before you some proposals to improve the condition of the navy and the colonies;

To spread rapidly the network of roads in making them dependent from a general system which would facilitate everywhere the ordinary highway;

To continue the development of the communications so as to complete the general network of Portuguese railways;

To give legal sanction to the general principles of the constitution for banking and anonymous companies;

To develop credit in the localities, to seek to create the easy representation of all banking values, which completes the economical purpose of the law of June 22, 1866;

To organize the system of saving banks, (Caisses d'Épargues,) and that of other establishments of popular credit;

To give to rural industry all the impulsion and encouragement in the power of the administration;

To create resources for the drainage of marshes, and utilize the excellent, but now useless lands, by cultivation.

These form the general system of the projects which will be laid before you by the minister of public works. In the political state of a nation whose internal tranquillity is not disturbed, and whose liberty is the basis of the government, administrative improvements and judicious use of the vast resources of the country are the problems the solution of which is interesting and important to the community. I trust them to your devotion to the country.

The enlightened initiative of the government, the energy and great importance of its acts, and the strong support of the representatives of the country, are the indispensable conditions to fulfil happily the high mission of governments in this age of movement and progress. The legislative session is opened.

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*Mr. Harvey to Mr. Seward.*

No. 426.]

LEGATION OF THE UNITED STATES,

*Lisbon, January 26, 1867.*

SIR: Various causes have drawn my attention recently to a subject of considerable interest to the United States, which, in the midst of angry agitation, has not received the consideration which it really deserves.

When the hot passions that now retard complete unity and tranquillity at home shall have subsided, as subside they soon must, the country will bound forward, as it were, with a progress which is destined to astound the world, even accustomed as it is to our extraordinary development. The most terrible civil war recorded in history, and the violent fermentation which naturally succeeded it, were not sufficient to turn aside effectually the march of a prosperity without example. It is therefore easy to suppose what will come to pass when harmony is fully restored, and the nation shall work again with one mighty will, and move with one compacted energy. American enterprise must open up before an immense commerce with the ocean islands, Africa, Brazil, and the Indies. It is not necessary to point out to one who is so familiar with the facts, and who has watched so vigilantly over the interests of his own country, what have been the efforts and the successes of Great Britain, our most serious rival, in planting colonies and securing advantages at nearly every principal point in the world. A practical sagacity has accompanied every step of her universal march, the want of which has rendered us relatively dependent.

In the long voyage from the ports of the United States to Africa, Brazil, or the Indies around the cape, there is hardly a single coaling station which is not in the hands of British subjects, and in many cases they are owned or administered by British officials. I had occasion to observe the operation of this system during our civil war, and to know, in a limited degree, the injury which such an organization is capable of inflicting upon a nation to which it may be hostile. Our ships of war and our merchantmen were subjected to constant vexatious and invidious discriminations from this cause at the islands where they were forced to coal, and in several instances which were reported to me, a vindictive purpose of refusing any supply at all was almost manifested.

The English have possession of nearly every depot of coal at the Azores, Madeira, Teneriffe and Cape de Verde islands. Recently, an American and Belgian company have established a station at Porto Praya, Cape de Verde, under a concession from this government, which I have done my best to encourage by recommending it to our ships of war, and presenting the subject to the rear-admiral in command of the European squadron. All nations are exposed to the danger of foreign wars, especially at a time when the states of Europe are passing through a most momentous crisis, which, before long, will shake empires and dynasties to their very foundations. If, by any calamity or unfortunate combination of events, the United States should be forced or drift into such a war, we should be seriously straitened for the means of motive power

abroad, and then should discover that we were mainly at the mercy of a power which is not specially interested in our success. The world saw what happened when the maritime nations combined to shut the doors against us during the civil war, and when there was not a single port freely open on the whole coast of Europe except that of Lisbon, or at the mid-ocean islands, except those of Portugal; an exception which, though immensely valuable during our time of trial, seems to have been but indifferently appreciated since then.

The natural protection of commerce, independently of other considerations too important to be slighted, seems to be a sufficient reason why this subject should have a share of attention from our government. It is practicable to organize through the consular corps or otherwise a system which will not leave us altogether in the hands of a jealous rival for the means of traversing distant seas in time of peace, or of vindicating the national honor should that stern duty be imposed in time of war.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Harvey to Mr. Seward.*

No. 427.]

LEGATION OF THE UNITED STATES,

*Lisbon, January 31, 1867.*

SIR: I transmit with this despatch the copy of a proposition recently presented to the Chamber of Peers by the Marquis de Sá da Bandeira, one of the most distinguished men of the country, for the immediate extinction of slavery in Portugal and its possessions. Slavery now actually exists in but a limited degree, and would wholly disappear, by the operation of law, on the 29th of April, 1878. The Marquis de Sá, who was the author of the original measure of abolition, has constantly followed it up in the cortes by propositions for sweeping away every vestige of the condition of bondage, which, while conferring no benefit upon the kingdom, has not only remained a blot upon its good name, but has subjected it to misunderstandings and misrepresentations.

It is estimated that there are nearly 100,000 slaves in the Portuguese possessions in Africa and the neighboring islands, including the Cape de Verdes. Under the process of gradual emancipation heretofore adopted, the friends of immediate abolition have found themselves embarrassed by the difficulty of compensating the owners of these slaves, owing to the straitened resources of the public treasury. The principle having been accepted, at the beginning, of emancipating by degrees, the public opinion, though quite prepared for the complete extinction of slavery, has held it to be just, in the event of a radical change in that policy, to compensate the owners for the time being. These good dispositions, however, have had to encounter the obstacle of limited means, and consequently slavery has been dragging out its term of existence, while the nation has, in fact, regarded its doom as sealed since 1854. The present plan proposes to overcome the practical difficulty suggested by converting the actual slaves into freedmen, (*libertos*,) and allowing their owners the benefit of their labor until the 29th of April, 1868. This transition state of freedmen owing service for a limited time is materially different from the condition of slavery, and is protected by legal rights and privileges which are calculated to elevate the black man morally and socially.

It is understood that the ministry is favorable to the project of the Marquis de Sá, and therefore it will probably pass into law, though resisted by those who cling to old habits and traditions in an age every step of whose marvellous pro-



gress tramples out, as it were, an institution of the past, and marches forward under the banner of newer ideas and a fresh civilization.

It will soon, I hope, be my pleasant duty to announce that no slave clanks the chains of a degraded condition inside the extended dominions of this ancient kingdom.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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PROJECT.

ARTICLE I. Slavery is hereby abolished in all territories under the Portuguese monarchy from the day of publication of the present law.

ARTICLE II. All persons, of both sexes, without exception, who, on the aforesaid day, shall exist in the condition of slaves, are to be considered as freedmen, (libertos,) and will enjoy all the rights and be subject to all the duties conceded to and imposed on freedmen under the decree of 14th December, 1854.

ARTICLE III. The services or labor to which the said freedmen are bound, in conformity to the aforesaid decree, shall appertain or be due to those persons whose slaves they were on the same day aforesaid.

Section 1. The right to such services shall cease on the 29th of April, 1878, on which day the state of slavery would cease in virtue of the decree of 29th April, 1858.

Section 2. On the said 29th April, 1878, all individuals then existing as freedmen in virtue of the present law will enjoy the condition of free persons.

ARTICLE IV. All persons having, on the aforesaid 29th day of April, 1878, a right to the services of the freedmen referred to in the present law, are to receive an indemnity for the value of such services.

ARTICLE V. A special law will establish the amount of indemnity and the manner of settling the payment thereof.

ARTICLE VI. The government, after hearing the colonial council, will adopt the necessary measures for giving full execution to the dispositions of the present law.

ARTICLE VII. The government will present a report to the cortes, in the legislative session of 1868, rendering an account of the manner in which the present law shall have been carried into effect in each of the colonial provinces, and shall likewise present statements and returns of the number of freedmen (libertos) existing therein, and who shall have been enrolled in virtue of this present law.

ARTICLE VIII. All legislation to the contrary is hereby revoked.

SA' DA BANDEIRA.  
 CONDE DE LARRADIO.  
 MARQUIS DE SOWZA HOLSTEIN.  
 CONDE DE SOBRAL.  
 CONDE DE ALVA.  
 MARQUIS DE NIZA.  
 CONDE D'AVILA.

HOUSE OF PEERS, *January 21, 1867.*

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*Mr. Seward to Mr. Harvey.*

No. 216.]

DEPARTMENT OF STATE,

*Washington, April 1, 1867.*

SIR: I transmit a copy of a despatch of the 8th of December last, addressed to this department by Charles A. Leas, esq., the United States consul at Funchal, Madeira, from which it appears that citizens of that country who are not Romanists, and who die there, are not allowed to be buried in the Portuguese cemeteries. It is desirable that this restriction should be removed.

You will, consequently, bring the subject to the notice of the government at Lisbon in such a way as may be likely to lead to that result. No such restriction exists in this country. A similar one was in force in the Spanish Ameri-

can states and in Brazil when they became independent sovereignties, but it was removed by the treaties between the United States and those countries.

The expediency of making an overture to Portugal for a treaty stipulation upon the subject will be taken into consideration when your report in regard to it shall have been received.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c.

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*Mr. Leas to Mr. F. W. Seward.*

No. 100.]

UNITED STATES CONSULATE,  
*Funchal, January 8, 1867.*

SIR: Some twelve or fifteen years ago there was a large emigration from this island to the United States, growing out of a religious persecution at the time against such of the Portuguese citizens as had embraced the Protestant faith. Those persons who were thus persecuted and violently driven from the island were mainly from among the lower or poorer classes. After their arrival in the United States they nearly all went to the State of Illinois, where they settled, and, report states, made most worthy and excellent citizens. It so happens, however, that some of them, or their children, return to this climate for the restoration of their health, and here die, leaving no means whatever to defray their funeral expenses; as they are Protestants the Portuguese authorities will not allow them a burial within the Portuguese cemeteries, and as there is no other place for the burial of the dead, save the English cemetery, we are obliged to inter their remains there, and pay some \$1½, which must come out of the pocket of the United States consul, or such other charitable persons as may choose to unite with the consul in defraying the expenses. As a case of this kind occurred only last week, I beg most respectfully to ask if in such case the consul can be allowed to charge reasonable funeral expenses to the United States government; in other words, is a United States consul authorized to cause the interment of indigent American citizens, other than seamen, at the expense of the United States government? Here, for example, there is no place to bury the poor, save in the Portuguese cemeteries, and in them no Protestant can be interred; therefore, the question occurs again in this form, what is to be done with American citizens, who die within this consular jurisdiction without having left means for giving their remains a burial, who are Protestants.

With great respect, I have the honor to be your most obedient servant,

CHAS. A. LEAS,  
*United States Consul.*

Hon. F. W. SEWARD,  
*Assistant Secretary of State, Washington.*

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*Mr. Harvey to Mr. Seward.*

No. 442.]

LEGATION OF THE UNITED STATES,  
*Lisbon, April 26, 1867.*

SIR: I had an opportunity yesterday of presenting the subject of your instruction No. 216 to the minister of foreign affairs. With every disposition to respond to your wishes and to apply the most liberal interpretation to the existing laws, he finds insuperable difficulties in conceding the interment of deceased American citizens in Portuguese cemeteries. The Roman Catholic religion is not only established in this country, but from peculiar ties the sovereign is entitled "His Most Faithful Majesty." All burying grounds of that faith are "consecrated" exclusively as such, and are limited to the use of Catholics. The rule is so rigid under laws still on the statute-book that no church of a different religion may be erected upon any street or highway. This ancient restriction has, however, practically yielded to the necessities of progress and of more enlightened ideas, because there are churches of various denominations in this city and in the kingdom so constructed as to comply with the letter of the law by being retired from the highway, but in which religious exercises are as

regularly and openly conducted as in those of the Catholic faith and without the least objection or difficulty.

The restriction in regard to the burial of "Protestants" is one of those traditional prejudices which seem inconsistent with the liberal notions that prevail here, even in respect to other matters of religious belief far more important, because notwithstanding the exceptional ties which formerly bound this kingdom to the See of Rome, very serious differences have occurred between them of late years, and there is a positive tendency to throw off the yoke entirely.

Various governments and sects have acquired ground here and elsewhere in Portuguese jurisdiction for cemeteries; since, even if the privilege of burial was granted without condition, there is an instinct of the human heart which prefers as a resting place in a foreign land that spot which represents the faith to which one was attached when living and the country of one's birth or adoption. It has heretofore occurred to me, and especially since the city has become the headquarters of the United States squadron for Europe and Africa, with sometimes 3,000 American citizens and sailors in port, that it would be becoming in the government to purchase sufficient ground for an American cemetery. That suggestion was made in the course of my conversation with the minister of foreign affairs, who said that every facility and privilege would be conceded to us that had been granted to any other nation.

The practical question presented by our consul at Madeira, and upon which your instruction to me was predicated, would not be met by a removal of the restriction of interment in Portuguese cemeteries, because it is hardly to be expected that the privilege of burial would in any event be given without cost of some kind. What the consul complains of is the payment of fees for interring a class of American citizens dying abroad without "means to defray their funeral expenses." Foreigners would find that sort of difficulty to exist also in the United States, for while it is true that no harsh rule of exclusion prevails there, it is also true that the cemeteries of the Roman Catholic church are reserved only for persons of that faith, and that while most of the large cities have made humane provision for the burial of persons dying in indigent circumstances, interments cannot be made in any ordinary cemetery without incurring much greater expense than in the case brought to your notice by the consul at Madeira.

It would certainly seem reasonable either that the government should provide a burial ground for its indigent citizens dying abroad in countries where such a restriction as that under consideration exists, or that its consular officers should be authorized to have them interred becomingly at the public expense. I am quite prepared to follow up this matter in any manner that will best accomplish the proper object in view.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

# ROME.

*Mr. King to Mr Seward.*

[Extract.]

No. 71.]

LEGATION OF THE UNITED STATES,  
*Rome, December 10, 1866.*

SIR: The withdrawal of the French garrison from Rome may now be considered an accomplished fact. To-day the Papal flag replaces the French tricolor on the castle of St. Angelo, and ere the week closes not a French soldier, it is confidently asserted, will remain in the Papal dominions. His Holiness will thus be left face to face with his own subjects, and with the adjacent unfriendly kingdom of Italy; and all Europe is watching, with intense interest, the march of events in the ancient mistress of the world. Speculation seems idle when almost any hour may precipitate the crisis. I am satisfied that the Italian government, with the governments of Europe generally, desires a peaceful solution of the pending questions between Rome and Italy; but whether the population can be controlled and kept within bounds of order, when the French contingent shall be finally withdrawn, involves another and more difficult problem. There are not a few of the Papal as well as the popular party who, though for opposite reasons, hope to see a violent collision between the authorities and the people; but the mass, I think, of reflecting men and substantial citizens deprecate a resort to violence, for if the spirit of revolution be once let loose in Rome, none can say to what lengths it might not proceed, under the strong impulse of many years of imagined if not real wrongs, oppression and persecution.

Meantime, the Holy Father shows signs of yielding. On Friday last, the French officers called upon him in a body, to take their leave, and the Count de Montebello, general commanding, addressed the Pope a few parting words. To these his Holiness responded substantially as follows:

GENERAL: This is not the first time that you come to offer me your good wishes, and I receive them now with the same affection as in the past.

When the French flag came to Rome it was hailed by the acclamations of the Catholic world and of all truly Christian souls; who knows if its return (or withdrawal) now will be hailed with the same sentiments? They tell me, and they write home, that I ought to have confidence; but has not an august personage again said of late that "Italy was made but not completed?" The revolution, does it not talk of planting its flag upon the capitol? *but the Tarpeian rock is not far off!*

I hear that the Emperor has been ill and disturbed in mind. Should one of you see him, say to him that I pray God to restore him health and calm, and that he may imbue himself with the thought, that it is not enough to call himself the eldest son of the Church, but that he must justify this title by his acts.

The revolution thunders at my gates, but like St. Augustine at Hippo, I pray God that I may die sooner than assist in my own ruin."

This emphatic language made a deep impression upon those to whom it was addressed. It declares in no ambiguous terms the Pope's fixed resolve to adhere to his resolution and abide the event. The illusion to St. Augustine, Bishop of Hippo, is founded upon the crowning incident in the life of that Roman sage and saint. When besieged by the "Barbarians" in his city of Hippo, (Africa,) he prayed that he might die sooner than be witness to his own overthrow; and in answer to his prayers, death came to his relief. So prays Pio Nono now!

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This morning's mail from the east brought me despatches from our consuls at Alexandria and Malta in reference to John H. Surratt. I do not forward them, inasmuch as both Mr. Hale and Mr. Winthrop inform me that they have themselves reported their action in the premises to the State Department. They both suggest that a ship of war should be sent immediately to Alexandria for the criminal. I had already anticipated this request, and am hourly expecting the United States corvette Swatara at Civita Vecchia, in consequence of my telegram to Admiral Goldsborough. I hope too to receive, within a day or two, definite instructions from the State Department which will authorize the prompt despatch of the Swatara to Alexandria to receive Surratt and convey him to America.

I learn this moment that Tonello and Morizo, the two envoys from Victor Emanuel to his Holiness the Pope, are just arrived in Rome.

I have the honor to be, very respectfully, your obedient servant,

RUFUS KING.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. Seward to Mr. King.*

No. 52.]

DEPARTMENT OF STATE,

*Washington, December 15, 1866.*

SIR: Your despatch of the 26th of November, No. 68, which relates to the case of John H. Surratt, has been received. I commend and thank you for the useful and very interesting details concerning the ways of that offender which you have given me. Among the papers which accompany the despatch is a memorandum, which is inscribed "A copy," and the text of which is as follows:

About twelve months ago Surratt came to Rome, under the name of Watson. In Canada he procured letters from some priest to friends in England. Having left England for Rome, he got letters for some people here, among others for Rev. Dr. Neane, rector of the English college. Being detained for some days at Civita Vecchia, and having no money to pay expenses there, he wrote to Dr. Neane, from whom he received fifty (50) francs. On his arrival here he went to the English college, where he lived for some time. After that he entered the Papal service.

ROME, November 25.

The paper bears no signature. The only information you give me from which to determine its authenticity is, that you have received it from good authority. I do not know that the statement thus recited would in any case have any value. Certainly, unauthenticated, it can be of no use other than to awaken curiosity. I think you ought to have given the authority to which you allude. I am aware that the person who imparted the information to you may probably have given it to you as confidential, and that he might even have declined to give it to you at all if you had not agreed to receive it under an injunction of secrecy. Such an injunction neither you nor I have in any case a right to accept. We are agents of the President, in whom the whole executive power of the United States is vested. Clearly the information contained in the paper was designed for him, and not for yourself or for me personally. No one can rightfully claim to impose upon us an injunction to conceal from the President facts which concern the public safety and welfare. I have acted upon the principle which I thus inculcate throughout all the excitement of a civil war. Better to reject all information whatever than to receive it with limitation inconsistent with official duty. What I have written is not to be taken, however, as conveying censure for the past, but rather as an instruction for the future.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

RUFUS KING, Esq., &c., &c.

*Mr. King to Mr. Seward.*

No. 72.]

LEGATION OF THE UNITED STATES,

*Rome, December 17, 1866.*

SIR: I hasten to acknowledge the receipt of despatches numbers 44, 45, 46, and 47, from the State Department, in reply to my numbers 65 and 66, of November 2d and 10th, relative to the affair of John H. Surratt. I am gratified to learn that the steps which I felt called upon to take in the matter have met the approval of the department. It will give me great pleasure to convey to Cardinal Antonelli the assurance of the President's sincere satisfaction with the prompt and friendly action of the Papal government.

As anticipated in my last, the United States corvette *Swatara*, Captain Jeffers, arrived at Civita Vecchia on Wednesday last, 12th instant, and was followed next day by the *Frolic*, Captain Upsher. The latter brought despatches from the admiral, directing the *Swatara* to proceed forthwith to Malta. She sailed, accordingly, at noon next day. At Malta no doubt Captain Jeffers will receive further instructions from Admiral Goldsborough, who must be in that neighborhood. The *Frolic* remains at Civita Vecchia awaiting orders.

Signor Tonello, the Italian envoy, whose arrival in Rome I mentioned in a previous despatch, had his first formal interview with the Pope on Saturday, the 15th instant. It lasted an hour, but the result has not yet transpired.

In my despatch of the 10th instant I gave the substance of the Pope's remarks to the French officers, who, with their general—Count Montebello—went in a body to pay their parting respects, to his Holiness. I enclose herewith a full report of the address of General Montebello and the reply of the Pope.

Count Sartiges, the ambassador of France, who has been absent from Rome for several months, resumed his post and duties two days since. I called upon him yesterday to congratulate him on his safe return, and met, as always, a kind and cordial welcome. The count seems to think it still doubtful whether the Empress Eugenie will visit Rome at the present juncture. The telegraph announces her departure from Paris as fixed for the 18th instant, and does *not* regard the opening speech of Victor Emanuel to the Italian Chambers, on the 15th instant, as calculated to satisfy the views and expectations of the Papal court. Meanwhile all remains quiet at Rome.

St. Marie, who first informed me of Surratt's being in the corps of zouaves, has been discharged from the Papal service at my request. I have paid him the sum specified in the despatch from the State Department of October 16th. Threats had been made against him by some of his old comrades; and thinking that his life was not altogether safe, and that he might be wanted in Alexandria as a witness to identify Surratt, I put him in charge of Captain Jeffers, and he sailed in the *Swatara* on Friday last. His great desire seems to be to return to America and aid in bringing Surratt to justice. I have seen, as yet, no reason to doubt his good faith, or question the truth of his statements.

I have the honor to be, very respectfully, your obedient servant,

RUFUS KING.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. King to Mr. Seward.*

No. 74.]

LEGATION OF THE UNITED STATES,  
*Rome, December 24, 1866.*

SIR: I received on Saturday, 22d instant, a telegraphic despatch, of which the following is a translation:

AMERICAN MINISTER, *Rome*:

ALEXANDRIA, *December 22.*

I delivered Surratt on board the United States corvette Swatara 21st instant, without any difficulty.

HALE, *Consul.*

Ere this, I presume, the Swatara is well on her way to Malta, with Surratt on board. The United States corvette Canandaigua, Lieutenant Commander McCrea, arrived at Civita Vecchia on the 20th instant, and leaves again for Malta to-morrow. It is the impression of her officers that she will be ordered to take Surratt to the United States.

I have the honor to be, with great respect, your obedient servant,

RUFUS KING.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. King to Mr. Seward.*

[Extract.]

No. 75.]

LEGATION OF THE UNITED STATES,  
*Rome, December 24, 1866.*

SIR: In my despatch, No. 71, of December 10th, I mentioned the arrival in Rome of envoys despatched by Victor Emanuel to open negotiations with the Papal government. As yet very little progress has been made, although Signor Tonello has enjoyed several interviews with Cardinal Antonelli and one audience with the Pope. His Holiness, it is said, listens quietly to the propositions of the Italian envoy, but makes no counter ones. The prevailing opinion still is that no common basis can be found for treating between the two courts.

Meantime everything remains perfectly tranquil in Rome. The withdrawal of the French troops, and the substitution of the Papal for the French flag, were accomplished without the slightest difficulty or disturbance. On the surface, indeed, the city never seemed more quiet than now, and at least the tide of travel is setting strongly in this direction. The probabilities now seem to be that the winter will pass away without any change in the existing order of things. \* \* \* \* \*

I am, sir, very respectfully, your obedient servant,

RUFUS KING.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. King to Mr. Seward.*

No. 77.]

LEGATION OF THE UNITED STATES,  
*Rome, January 7, 1867.*

SIR: I beg to acknowledge the receipt of despatch, No. 50, from the State Department, advising me that the commanding officer of the European squadron had been instructed to station one of his vessels at Civita Vecchia. As reported

in my despatch of December 17th, the United States ship Frolic arrived at Civita on the 13th ultimo, and still remains in port there.

The exigency which seemed to call imperatively for the presence of an American man-of-war in that harbor has, for the moment, passed away. Rome continues tranquil, and the prevalent belief is that no political movement or disturbance need be apprehended for some months to come. I shall be glad, however, if the public interests will admit of the Frolic's remaining at Civita Vecchia for a while longer. Her presence there is highly acceptable to the Papal government, as well as very gratifying to the Americans in Rome.

I have the honor to be, with great respect, your obedient servant,  
RUFUS KING.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. King to Mr. Seward.*

No. 79.]

LEGATION OF THE UNITED STATES,  
*Rome, January 14, 1867.*

SIR: As I could not, in consequence of temporary illness, pay my respects to the Pope, in accordance with diplomatic custom, between Christmas and the New Year, I applied as soon as my health permitted for the honor of an interview with his Holiness. This was promptly accorded, and on Saturday last, 12th instant, I had the pleasure of an interesting visit and conversation with the Holy Father. The Pope appeared to be in excellent health and spirits, and showed no external signs of disturbance at the "wars and rumors of wars" which fill the public ear in Rome. He asked about matters in America, inquired as to the health of the President, and expressed the hope that the differences between the Executive and Congress would not lead to any serious results. Reverting to the state of affairs in Rome and Italy, he said: "Every day of quiet is a day gained. They tell me the republicans are coming to Rome, *conte qui conte*; that Garibaldi and Mazzini are coming and mean to make Rome the capital of Italy. Well, we will wait and see. This," pointing to a crucifix on his table, "is all my artillery." It did not seem to me that the Holy Father, in alluding to this report, betrayed much emotion or spoke as if he really believed in the speedy advent of the "republicans." But though Rome still continues perfectly tranquil, and the general belief is that it will so remain for some months to come, there is a wide-spread impression, and one which daily gains ground, that a change is near at hand. Opinions differ as to whether the republicans, under the lead of Garibaldi, Mazzini and others, or the Italian troops of Victor Emanuel, or the Romans themselves, grown restive under priestly rule, will inaugurate the revolutionary movement which nearly all parties seem to regard as imminent. For the present, nevertheless, everything remains quiet in the "Eternal City," and our countrymen and countrywomen are flocking hither in unwonted numbers. The negotiations between the Italian envoy, Signor Tonello, and the Papal court, which related wholly to ecclesiastical matters, are making satisfactory progress, and will result, it is thought, in an amicable arrangement.

I am, sir, with great respect, your obedient servant,  
RUFUS KING.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*



*Mr. King to Mr. Seward.*

No. 82.]

LEGATION OF THE UNITED STATES AT ROME,

*February 11, 1867.*

SIR: In the New York (semi-weekly) Times, of January 25, received this day, I observe the following item of intelligence among the proceedings of Congress:

*Protestant church at Rome.*—On motion of Mr. Dodge, the President was requested to communicate information in reference to the removal of the Protestant church meeting at the American embassy in Rome.

Other papers of the same date contain statements to the effect that the American chapel had been removed, by direction of the Papal authorities, outside the walls of Rome; and that the American minister, assenting to the arrangement, had hired a villa, where the services were henceforth to be held. I beg to say that there is no truth in either statement. The American Protestant church in Rome remains where it was located at the commencement of the season, and will not, I think, be interfered with, for the present, at any rate.

As the matter seems to have excited much interest in the United States, I will endeavor, by next mail, to prepare and transmit a full history of the case, for the information of the department and the satisfaction of the people.

I am, sir, with great respect, your obedient servant,

RUFUS KING.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. King to Mr. Seward.*

No. 83.]

LEGATION OF THE UNITED STATES AT ROME,

*February 18, 1867.*

SIR: In the brief despatch which I had the honor to address to the Secretary of State, under date of February 11th, referring to the action taken by the House of Representatives on the rumored closing or removal of "the Protestant church meeting at the American embassy in Rome," I contented myself with a simple denial of the alleged fact, reserving for a future communication a fuller history of the case. I now submit a detailed statement of the matter, for the information of the department and of the public.

In Wheaton's Elements of International Law, sixth edition, page 304, the existing rule as to freedom of religious worship is thus laid down: "A minister resident in a foreign country is entitled to the privilege of religious worship in his own private chapel, according to the peculiar forms of his national faith, although it may not be generally tolerated by the laws of the state where he resides." The laws of Rome do not tolerate any other form of public religious worship than such as conform to the teachings of the Roman Catholic church; but the right of any foreign minister at the Papal court to hold religious services under his own roof, and in accordance with the forms of his national or individual faith, has never been questioned or interfered with. Thus the Russian, the Prussian, the American, and other representatives of foreign powers in Rome, have always exercised, and still enjoy unmolested, the freedom of religious worship in the several chapels connected with their respective legations. These chapels, of course, are open to all compatriots of the different ministers desirous of joining in their religious services.

So long as the number of Americans visiting Rome was comparatively limited, it was not difficult for the minister, in securing apartments for himself and family, to make suitable provision as well for a chapel. But of late years,

with the very great increase of travel, this has been no easy matter. It has not unfrequently occurred that the congregation worshipping under the minister's roof has reached the number of 250 or 300, and more than once has been much larger than could be accommodated in the apartments provided. These, of course, once set apart and suitably furnished for religious worship, could be used for no other purpose, and hence it has followed that the largest and best rooms in the minister's residence were practically inaccessible to him except on Sundays and holydays.

In 1859, I think, while Mr. Stockton was minister resident here, Grace church in Rome was regularly organized, and placed under the jurisdiction of the presiding bishop of the American Episcopal church. It is under the auspices of this organization that religious worship has since been conducted, in connection with the American legation in Rome. In the spring of 1865, the Rev. Dr. T. B. Lyman, formerly of Pittsburg, Pennsylvania, was regularly elected by the wardens and vestry of Grace church as their rector. He accepted the charge, entered upon his trust in the fall of the same year, and has since continued to discharge its duties to the general acceptance of all who united in the services.

During the winter of 1865 and 1866 the residence of the American minister was in Salviati palace, and there the congregation of Grace church, as well as all American Protestants desirous of uniting with them, met regularly for purposes of religious worship. At times the number attending was in excess of the accommodation provided, comparatively ample though it was, and attracted a good deal of attention. The holding of Protestant worship under Duke Salviati's roof, and the crowd thereby gathered, were not agreeable to the proprietor, and he declined to renew the lease of the minister's apartments for another year, except upon the express condition that there should be no chapel connected therewith. Repeated efforts to obtain other quarters suitable for the minister's residence, and free from the restriction attached to the Salviati palace, proved unavailing. It was under these circumstances that Dr. Lyman and the vestry of Grace church decided to hire an apartment themselves, separate from the legation, where they could hold religious services; confident in the belief that they would not be interfered with by the local authorities. Rooms were accordingly procured, fitted and furnished, in the Vicolo d'Alibert, a central and convenient locality, and there, since early in November, our American fellow-citizens have assembled for public worship, and still continue to assemble without let or hindrance.

The English, who annually flock to Rome in large numbers, have been accustomed these 40 years past to hold religious services, in accordance with the forms of their national church, in a large building just outside the Porto del Popolo. They have never been interfered with by the authorities. During the last five or six years the Scotch Presbyterians, perhaps 30 or 40 in number, have met for purposes of religious worship in a private house within the walls of Rome. A few months since a second Scotch Presbyterian congregation was formed, the line of separation between the two being the same that divides the Established from the Free Kirk of Scotland. This division, and the presence and participation of the Duke of Argyle, who chanced to be here, attracted the notice and led to the interference of the local authorities. It was intimated to the ministers of the two Scotch congregations that their services were contrary to law, and must be held outside the walls. They have transferred them, accordingly, to the building immediately opposite to the one so long occupied by the English Protestants. There, I presume, they will be allowed to meet and worship unquestioned and unmolested.

It was supposed by many that the closing of the American chapel, being apart from the residence of the minister, would necessarily follow that of the Scotch places of worship. To prevent, if possible, a step which I knew would

excite a great deal of feeling at home, and subject our countrymen here to much annoyance and inconvenience, and, at the same time, to give ourselves at least the color of right to assemble where we did for religious worship, I directed the arms of the American legation to be placed over the building in which the American chapel is located. This seems to have satisfied the requirements or scruples of the authorities, and thus far no one has interfered with us; nor do I believe that we shall be disturbed during the present season.

Thus stands the case at present; but it is not so easy to see what future provision is to be made for the American church in Rome. The authorities may, possibly, hereafter insist upon the rule that it shall be held under the minister's roof. On the other hand, the minister will always find increasing difficulty in securing apartments that will accommodate his family and himself, and at the same time include suitable provision for a chapel. Very good rooms can be obtained in the same building in which the English church is located, and I have the assurance of the cardinal secretary of state himself that no interference would be attempted with Americans choosing to assemble there for religious worship, even though separate and apart from the legation, but the locality is objected to on the ground that it is outside (though just outside) the walls. One solution, indeed, of the difficulty has been suggested, but I am by no means sanguine that it will find favor in the eyes of Congress. This is to purchase or hire for a term of years a building for legation purposes, including ample accommodation for a chapel. Under such an arrangement there would be no further question as to the right of American Protestants to assemble for public worship within the walls of Rome, while an official residence might be provided suitable to the position of the American representative at the Papal court, and not unworthy the character, dignity, and influence of the American government and people.

I am, very respectfully, your obedient servant,

RUFUS KING.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. King to Mr. Seward.*

No. 84.]

LEGATION OF THE UNITED STATES,  
*Rome, February 25, 1867.*

SIR: On Friday last, the 22d instant, the Pope held a secret consistory at the Vatican, at which he pronounced an allocution, copies of which in Latin and in Italian I herewith transmit. The Pope at the same time appointed a number of bishops, and, among them, fourteen (14) for different Sees in the kingdom of Italy, vacant for some time past. It is supposed that this is one of the results of Signor Tonello's recent mission. I hear it rumored that three new cardinals will shortly be created, and that one of them is to be assigned to the United States.

On Saturday last the carnival was opened with the customary ceremonies and an unusual display of troops. But though the corso presented its wonted gay appearance, the principal buildings being decorated with rich hangings, and the balconies filled with strangers, there was a marked absence of carriages and pedestrians from the street; the Roman people, as a general rule, taking no part in the festivities. This is said to have been in compliance with the advice or request of the Roman committee, who desired, in this indirect way, to manifest the popular disapprobation of the existing order of things. On the other hand, the presence of an unusual number of troops may be thought to betray on the part

of the authorities an apprehension that advantage might be taken of the crowds, ordinarily attracted by the carnival, to excite some insurrectionary movement. Thus far, however, all remains quiet.

I am, sir, with great respect, your obedient servant,

RUFUS KING.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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[Translation.]

*Allocution pronounced by his Holiness Pope Pius the IX, at the secret consistory had the 22d February, 1867.*

The love of Christ impelling us to adopt some means through which we might be able to provide for filling up the many vacant bishoprics in Italy, in the month of March, 1865, we wrote with our own hand a letter to the most Severne King Victor Emanuel, asking him to delegate near to us some person with whom we might treat about so weighty a matter. Our wish having been acceded to negotiations were instituted, which, however, certainly not by our fault, failed of success, and frustrated our vehement desire for promoting the salvation of souls which the Holy See has ever valued beyond all things else.

The matter has, indeed, been lately resumed with the assent of those who control the affairs of Italy; but I cannot speak on this theme without great sadness and bitter grief, for the holy bishops, who we are about to send to the vacant Sees, will not only find the rental of every Episcopal household destroyed, but all that supported it, and by long customs served for their maintenance, and for sustaining the poor, taken away; but, what is still worse, the pillars of the sanctuary scattered, the asylums of religious perfection deserted, the occupants of the cloisters deprived of their subsistence, the holy virgins driven from their cells, in which, through the favor of God, they had been received to live and die in the bosom of their heavenly spouse. It is a grave and sad thing, in such a condition of public affairs, to appoint bishops. But what then? Shall we shrink from our purpose? Far be it from us. Let the laborers hasten to the vineyard planted by the Lord and watered by the blood of his son. Let them go to cultivate it in the name of Jesus Christ, relying on God for his special favor. Let them go relying on the favor of the mother of God, who will most efficiently aid them, because she, while the seats of learning must be filled by pastors of wisdom and intellect, will at such times reconduct to them many wanderers, as consoler of the afflicted will alleviate, through such means, the tribulations of many, and with Christian aid will conciliate the religious sentiment and filial piety of multitudes, will relieve them under their weightiest burdens, will aid them as associated in the combat against the adversaries of God, and against the powers of darkness who are endeavoring to conquer the whole evangelic camp by reducing it to a miserable ruin. Therefore shall we leave among the new pastors, some who belong to Italy, trusting that in future consistories more may be accomplished, if, indeed, men living according to the customs of the age can agree with us, in the first place, about the election of persons. To say more, at present, of the existing condition of things is not advisable; the future, however, unless the right hand of the Most High is interposed sufficiently plain, foretells a very sad series of events. To us, however, it is confided by God, who, with the Immaculate Virgin and the Holy Apostles, thus far so clearly protects us under the shadow of their wings, so, at least, we hope that our grief may be changed into gladness.

Let us hasten to bring about this most desirable result by our prayers, by the agreement of our councils, and by the exercise of every Christian virtue.

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*Mr. King to Mr. Seward.*

No. 86.]

LEGATION OF THE UNITED STATES,  
*Rome, March 1, 1867.*

SIR: Recent mails from the United States have brought the rather unlooked for intelligence that the American mission at Rome was about to be closed by Congress; mainly, it would appear, in consequence of the rumored removal of the American chapel from the minister's residence, within the walls of Rome, to a villa outside. In my despatch (No. 83) of February 18th, I transmitted for the information of the department a detailed account of the proceedings had here,

in connection with this subject of Protestant worship in Rome; and I have nothing, at present, to add on that score. There are, however, some considerations which I feel it my duty to submit, and which seem to me conclusive against the policy or expediency of withdrawing the American representative at the Papal court in the present juncture of affairs. I feel the less hesitation in doing this, since I have asked to be transferred from Rome, and do not, therefore, speak from interested motives.

There probably has never been a time when the number of American travellers sojourning in Rome, and of American artists resident here, was so great as it is now, and it may be doubted whether there is a capital in Europe, with the single exception of Paris, where the proportion of Americans, resident and transient, especially during the fall and winter months, is so large as in this imperial city. The presence of an American minister is important to them, since there are numerous occasions and various ways in which he can be of very great service.

I am not, I think, mistaken in the belief that the Papal court is more than ever disposed to cultivate friendly and intimate relations with the United States. I might, in proof of this, instance not only studied and unvarying courtesy and kindness which I myself have always met with, personally and officially, at the hands of the Papal authorities, but the treatment experienced by all of my countrymen who have chanced to visit Rome during the past few years. Perhaps a still more striking evidence of this friendly disposition is to be found in the action of the Papal authorities at the time of the arrest of John H. Surratt. It will be in the recollection of the honorable Secretary of State, that when, in obedience to his instructions of October 16th, 1866, I inquired of Cardinal Antonelli (November 2) whether upon proper indictment, or the usual preliminary proof, Surratt would be delivered up at the request of the State Department, the answer was promptly in the affirmative; and that without waiting for any formal demand on my part, as well as in the absence of an extradition treaty between the governments for the surrender of fugitives from justice, orders were given for the immediate arrest of Surratt, and his being placed in close confinement. This was done with the single purpose of showing the ready disposition of the Papal authorities to comply with the anticipated request of the American government. At the very same time the Italian government, applied to by our minister at Florence, the honorable George P. Marsh, declined to give any assurance for the surrender of Surratt should he be arrested within their jurisdiction, except upon conditions, which, as Mr. Marsh wrote to me, he greatly doubted whether our government would accept. The Papal government, on the contrary, attached no conditions whatever to their promised surrender of the fugitive upon my expected demand. The sudden withdrawal of our representative now, when, as many believe, the hours of the Papal government are numbered, seems scarcely a generous return for this friendly conduct on their part towards the American government and people.

The present aspect of European affairs is especially threatening. In the east the old quarrel between the crescent and the cross has recently revived, and is daily gaining larger proportions. France, while loudly proclaiming peace, is calling under her eagle a million and a half of men. The King of Prussia, in the speech just delivered to his new Parliament, assumes the character, though not yet wearing the title, of Emperor of Germany. Austria, by fresh concessions to Hungary, is preparing, as in the days of Maria Theresa, to rally that gallant people to the defence of her territory and throne. Italy is in a ferment, and the revolution threatens Rome. It is hardly possible that six months should elapse without a violent, perhaps a general convulsion. Is this the time to withdraw from Rome the American minister? Is it magnanimous in us to abandon the sovereign Pontiff in this hour of his waning fortunes? Shall we be the first among civilized and Christian nations to strike this blow at the Holy

See? Are we to leave hundreds of our fellow-citizens to the possible chance of encountering the revolution face to face, and without a representative to vindicate their rights and protect their interests, and it may be their property and persons?

It has been intimated in some quarters that the closing of the American legation here, though ostensibly caused by the rumored suppression of Protestant worship in Rome, was really designed as an indirect recognition of the right and title of Victor Emanuel to the whole of Italy. But I am unwilling to believe that Congress would attempt to accomplish by indirection what it hesitates to do directly. The United States has no need to resort to subterfuge. If the time has come for formally recognizing the Kingdom of Italy, as one and indivisible, with Victor Emanuel for its sovereign and Rome for its capital and centre, there can be no necessity of founding upon a false pretext an act which we have the right, if we deem it politic and proper, to perform openly and in the eyes of all the world. If we are to withdraw our recognition of the temporal power of the Pope and to recall the American representative at the Papal court, at the moment when it stands most in need of our friendly sympathy, I trust, as indeed I do not doubt, that it will be done upon grounds and in a manner that will reflect no discredit upon our own country and leave no just cause of complaint to the governments of Europe.

I am reminded by the date of this despatch that the term of the present Congress will expire within four days. Long, therefore, before it can reach Washington, the question as to the suppression or continuance of the Roman mission will have been definitely settled. It is not, therefore, with any expectation of influencing the result that I have ventured to submit the foregoing considerations, but solely to place on record some of the reasons why in my humble judgment this is not the time for recalling the American representative from the Papal court, and withdrawing to that extent our recognition of the Holy Father's temporal authority.

I am, very respectfully, your obedient servant,

RUFUS KING.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. King to Mr. Seward.*

No. 87.]

LEGATION OF THE UNITED STATES,  
*Rome, March 26, 1867.*

SIR: In my despatch No. 83, of February 18th, I mentioned the circumstances under which the Scotch Presbyterians had been requested to close their places of worship within the walls of Rome, and transfer their religious services to a designated locality outside. I learned, two or three days since, that Mr. Odo Russell, diplomatic agent of the British government at the Papal court, who had reported the case to the authorities at home, had in reply received instructions to thank the Papal government for not having entirely deprived the Scotch Presbyterians of the right to meet for purposes of religious worship, and that it still permitted them so to assemble in a building adjacent to the one occupied for the past forty years by the English Protestants. The British government appeared to think that the Scotch, by knowingly violating the Roman law on this subject, had justly incurred the penalty prescribe, and that the Papal authorities in the course which they pursued had acted with commendable forbearance. Mr. Russell duly communicated to Cardinal Antonelli these thanks of the British government, and inferred from what transpired in the course of the subsequent conversation that his Eminence expected that the American

Protestants also, if continuing to hold their religious services apart from the residence of the minister, would make use of the building already appropriated for English Protestant worship, in the immediate vicinity of the Porta del Popolo. For the present, nevertheless, the American chapel in the Vicolo d' Alibert, and no change seems likely to be made during the current season.

The United States ship of war Shamrock, Commander Hopkins, arrived at Civita Vecchia last week, to replace the Ticonderoga, ordered by the admiral to Port Mahon.

I have the honor to be, with great respect, your obedient servant,  
RUFUS KING.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. Seward to Mr. King.*

No. 55.]

DEPARTMENT OF STATE,  
*Washington, March 11, 1867.*

SIR: I have to inform you that in the "act making appropriation for the consular and diplomatic expenses of the government, for the year ending 30th June, 1868, and for other purposes," approved February 28th, 1867, it is provided that "no money hereby or otherwise appropriated shall be paid for the support of an American legation at Rome, from and after the thirtieth day of June, eighteen hundred and sixty-seven."

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

RUFUS KING, Esq., &c., &c., &c.

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*Mr. Seward to Mr. King.*

No. 58.]

DEPARTMENT OF STATE,  
*Washington, April 20, 1867.*

SIR: You have already been informed that a law has been enacted by Congress which declares that from and after the 30th of June next no more money shall be paid for the legation at Rome. This law leaves your mission still existing, but without compensation after that period.

You will be at liberty, under the circumstances, to consult your own feelings and interest, either to remain at Rome, in charge of the legation, after the 30th of June, without compensation or provision for your expenses, or to resign, or to leave Rome without resigning on leave of absence, but in every case without compensation, whether remaining in Europe or returning here.

Should you decide withdrawing from Rome, you are at liberty to do so at any time before or after the 30th of June. Whenever you may have prepared to withdraw from that capital, you will place the archives in the care of the consul at that place, taking the proper vouchers therefor, and you will inform the cardinal secretary of state of that proceeding. You will need to give him no further explanation, although you are entirely at liberty to communicate the contents of this instruction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

RUFUS KING, Esq., &c., &c., &c.

*Mr. King to Mr. Seward.*

No. 92.]

LEGATION OF THE UNITED STATES,  
*Rome, May 7, 1867.*

SIR : Several weeks have elapsed since the receipt of despatch No. 55, from the State Department, apprising me that Congress had declined to make any further appropriation for the support of the American legation at Rome, from and after the close of the present fiscal year. In the daily expectation that I would receive instructions as to the course to be pursued under the circumstances, I have refrained from calling on Cardinal Antonelli, for I was somewhat at a loss how to explain to his Eminence the sudden and unlooked-for withdrawal of the American minister from the Papal court ; or on what terms to take my leave of the Holy Father himself and his accomplished secretary of state. I am still without the desired instructions, and earnestly request that if not already despatched, they may be transmitted to me at the earliest convenient opportunity.

The intelligence of the closing of the American mission has of course become public, and has elicited very strong expressions of regret from the American artists resident in Rome and transient American visitors here, as well as from my colleagues of the diplomatic corps and various functionaries of the Papal court. I am given to understand that the Pope himself feels hurt by this hasty and apparently groundless action of Congress, and thinks it an unkind and ungenerous return for the good will he has always manifested towards the American government and people.

On Friday last, Mr. J. C. Hooker, acting secretary of legation, having occasion to call on Monsignor Pacca, at the Vatican, on some matters of business, availed himself of the opportunity to pay his respects to Cardinal Antonelli. His Eminence at once introduced the subject of American Protestant worship in Rome. The season, he remarked, was nearly over and the time at hand for closing the American chapel. Should it be reopened in the autumn, it could only be under the roof of the American minister or else in the building assigned many years ago for Protestant worship, immediately outside the Porta del Popolo. The Scotch, the Cardinal added, had been holding their religious services in a building opposite the one just mentioned, but complaints had been made in regard to it, and he should inform Mr. Odo Russell that the Scotch must remove to the building occupied by the other Protestants. Baron Arnim, the Prussian minister, the Cardinal said, had applied to him to know if other religious services than their own would be permitted in the chapel connected with the Prussian legation, and the reply was that they might hold as many and what services they pleased ; the Papal government did not enter into that question ; it was enough for them to know that the services were under Prussian protection. In other words, the rule laid down and intended to be enforced by the Papal government in regard to Protestant worship in Rome is briefly this : that no questions are asked and no interference attempted as to such worship, provided that it be celebrated under the roof of a minister duly accredited to the Papal court. If there be no minister or no chapel connected with the mission, the American Protestants desirous of holding religious services according to the forms prescribed by their own church must do so in the building heretofore set apart for Protestant worship, outside the gates of Rome. This building, it seems proper to add, has been thus occupied by the English since 1823 ; adjoins the Porta del Popolo, and faces the entrance to the Villa Borghese ; is large, convenient, easy of access, and can accommodate a numerous congregation, and is within five or ten minutes' walk of the principal hotels, lodging houses, and quarters of the city most frequented by American visitors. I have given the substance of the Cardinal's conversation, that there might be no misunderstand-



ing as to the views of the Papal government relative to the toleration of Protestant worship within their jurisdiction. The rule is simple and obvious. It results therefrom that it is not his Holiness the Pope, but the American Congress who, by closing the mission here, have driven American Protestant worship outside the gates of Rome. So long as the United States had a representative at the Papal court, and a chapel connected with the United States legation, no interference whatever was thought of or attempted with American Protestant worship in this Catholic city. It owes its suppression in Rome to the suppression of the American legation, to Congress and not to the Pope. It is this fact which renders it all the more difficult for me to announce to his Holiness that the United States withdraws its representative at the Papal court and breaks off all diplomatic intercourse with the Papal government on the alleged but erroneous grounds that the Pope refuses to permit Protestant worship within the walls of Rome.

I have the honor to be, with the greatest respect, your obedient servant,  
RUFUS KING.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. King to Mr. Seward.*

[Extract.]

No. 96.]

LEGATION OF THE UNITED STATES,  
*Rome, June 18, 1867.*

SIR: \* \* \* \* \*

Rome is rapidly filling up with visitors, lay and clerical, from all parts of the world, attracted hither by the forthcoming ceremonies and solemnities in honor of the 18th centennial anniversary of St. Peter's day. Some anxiety had been occasioned by the report that the cholera had made its appearance in Rome, but I am assured by the secretary of state, by the physician to the legation, and by other reliable authorities, that the cases thus far have been comparatively few in number, and all of a sporadic rather than an epidemic type.

The sovereign Pontiff continues in the enjoyment of excellent health, and receives to-day and to-morrow the felicitations of the diplomatic corps upon the recurrence of another anniversary of his coronation.

I have the honor to be, with great respect, your obedient servant,  
RUFUS KING.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

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*Mr. King to Mr. Seward.*

[Extract.]

No. 97.]

LEGATION OF THE UNITED STATES,  
*Rome, June 21, 1867.*

SIR: \* \* \* \* \*

I had the honor of an interview with his Holiness the Pope on the 19th instant, having called officially to tender my compliments upon the recurrence of another anniversary (the 21st) of his coronation. I found the Holy Father in excellent health and spirits, greatly gratified, no doubt, by the concurrence of "the faithful" whom the approaching centenary of St. Peter's day has attracted to Rome from every quarter of the globe. The sovereign Pontiff was especially

anxious to obtain some reliable intelligence as to the probable fate of Maximilian, and seemed much relieved by my assurance that the government of the United States would use all its influence with the authorities of Mexico to save the unhappy prisoner's life, and I felt every confidence that this intervention would prove successful. I find a very warm and general interest in Maximilian's destiny among my colleagues of the diplomatic corps, and it would add not a little to the prestige which our country already enjoys in Europe should Maximilian be indebted for life and liberty to the friendly intercession of the United States.

The festival of Corpus Domini was celebrated in Rome yesterday with unwonted pomp and splendor. The procession around the magnificent piazza of St. Peters was the grandest spectacle that this imperial city has witnessed for centuries. Among the numerous ecclesiastics who took part in it were no less than 48 cardinals and 308 bishops; many of these from North and South America, from Africa, China, and "farthest Ind," and from almost every country in Europe. A vast crowd occupied every available point in the great square, and when the pageant was over quietly separated without the slightest disturbance or disorder.

The feeling of uneasiness on the subject of the cholera, to which I alluded in a previous despatch, seems to have subsided, the disease itself thus far showing no symptoms of increase.

I have the honor to be, with great respect, your obedient servant,

RUFUS KING.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

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*Mr. King to Mr. Seward.*

No. 98 ]

LEGATION OF THE UNITED STATES,

*Rome, July 2, 1867.*

SIR : \* \* \* \* \*

The grand celebration of the centenary of St. Peter's day passed off most successfully. Notwithstanding the vast multitude gathered together in Rome to witness the unwonted spectacle, no accident occurred, nor the slightest disorder or disturbance to mar the festivities. I had never seen so large or so orderly a crowd as that which assembled on the Piazza del Popolo the evening of the 29th of June to enjoy the brilliant display of fireworks from the Pincian hill.

Among the numerous Catholic ecclesiastics now present in Rome, there are no less than 25 archbishops and bishops from the United States. They called in a body to pay their respects to the Holy Father last week, and the Pope embraced the occasion to speak kindly and candidly of our country and of its representative at the papal court.

His Holiness has given notice of his intention to call a general council of the church, to be held, as he intimated, in the fall of 1868. Great importance is attached to the assembling and the action of the council.

I have the honor to be, with great respect, your obedient servant,

RUFUS KING.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

# SWEDEN AND NORWAY.

*Mr. Campbell to Mr. Seward.*

No. 52.]

LEGATION OF THE UNITED STATES,

*Stockholm, January 30, 1867.*

SIR : The two chambers of the Swedish diet, according to the change in the organic law adopted at the last session, met on the 19th instant, in the grand hall of the palace, to hear the address from the throne. The members of the diplomatic corps were present by invitation. The address (of which No. 1 enclosed is a copy, and No. 2 a translation) was read by the King in person. Its most noticeable feature is the distinct ground taken against interference with continental questions, and the policy expressed of maintaining the present limits of Sweden and Norway, which the King regards as the natural boundaries of the united kingdoms. This is looked upon by those who favor a union of all the Scandinavian countries as a distinct declaration that the government will not countenance any such project. The administration has unquestionably adopted the most prudent line of policy, and in the long run it will be found more safe than intermeddling with Danish and German questions. The elections, under the altered condition of the law, were conducted without popular excitement, and indeed, it appeared, without popular interest. This may be owing to the absence of questions of a local or political character sufficient to create interest in the public mind. Contrary to general expectation, the nobility have one-third of the representation in the reconstructed chambers, the peasants rather more than one-fourth, and the remainder is divided between the burghers and the clergy. Thus it appears the nobility and peasants maintain their ground, while the principal sufferers by reform, so far as the exclusion from representation is concerned, are the clergy and burghers. It is claimed that the liberals, or progressive party, who inaugurated the new order of things, have a decided majority in both branches. The chambers elect their respective committees. The King appoints the presiding officers. But reforms, like revolutions, never go backwards, and already the press and members of the diet demand that the officers shall be elective by the bodies over which they shall be called to preside. Nothing of more than ordinary local interest, it is thought, will come before the chambers at this session. At present they are occupied in perfecting their organization under the changes recently adopted.

The winter thus far has been unusually severe. Great quantities of snow have fallen, and railroad communications are frequently interrupted.

The mails arrive irregularly, and at this time I have been two weeks without mails from America.

I have the honor to be, sir, very respectfully, your obedient servant,

JAMES H. CAMPBELL.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

[Translation.]

GOOD GENTLEMEN AND SWEDISH MEN: We have just inaugurated, by common prayers addressed to the All Powerful imploring His protection and His blessings, the new epoch upon which our country has entered in surrounding its ancient liberty with rejuvenated forms. These same prayers proceed from the bottom of my heart in saluting you, sirs, to-day, when for the first time you are assembled for the purpose of assuming in the quality of representatives of the Swedish people the important functions exercised during centuries by the general states of the kingdom. In the persuasion that I shall find you yourselves deeply penetrated with a sense of the high influence that your first steps in this career will

exercise on the future, I take pleasure in asserting my conviction that in working for the progress of society in the direction that our era demands you will advance with prudence towards the goal in preserving carefully the rights which we have inherited from our ancestors. Jealous of maintaining the friendly relations happily established with all foreign powers, and nourishing no desire to take part in the solution of the litigious questions which have agitated, or which still threaten to agitate, other parts of Europe, I flatter myself with the certain hope that the united kingdoms, surrounded on all sides by natural boundaries, (frontiers,) will continue to enjoy the blessings of peace. The events of which we have recently been witnesses have, however, renewed the warnings which past experience had already furnished, and have reminded us that for the maintenance of our independence we should confide in the Divine Providence, relying in the first place on ourselves and our own means of defence. Until the plan for the organization of the army presented to the last Diet can be readjusted, in view of the amendment decided by the general states, nothing can be of higher importance for the development of our means of defence than the duty of furnishing both the army and navy with a perfected arm, (material.) Convinced of the desire of the nation to submit itself to the indispensable sacrifices necessary for the obtaining of this result, I have not hesitated to ask of you considerable appropriations for the acquisition of guns of the new model, although we shall be obliged to cover this expense by means of a new tax.

As to the rest, you will be convinced by the proposition on the revenues and expenses of the state (which, conformably to the provisions of the constitution, will be submitted to you to-day) that I have thought right to recommend the most strict economy. Even concerning the railroads I have decided on planting myself on the actual financial situation that these works in the immediate future should be circumscribed to the continuation of the principal road destined to unite still more closely the people brothers.

Projects of several laws and ordinances of major importance have also been designed. Thus one has been worked out for the revision of the compact of union with Norway for the repurchase of the land loan, for the military code, for the general regulation of soldiers, retiring pensions, for the institution of land loans and hypothetic registers, as well as for the rights and duties resulting from the application of hydraulics to our inland waters. The short time which has elapsed since the last sitting of the Diet has not allowed of the definitive formation of these projects, and during this brief delay so many new wants have not arisen as during the period usually more prolonged between the reassembling of the national representation.

I regard as an advantage not having to present to you a greater number of questions, in order that you can agree on the regulated dispositions necessitated by the new representative forms, as well as on the more important subjects which can originate from your initiative in the time fixed for the session by the fundamental law, and which, since your reunions are annual, should not be exceeded except in extraordinary cases.

Our principal industries, agriculture and the working of the mines, have been compelled to struggle for a long time against unfavorable circumstances, and almost all the branches of industry have felt the injurious influence of the wide spread financial crisis, in which credit has suffered. An ameliorated condition of affairs has, however, already commenced to make itself felt, and the most efficacious remedy for the still existing difficulties depends less upon the measures taken by the government than on individual exertion.

I salute with joy this day on which I see you assembled around me for the first time. I count with confidence on your wise concurrence in everything tending to the assurance of the public welfare; and I hope that your labors will produce such fruits as will authorize your grateful country to count you among the number of those who have contributed in a durable manner to her glory and prosperity.

In declaring the present session opened I offer to you, good gentlemen and Swedish men, the assurance of my affection and my royal good will.

CARL.

STOCKHOLM, *January 19, 1867.*

*Mr. Campbell to Mr. Seward*

[Extract.]

No. 54.]

LEGATION OF THE UNITED STATES,  
*Stockholm, March 8, 1867.*

SIR: I have the honor to transmit by the same mail that will convey this despatch a manuscript on Norwegian emigration, prepared by Thomas Bennett, a citizen of Christiania, from reliable sources. \* \* \* \* \*

I have the honor to be, sir, with great respect,  
your obedient servant,  
JAMES H. CAMPBELL.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

## THE NORWEGIAN EMIGRATION TO AMERICA.\*

It is now about 30 years since the first Norwegian emigrants forsook their mountains to wander to the far west.

This emigration of a few hundred at that time attracted particularly great attention. People wondered what social evils had forced so many of their countrymen to leave free and happy Norway. They sympathized deeply with the unfortunate emigrants who blindly gave up the comforts of their home to meet a dark and uncertain future in a foreign country. Much anxiety was felt for the disastrous, economical results, which would be felt in the fatherland, already so thinly populated, in case this emigration fever should continue to rage.

Since that time a great change has taken place. The desire of emigrating has spread more and more; instead of hundreds, thousands of Norwegians now leave their shores annually, but it no longer excites much attention; there is no longer uneasiness as to the fate of the emigrants, or as to the results of emigration. This emigration, however, is a matter which deserves attention, and it is, therefore, the purpose in the following pages to inquire more closely into the cause of its development during the 30 years which have elapsed since its commencement, hoping that the result will not be without interest.

The total number of emigrants from Norway to America during the last 30 years amounts to more than 70,000 persons.

The following table shows the annual emigration :

1826 to 1835.....	some hundreds	1852.....	4,030
1836.....	200	1853.....	6,050
1837.....	200	1854.....	5,950
1838.....	100	1855.....	1,600
1839.....	400		
1840.....	300	1851 to 1855.....	20,270
		1856.....	3,280
1836 to 1840.....	1,200	1857.....	6,560
1841.....	400	1858.....	2,640
1842.....	700	1859.....	1,780
1843.....	1,600	1860.....	1,875
1844.....	1,200		
1845.....	1,100	1855 to 1860.....	16,135
		1861.....	8,850
1841 to 1845.....	5,000	1862.....	5,100
1846.....	1,300	1863.....	1,100
1847.....	1,600	1864.....	3,700
1848.....	1,400		
1849.....	4,000	1861 to 1864.....	18,750
1850.....	3,700		
		Total.....	73,355
1846 to 1850.....	12,000		
1851.....	2,640		

Emigration on a large scale first began in 1843, before which period it was confined to Ryfylke, Thelemarken and Nuenedal; but from 1843 the whole of Buskerud amt, together with North and South Bergenhus amts, began to take part in the general emigration; afterwards people began to emigrate from Nedences and Robyggelazets amts. In 1848 they first went off in numbers from Christians amt, and also, though to a less extent, from Lyster and Mandals amt. Since that time the desire to emigrate has gradually reached Hedemarkens amt, (1850,) Akershus, (1853,) North and South Thronhjems amts, (1857,) and finally in 1861 and 1862, Nordland and Finmarken. Hitherto Smaalehnes, Grevskaberne, (the counties,) and Romsdalen, have not assisted to swell in any important degree this stream of emigration which otherwise has taken place over the whole country.

Emigration has not increased so much in intensity as in extent. While it has spread to districts where it was formerly unknown, it has decreased in some counties or remained stationary, and in others varied considerably from year to year. On the whole it has been

\* The sources from which this information has been principally taken are :

1. The quinquennial report of the economical state of the kingdom, giving tables of the number of emigrants from each "amt" (county,) and generally for every year.

2. Copies of despatches relative to emigration to the North American colonies, (printed in the English parliamentary papers.) These documents contain, amongst other information, statements of the number of emigrants who sailed from each Norwegian port.

3. Statements from Swedish and Norwegian consuls in Quebec and New York.

4. Sundry information which has from time to time appeared in Norwegian newspapers.

In the working of the following statistical data it has been tried as far as possible by comparing one statement with another, to arrive at the truth, relying, however, principally on the information contained in No. 2. As regards the statements in the quinquennial reports the figures will generally be found to be too low. The results arrived at in this manner are, perhaps, not quite accurate, but probably are not far out of the mark.

decidedly irregular, so to speak in fits and starts, so that it is very difficult to point out with any degree of certainty the mode of development.

In the years 1843-'48 the desire to emigrate appears to have been on the decrease, for although emigration began to take place in a larger number of districts, the total number of emigrants in 1844-'48 was, one year with another, somewhat less than in 1843. It was supposed at that time that emigration would either cease altogether, or at all events decrease to a very great extent. The bad harvests of 1847 and 1848 caused the number of emigrants suddenly to mount up to double of what it had been previously, and although the following years were favorable for the country generally, the stream of emigration continued to swell until 1855, in which year only 1,600 persons left their homes, against 6,000 in each of the previous years. In 1856, too, there were fewer emigrants than in several of the preceding years; the bad corn harvest caused larger numbers to emigrate than before. From 1858-'60 emigration again decreased to an extent which gave rise to the idea that it was about to be confined within very narrow limits. But the extremely unfavorable harvest of 1860 caused it again to increase, so that the number went up in 1861 to very nearly 9,000, and in 1862 to over 5,000. The war in the United States was of course the reason why so few emigrated in 1863, but in 1864 it seems to have lost its deterring influence, inasmuch as in that year 3,700 persons left their homes for America.

According to the above statements Norwegian emigration may be classed under four divisions.

*Number of emigrants.*

Years.	Total.	Annually.	Greatest number.	Least number.
1836-'42 .....	2,300	329	700	100
1843-'48 .....	8,200	1,367	1,600	1,100
1849-'54 .....	26,370	4,395	6,050	2,640
1855-'64 .....	36,485	3,649	8,850	1,100

The years 1836-'42 were the periods in which emigration was first developed. In 1843-'48 it had taken a fixed character; during the next period it rose suddenly to a considerable height, and sank again in the ensuing years. Its tendency to decrease was greater than the above average would seem to imply; for emigration during the last ten years has assumed a very decided feature, and, not taking into consideration the effects of very bad harvests in two of the years, the average number for the other eight was nearly 2,300.

It is for several reasons interesting to compare the Norwegian emigration with that from the rest of Europe. The following statement of the total emigration to the United States is taken from Bronwell's "History of Emigration," and Legoyt's "Emigration Europeenne." The arrivals at the different seaports of the United States were:

1810-'20 on the average annually .....	Emigrants. 11,400
1820-'30 on the average annually .....	20,397
1830-'40 on the average annually .....	77,850
1840-'46 on the average annually .....	102,000
1847-'50 on the average annually .....	271,000
1851-'54 on the average annually .....	417,000
1855 on the average annually .....	230,476
1856 on the average annually .....	186,033
1857 on the average annually .....	216,234
1858 on the average annually .....	111,352
1859 on the average annually .....	111,623

We remark here a great similarity. The emigration from Norway and the rest of Europe increased steadily during the years 1830-'46, and afterwards rapidly up to 1854, from which year we observe a decrease. The only difference is the great increase in emigration from the rest of Europe having commenced as early as 1847. The excitement reached this distant part of Europe a year or two later. The emigration from the rest of Europe culminated in 1853 and 1854, during which year larger numbers emigrated from Norway than ever before. The Swedish emigration likewise, though of less importance, has developed itself in a similar manner. It commenced in 1845, rose in 1854 to nearly 4,000, but has since then decreased to about 700 a year.

If we compare the number of emigrants with the total population we shall find that Norway belongs to those countries in which emigration assumes the largest proportion. According to a statement in the above-mentioned work of Legoyt Great Britain and Ireland, South Germany, some of the smaller German states, and Switzerland are the only countries where

emigration has been more extensive. Duval, in his "Histoire de l'Emigration," page 174, gives the following average:

From Ireland.....	140,000, or 1 out of 44
From Kurhessen.....	9,300, or 1 out of 79
From Mecklenberg.....	7,500, or 1 out of 85
From Great Britain and Ireland.....	244,000, or 1 out of 113
From Baden.....	16,239, or 1 out of 101
From Hesse Darmstadt.....	4,700, or 1 out of 181
From Wurtemberg.....	8,340, or 1 out of 214
From Bavaria.....	17,912, or 1 out of 253
From Switzerland.....	8,000, or 1 out of 300
From Brunswick.....	884, or 1 out of 304
From Portugal.....	8,000, or 1 out of 437
From Oldenburg.....	619, or 1 out of 453
From Norway.....	3,270, or 1 out of 455
From Germany altogether.....	120,000, or 1 out of 533

We have shown the order in which the different amts took part in the general emigration. The numbers which each has furnished will be seen by the following table: \*

Amts.	Number of emigrants.				Population on Dec. 31, 1855.
	1836-'45.	1846-'55.	1856-'64.	Total.	
Smaalehnenes.....	20	55	260	335	84,416
Akershuus.....	10	600	490	1,100	96,055
Christiania city.....		970	130	1,100	31,715
Hedemarken.....		1,610	1,440	3,050	101,394
Christians.....	10	6,510	6,030	12,550	115,149
Buskerud.....	1,110	3,920	4,120	9,150	90,343
Jarlsberg and Laurvig.....	20	280	110	410	73,223
Bradsberg.....	2,800	5,700	4,550	13,050	76,546
Nedenaes and Robyggelazet.....		2,480	750	3,230	59,112
Lister and Mandal.....		770	520	1,290	67,370
Stavanger.....	950	2,600	3,230	6,780	91,539
Southern Bergenuus.....	750	2,700	4,870	8,320	104,763
Bergen city.....		170	160	330	24,512
Northern Bergenuus.....	530	3,600	6,130	10,260	81,496
Romsdal.....		45	20	65	99,283
Southern Throindhjem.....		90	400	490	96,318
Northern Throindhjem.....		150	730	880	73,571
Nordland.....			185	185	77,587
Finmarken.....		40	740	780	54,655
The whole kingdom.....	6,200	32,290	34,865	73,355	1,499,047

\*By comparing these figures with those in the quinquennial reports 1846-'50 and 1851-'55, it will be seen that the sums total for the whole kingdom agree. This is, however, not the case with the different districts. The most important deviations are as follows:

1. According to this statement the number of emigrants from the city of Christiania from 1846-'55 should have been 970, but according to the quinquennial reports it is 4,288; but in these reports all the emigrants are included who left Christiania, provided with passports, most of whom, however, were country people.

2. From Buskerud amt the statements are, respectively, 3,900 and 4,337; the difference in this case arises likewise from the fact that the emigrants from Ringerige and Hallingdal districts have been counted twice, the greatest number of whom had provided themselves with passports at Drammen, but who have, of course, been included, notwithstanding, in the different Lensmønd's reports.

3. The "Amtmønd's" reports of emigration are altogether too low, which, however, has been emphatically stated in several of them. This difference it has been endeavored to correct by comparison, with the more reliable statements of the number of emigrants who sailed from the different ports of the kingdom.

The following is an instance showing the way at which the result is arrived at. During the five years from 1851-'55, there emigrated from Bergen more than 3,840 persons. In the quinquennial report the total number of emigrants from Bergen, Throindhjem, and Tromsøe provinces is 2,995, of whom 30 are known to have sailed from Christiania. The number in this quinquennial report must consequently be increased by 880, or 29½ per cent.; the emigrants from southern Bergenuus amt must therefore have been 889 instead of 669.

No doubt this mode of calculation has its objections; but it is the only one which can be adopted in order to arrive at anything like a good result, and when applied to large numbers will be generally found correct.

The population of the country in 1855 may, with regard to emigration in the period from 1836-'64, be considered as the average; for even if it be not exact, we must remember that of the emigrants who left Norway from 1836-'55, by far the greatest number were from 1849-'55, so that emigration for the most part lies nearer the year 1855 than one would imagine at the first glance.

For every 1,000 of the average population there emigrated from the years 1836-64—

From Bradsbergs amt .....	171	From Finmarken .....	14
From Nedre Bergenhuus .....	126	From Bergen city .....	13
From Christians amt .....	109	From Northern Bergenhuus amt .....	12
From Buskerud .....	102	From Akershuus .....	11
From Southern Bergenhuus .....	79	From Jarlsberg and Laurvig .....	6
From Stavanger .....	74	From Southern Thronhjems amt .....	5
From Nedenaes and Robyggelazet .....	55	From Smaalehnenes .....	4
From Christiania city .....	35	From Nordland .....	2
From Hedemarken .....	30	From Romsdal .....	1
From Lister and Mandal .....	19	From the whole kingdom .....	49

From the above statement, it appears that emigration has been most extensive in the amts where lofty mountain tracts are most numerous. If we regard more closely the different amts, we shall find the same difference between the mountain districts and the more open country.

The reports in our possession show that in Christians amt the district Valdres has contributed the largest numbers to emigration. In Buskeruds amt emigration had its commencement in Numedal, and has since been most extensive in Hallingdal. In the district of Buskerud the greatest number have gone from the mountain tract Sigdal, in Bradsbergs amt from Upper Thelemarken, and in Stavanger amt from Ryfylke.

It may be observed that the northern boundary line for emigration in the province of Bergen is formed by the vast mountain chain which runs between the district of Sogne and those of South and North Fjords. The extensive emigration from North Bergenhuus amt has been almost wholly from the district of Sogne.

Together with the above statement of the extent of emigration from the different parts of the kingdom, we will furnish a little information concerning the routes the emigrants have generally chosen.

The first emigrants left Stavanger, direct for New York, in 1836; later on, when emigration became more extensive, large numbers went by way of Havre, Hamburg, Bremen, and a few of the other ports from which the great stream of European emigration flowed. In 1843 no less than 843 Norwegian emigrants went by way of Havre. Of 320 persons who left for America in 1846, provided with passports at the Drammen police office, 290 went by way of Havre, and 30 by way of Hamburg. In the following year 88 persons were furnished with passports from the same town. These went by way of Altona. In 1848 passports were given to 99, who went by way of Gottenborg. The following table of the Norwegian emigrants who arrived at Havre in 1846 is based on the consular lists:

From Drammen .....	293
From Langesund .....	204
From Kragerö .....	100
From Skien .....	103
From Christiansand .....	106
From Grimstad .....	83
<b>Total</b> .....	<b>889</b>

The Norwegian emigration by way of Havre ceased, we believe, in 1851, in which year the last vessel arrived with 60 passengers, from Brevig.

Of late years indirect emigration has not been extensive, and has been chiefly by way of Liverpool, from which port 300 Norwegian emigrants are stated to have sailed for Quebec from 1852-'54, occasionally by way of Gottenborg, and also by way of Copenhagen, (Mormons.)

The direct emigration from Norway was formerly to New York alone, but is now almost entirely to Quebec. The reason of the change was the repeal of the English navigation act in 1849. Since that time Norwegian vessels have been largely engaged in the freight trade from the British possessions in North America to Europe. The greatest number of Norwegian ships go to America in ballast, but not a few take emigrants.

The following table of the number of Norwegians who have arrived at Quebec and New



York is taken from copies of despatches relative to emigration to the North American colonies, as also from reports from the commissioners of emigration of New York:

*Norwegian emigrants arrived from Norwegian ports.*

Year.	At Quebec.	At New York.
1847.....		882
1848.....		1,207
1849.....		3,300
1850.....	241	3,150
1851.....	227	2,112
1852.....	2,212	1,889
1853.....	5,080	377
1854.....	5,601	81
1855.....	1,267	203
1856.....	2,806	438
1857.....	6,123	62
1858.....	2,389	3
1859.....	1,715	36
1860.....	1,781	53
1861.....	8,406	93
Total.....	37,848	13,886

If the statements here given be compared with the previous ones of the total number of emigrants for each year, it will be found that the number from Quebec and New York is somewhat lower, viz: 51,734 against 55,955. The following are the reasons:

The American reports on Norwegian emigration to New York are very inexact, which cannot be wondered at when we take into consideration how small the number of Norwegians is compared with the hundreds of thousands from all other nations which annually arrive at that city. An instance or two will show this inaccuracy. In 1847 there arrived, according to the American statement, 882 Norwegian emigrants only; but in the Norwegian quinquennial report, 1,360, exclusive of a number of persons who emigrated from 1846-'50, without the year being given. In 1853 the Norwegian emigration to New York, according to the same report, amounted to 377; but, by adding together the special tables of the Norwegian consul for every vessel that arrived at New York, we find that there came from Bergen 886, from Stavanger 85, and from Christiania 182, passengers. As regards the statements from Quebec, they seem pretty accurate, but the figures here given have reference to emigrants landed at Quebec, which, on account of the mortality during the passage, represent somewhat less than the number of emigrants who sailed from Norway.

Finally, the indirect emigration must not be forgotten.

With reference to the above, the whole of the Norwegian emigration from 1836-'64 has proceeded in the following manner:

Year.	Direct—			Total.
	By way of Canada.	To New York.	Chiefly to New York.	
1836-'50.....	240	11,960 (?)	6,000 (?)	18,200
1851-'53.....	7,510	4,550	660	12,720
1854-'64.....	40,310	520	1,605	42,435
Together.....	48,060	17,030	8,265	73,355

With regard to this table there is only to be remarked, that under the title "Direct by way of Canada," are included one or two emigrant vessels which sailed to Montreal, as also the direct passage in the last few years to Chicago, by the ship *Sleipner*, from Bergen.

For the years 1851-'64 we have also statements of the number of emigrants who have sailed from the different Norwegian ports. For these statements we are mostly indebted to the before-mentioned work entitled *Copies of Despatches relative to Emigration, &c.*, in which one correction only has been here made—for the year 1858, an emigrant vessel having been included as sailing from Drammen instead of Christiania.

There emigrated by direct route to America—

By way of—	1851-'55.	1856-'60.	1861-'64.	Total.
Christiania .....	5,920	2,530	3,510	11,960
Drammen .....	2,390	1,850	2,330	6,570
Holmestrand .....	790			790
Tönsberg, Sandöfjorde, and Laurvig .....	70	540	20	630
Skjen Fjord (chiefly Porsgrund) .....	1,580	1,630	3,320	6,530
Kragerö .....	2,290	120	80	2,490
Towns in Nedenaes, also in Lister and Mandals amt. ....	1,010	40	940	1,990
Stavanger .....	1,530	2,240	1,200	4,970
Bergen .....	3,840	5,370	6,130	15,340
Throndhjem .....		660	420	1,080
Lofoden and Tromsøe .....			540 (?)	540
Together direct .....	19,420	14,980	18,490	52,890
Indirect, especially by way of Christiania .....	850	1,155	260 (?)	2,265
Total .....	20,270	16,135	18,750	55,155

Bergen, Christiania, Drammen, Porsgrund, and Stavanger, are then the ports from which the greatest number of emigrants embark. Of late Bergen especially has taken the lead in this respect, 1,500 emigrants having, on the average, sailed yearly from that town. The greatest number of emigrants who, in any one year, have sailed from a Norwegian port was 2,450, who embarked in 1857 from Bergen. Then comes the same town again in 1861, with 2,200, and then Christiania in 1853 with 2,100 emigrants.

The choice of the ports in the different parts of the kingdom for embarkation by the emigrants is determined by the geographical position of the same. It is worthy of observation, however, that some of the emigrants from Valdres, and from a small part of Hedemarken and Hadeland, have gone by way of Drammen and Holmestrand. A few Numedal people have emigrated from the Skien Fjord; from Hardanger, some have embarked from Stavanger; while some from Throndhjem and Tromsøe provinces have sailed from Bergen.

The ports selected for the great European emigration are principally the following, according to Legoyt's "L'Emigration Europeenne:"

	Average number of emigrants.	Greatest number in a single year.
Liverpool, 1854-'60 .....	124,600	*215,268
London .....	19,400	33,901
Plymouth .....	8,500	16,417
Southampton .....	6,300	12,725
Glasgow .....	5,500	10,089
Havre de Grace, 1857-'60 .....	17,500	†29,700
Antwerp, 1854-'60 .....	9,200	*25,843
Bremen .....	38,500	76,875
Hamburg direct .....	22,600	32,210
Hamburg direct by way of England .....	5,300	18,519

Liverpool is consequently the most important seaport for the European emigration. The great mass of Irish emigrants embark almost exclusively from that city; and likewise no small numbers from Germany, from which country some go by way of Havre.

\* In 1854.

† In 1857.

A voyage across the Atlantic is a long and tedious affair. With the exception of a few who go by steamer from Liverpool, the great mass of Norwegian emigrants make the passage in sailing vessels, built originally for the timber trade, but fitted up for the occasion as passenger vessels. It generally takes 48 days from Norway to Quebec, the time varying, however, with different ships, and in different years. In 1853 the Norwegian emigrant vessels made the passage on the average in 55½ days; from 1857-'62, respectively, in 41, 50½, 47, 39, 50½, and 50 days. A steamer would go the same distance in 15 days; this being the average time required by the steamers which have of late years sailed from Hamburg to New York.

The length of the passage has a great effect on the health of the passengers. The rate of mortality on board emigrant vessels, on account of the unfavorable sanitary condition, is far higher than on land, and increases progressively with the length of the voyage.

Of still greater importance in this respect is the observance of certain sanitary measures, which to emigrant ships are of vital consequence, so large a number of people being there confined in too small a space. The disastrous results which have arisen from the overcrowding of emigrant ships have attracted the attention of the government, and laws have been passed to reform this abuse, even in countries where they do not care to meddle with private undertakings. Norway too has at last its law of emigration, which passed in 1862, the matter having been discussed in the Storting (Congress) as early as 1845. During the years when emigration was uncontrolled many lives were lost; the rate of mortality amongst Norwegian emigrants having been considerably higher than on board other emigrant vessels. The following comparison of the rate of mortality amongst the emigrants sailing from Liverpool and those sailing from Norway is partly taken from the above-mentioned work of Legoyt, and partly, as regards Norway, from "Copies of Despatches relative to Emigration," &c., &c.

There died on the passage to America—

Year.	From Liverpool.	From Norway.
	<i>Per cent.</i>	<i>Per cent.</i>
1854.....	0.74	0.66
1855.....	0.33	0.70
1856.....	0.22	?
1857.....	0.36	1.54
1858.....	0.19	0.34
1859.....	0.12	0.28
1860.....	?	1.06
1861.....	?	2.10
1862.....	?	4.01

The table shows on the one hand, as regards the English emigration, the steady improvement in health in consequence of a judicious control, while almost the reverse has been the case on board the Norwegian emigrant vessels. As regards the higher rate of mortality amongst the Norwegian emigrants, it must be taken into consideration that the passage from Norway is longer than from Liverpool; not so much so, however, as to account satisfactorily for the difference. Besides, it must not be forgotten that the Norwegian emigrants belong to a much more healthy race than the poverty-stricken Irish who embark from Liverpool. In the reports from Quebec it has been emphatically stated that the rate of mortality amongst the emigrants from Norway has been higher than amongst those from any other country; although the Germans have an equally long way to go. As an instance, (according to the debates in the Storting of 1862) may be adduced, that of 11,313 emigrants who sailed to Quebec in 1861 from other countries than Norway, there died only 57, while of 8,855 Norwegians and Swedes there were no less than 186 deaths.

We have tables for the rate of mortality of 42,689 Norwegian emigrants who sailed from Norway to Quebec during the years 1852-'55 and 1857-'62; of these there died on the passage and in quarantine 655, or 1,000 per cent. As these deaths occur in the space of ¼ of a year, this is equivalent to an annual rate of mortality of 10,7 per cent., or, in other words, the rate of mortality amongst the emigrants has been *more than six times as great as amongst the population at home.*

For more than a half of the 42,689 emigrants we have reports as to how this mortality affected grown-up people and children. Of 23,938 persons who embarked from Norway in the years 1852-'57 and 1859-'61, there were 1,339 infants under twelve; at this age there died 125, or a little more than 9 per cent. Of children between 1 and 14 there were 7,115, of which number there died 161, or about 2¼ per cent. Of 15,507 grown-up persons there died 61, or 0.4 per cent. It will be seen from this that the high rate of mortality is principally accounted for by the large number of deaths among infants. Under an average rate of

mortality on land of 1,365 infants under 12 months of age, there would have died in seven weeks not more than 25-30, but in the emigrant vessels the deaths were increased by 100.

Overcrowding has evidently been the cause of this high rate of mortality among the Norwegian emigrants, as will be seen by a close examination of the years during which it was highest. This was the case in 1862, when it reached the enormous height of 4 per cent.; in 1861, 2 $\frac{1}{10}$  per cent.; and in 1857, 1 $\frac{5}{10}$  per cent. The emigration in these years was, respectively, 5,100, 8,850, and 6,560 individuals, or many times more extensive than in the preceding years. When emigration increases so suddenly it is not to be wondered at that there is less ship accommodation than in other years. As regards the year 1861, it becomes painfully evident that the overcrowding of the ships has had too much to do with increasing the rate of mortality. There were eight Norwegian vessels that brought a greater number of passengers than the Canadian government permits. Of the 3,140 emigrants who embarked in these vessels, 103 died, or 3 $\frac{3}{10}$  per cent.; of the remainder of the emigrants, 5,710, only 83 died, or 1 $\frac{4}{10}$  per cent. The high rate of mortality in 1861 and 1862 can, perhaps, be accounted for in another manner. Experience has shown that the rate of mortality is much greater among the poorer class of emigrants, and especially if they have had to suffer much previous to leaving their native land. Legoyt gives a distressing instance of this from the Irish emigration after the famine of 1846. Of 89,738 emigrants who left British ports in 1847 for Canada, 5,293 died on the passage, and a few days after landing 10,037 more. Of the surviving 74,408, there were 30,265 who, for a longer or shorter period, required medical assistance. Such misery and distress is happily without a parallel in the Norwegian emigration; but it is by no means improbable that the destitution in the mountain districts, after 1860, and in certain districts—Thelemarken, for instance—after 1861, was one of the causes of the high rate of mortality among the emigrants in 1861 and 1862.

Typhus is the disease which commits the greatest ravages on board emigrant vessels. One can imagine the misery which results when this fearful epidemic breaks out in a passenger vessel, where often 200-300, and sometimes even 400 persons are obliged to live together for weeks. Neither has the Norwegian emigration been free from terrible instances of this kind. In 1843 typhus proved fatal in 30 cases on board an emigrant vessel; in 1861 the disease carried away 35 in one ship, 28 in another, and 21 in a third. The year 1862 can show parallel instances, the average rate of mortality being higher than in 1861.

It is, however, to be hoped that now, since the law of 1862 to control passenger traffic has been passed, such cases will be prevented for the future. The experience of other countries shows how much judicious management can do in this respect. In the years 1854-'56 no less than 666,136 officers, privates, women, and children were taken in transports to the Crimea, without a single death occurring on the passage.

A full account of emigration must include information concerning the social position of the emigrants, and should also specify their sex, age, and pecuniary resources. Each of these data helps to explain the character of the emigration, its causes, and effects.

As regards their age and sex, the following information is contained in "Copies of Despatches," &c., for 26,474 Norwegian emigrants, who left their country in 1853, and from 1857-'61:

	Males.	Females.	Together.
Adults above 15 years old.....	9,453	7,842	17,295
Children between 1 and 14 years old.....	3,981	3,744	7,725
Infants under 1 year.....			1,454
Total .....			26,474

This table tallies with the following extracted from the passport journal of Drammen for 1837-'56, and from several registries of names of the emigrants who embarked from Drammen in the years 1857-'62, for access to which latter, thanks are due to private gentlemen.

Of 7,831 emigrants there were—

	Males.	Females.	Together.
Under 1 year old.....	124	160	284
Between 1 and 4 years old.....	496	447	943
Together under 4 years old.....	620	607	1, 227
Between 5 and 9 years old.....	476	518	994
Between 10 and 14 years old.....	358	308	666
Between 15 and 19 years old.....	391	273	664
Between 20 and 24 years old.....	568	396	964
Between 25 and 29 years old.....	443	389	832
Between 30 and 34 years old.....	397	320	717
Between 35 and 39 years old.....	304	264	568
Between 40 and 49 years old.....	318	252	570
Between 50 and 59 years old.....	166	171	337
Between 60 and 69 years old.....	123	103	226
Between 70 and 79 years old.....	29	32	61
Above 80 years old.....	3	2	5
<b>Total.....</b>	<b>4, 196</b>	<b>3, 635</b>	<b>7, 831</b>

So that for every 1,000 emigrants there were—

	Males.	Females.	Together.
Adults above 15 years old.....	349	282	631
Children.....	186	183	369
<b>Total.....</b>	<b>535</b>	<b>465</b>	<b>1, 000</b>

We thus find every age represented in the emigration from infancy to old age. The eldest of the 7,831 emigrants whose ages are given was a woman in her 86th year. What a voyage for a person so near the brink of the grave!

If the emigrants be compared with the population to which they belonged, we get the following facts: The number of males who emigrate is greater than that of females. Of the population of Norway in 1855, there were 510 females to 490 males, but the emigrants have been respectively 465 to 535. The excess of males is shown especially in the ages of 15 to 50, at which periods of life there were 127 men for every 100 women, though at home the number of women at these ages is slightly in excess of that of the men. The periods of life which furnish the greatest number for emigration are 30 and 40, both for males and females. Amongst 100 emigrants there are rather more children than amongst 100 of the home population; this excess increases up to a certain time, but afterwards decreases until the number of children is the same as amongst an equal number of the home population.

Compared with the general European emigration, the Norwegian is characterized by the excess of males being less than is the case with emigrants from most other countries. Austria, Bavaria, and Belgium are the only exceptions, but the emigrants from the last-named country do not go so much to America as to the neighboring states, so that the comparison can hardly be made.

Among Norwegian emigrants there are more children than among emigrants from other countries. Thus, for instance, among the emigrants from Great Britain and Ireland there was only 19 per cent. of children under 12 years of age, and from Norway no less than 32 per cent. These two circumstances would seem to show that the Norwegians emigrate more in families; but among emigrants from other countries there is a great proportion of single men. Several reports of the emigration from Drammen in the years 1857-'62 seem to give support to this opinion, for of 3,284 emigrants there were only 249 single persons, whereas 1,321 belonged to families consisting of from two to five members, and 1,714 belonged to families consisting of from six up to 13 members.

With regard to the emigrants' social position and pecuniary circumstances but little is known. By far the greater number were peasants. Of the 36,000 who emigrated from 1851 to 1860, there were only 1,400 to 1,500 from the towns. Most of those from the coun-

try districts were day laborers or belonged to the smallest class of farmers, yet there were not a few landed proprietors. In the quinquennial report from North Bergenhuus amt for 1846 to 1850, we read that "only these families who, judged by the pecuniary standard of these four districts, might be called well off, were in possession of the necessary means to pay their passage and establish themselves in a small way in their adopted country." In the next report from the same amt, poverty and distress are given as the principal causes of emigration, and so much is certain, that the great mass of emigrants belonged to the poorer classes of the population, though not a few among them were, comparatively speaking, in comfortable circumstances. It not unfrequently happens that emigrants borrow money from their fellow passengers in order to get over, giving an acknowledgment for it, with a promise to liquidate the debt by their labor. In the first period of emigration, there was often great poverty among the emigrants. It was reported from Havre, in 1843, that many emigrants, on their arrival at that port, were not in possession of the necessary means to go any further. Of 841 emigrants 28 had to be sent home at the expense of the Norwegian government, and 200 received assistance from their compatriots to the extent of 5,000 francs. The "Amtmand," chief magistrate of the "amt," puts the amount of capital taken with them by the emigrants, exclusive of the passage money, at spd. 50 for each person. The passage money, which was spd. 20 for grown-up persons and spd. 10 for children, when the trade to Quebec was first opened, has, of late years, gone down to spd. 13 for grown-up people and spd. 7 for children above one year of age, or on the average spd. 10 for each person, the passengers taking with them their own provisions. As a low calculation, emigration would thus have drained the country of 5,000,000 spd. The worth of the labor taken from the country is, however, of far greater consequence. The emigrants have generally been sturdy, well-grown people, some newspapers calling them even "the flower of the population." In America the Norwegians are considered the best, most industrious, and most steady of all emigrants. In one sense the emigrants may be truly termed the "flower of the population," for most of them were from the innermost mountain districts, where the Norwegian national character has been least subjected to extraneous influence. Nothing Danish has penetrated so far; they were true sons of the old Norwegian race, who left Norway to seek another fatherland.

#### THE CAUSES OF EMIGRATION.

Emigration is a phenomenon by no means peculiar to a particular people or confined to a particular age. In every nation and at all times it has appeared in a greater or less degree. From the spot where the cradle of the human race was laid, it has gradually spread itself over the whole earth. A mighty stream flowed toward the east, and populated the inner and eastern part of Asia. They were the descendants of Shem. The children of Ham went towards the southwest and populated Africa. The third principal stream has gradually spread itself over the western part of Asia, and over Europe and America.

The universality of emigration plainly shows that it does not arise from accidental circumstances. The causes are deeply rooted in the conditions of man's existence. The chief motive to emigration is the general desire of improving our lot. The imperfection which is necessarily inseparable from everything human, in conjunction with man's innate desire to rule over creation, urges him continually to new undertakings. He cannot remain stationary, but must be ever in a state of development.

But numerous impediments are constantly in the way of this development. The soil he cultivates is often sterile; his own powers are finite; he is often to struggle with disease, with inclement seasons, with enemies of his own race who throw the greatest difficulties in his way. In all these respects, however, there reigns the widest difference in the various parts of the world, and in the different classes of society; and when men know, or believe they know, of a country where the conditions of existence are more favorable, it is quite as natural for them to wander thither as for water to seek its own level.

But, on the other hand, it must not be overlooked that there is much which tends to prevent us leaving our native land—love of country, of friends and relations, attachment to what we are accustomed, and the pecuniary difficulties which often hinder us in changing our mode of life. All these are difficulties in the way of emigration, and, although not able to stop it entirely, they yet decrease its extent considerably.

What has been here remarked has reference to emigration generally. On a closer inspection we shall find a great difference in different ages and with different nations.

In ancient times and far on in the middle ages emigration took the form of a general exodus; whole races and people left their homes for other countries, which they generally put themselves in possession of by force of arms. At such times the emigration of single individuals was a rare event.

In modern times, however, the last-mentioned kind of emigration alone takes place, whereas the emigration of a people *en masse* has for ages been unknown.

The cause of this difference is evident. The emigration of a whole people can alone take place amongst nomads; as soon as agriculture and civilization have made their way amongst a people, it becomes more and more attached to the soil it cultivates. With regard to the members of one community emigrating to another, this was accompanied in ancient times with great difficulties. The different nations regarded one another as enemies, and

this inimical feeling with some of the most enlightened people of antiquity—the Grecians and Romans for instance—found expression in hard and rigorous laws for foreigners living within the boundaries of the state. Another principal hindrance to emigration, as far as individuals are concerned, consisted in the strong ties which among barbaric nations bound the members of one tribe to each other. The fatherland of nomads is the tribe to which they belong, not the country they inhabit; amongst other races they would always feel themselves strangers.

The Phœnicians, Carthagenians, Greeks, and Romans, colonized several countries, but this kind of emigration in ancient times was on the whole but insignificant. Neither was it of much greater importance in the middle ages. From the date of the discovery of America, emigration began to develop itself, but it did not begin to increase to any considerable extent until the present century. What have been the causes of this?

The most important have probably been the social relations of America itself. The first colonists who arrived at the United States had many difficulties to struggle with before they could get a firm footing in that wild uncultivated country. These were scarcely vanquished before the American war of independence broke out. It was only after peace had been concluded, and the young republic rapidly grew rich, that it was able to attract the surplus population of Europe. This power of attraction has since increased in direct proportion to the rising prosperity of the country, which continually called for more labor to develop the splendid resources of the country. On the other hand the decrease of emigration, since 1854, shows the influence bad times in America exercises on this attractive power. In 1854 the "Know-Nothing" party tried to check emigration, by their cry of "America for Americans!" The year after emigration decreased from 460,000 to 230,000. Similar results will probably be shown as arising from the late civil war.

Another great cause will be found in the unparalleled development of all means of communication in the present century. The numerous difficulties which were connected with a voyage across the Atlantic made emigration seem an adventuresome and hazardous undertaking, deterring many. At the present time, both Europe and America being covered with a net of railways, since the introduction of steam vessels and numerous improvements in sailing ships, the difficulty and the expense of such a voyage are greatly lessened.

If we glance at the state of Europe we shall find many reasons for the great increase of emigration in the present century.

At the close of the last century and the commencement of the present one this continent was the theatre of fearful revolutions and wars. These struggles craved the attention and energy of the people. There was no desire to emigrate; neither could any labor be spared for other countries; there was more than enough to do at home.

Immediately on the conclusion of the peace the increase of emigration was rapid.

In the years 1825-'30 a new impulse was given to it by the application of steam power in cotton and other factories, by which a large number of workmen were temporarily thrown out of work. In 1846 and 1847, nearly the whole of Europe suffered from bad harvests, the potato disease depriving large masses of people of the means of subsistence. Just at this time emigration found a new channel in the rich gold mines which were discovered in California and Australia.

These are the principal *general* causes of the great increase of emigration in the present century, and especially in the last decades. We will add a few remarks on the *special* causes which have influenced the extent of emigration from different countries.

Of the three principal races of which the population of Europe consists the Slavonic has contributed little or nothing to emigration; the tracts of country inhabited by it are so thinly populated in proportion to their natural resources that they rather offer a field for *immigration*.

Nor do the Roman races take a great part in emigration; it is the Germanic race alone that year after year sends forth its swarms to the west and south. What can be the reason of this difference?

A French author, Duval, calls attention to the fact that the Latin races personify the idea of fatherland in the country itself, while family ties with them are of less importance in that respect. With the whole of the Germanic race, including the English, Germans, and Scandinavians, the love of family is on the other hand strongest. Outside the circle of his family the German feels himself a stranger; united to his family he can feel himself at home in a foreign land. To this capability of carrying their country with them to a foreign land may be attributed the great emigration of the Germanic races, in ancient times and in our days; it makes them the first colonists in the world.

As regards the non-Germanic race, the Irish, strong ties of family have not contributed a little to remove the hindrances to emigration.

Besides the above-mentioned general causes, we will briefly mention a few local ones:

As far as Ireland is concerned, emigration has been specially caused by the potatoe disease, in connection with over-population, agrarian laws, and political and religious discontent.

In England, by discontent among the dissenters, crises in the commercial and industrial world, in conjunction with the efforts both on the part of the state and of private individuals to promote and facilitate emigration.

In Germany, by numerous restrictive laws, for instance, in contracting marriages, the

existence of guilds, unfavorable condition of the agricultural classes, bad harvests, and political discontent.

The above review of the general causes of European emigration throws in many respects light on the causes of emigration from Norway.

Norway is but a member of the great body politic of Europe, and has as such been influenced by the circumstances which have affected the other European nations. It is, therefore, unnecessary to dwell on the development of the general causes, but only to state the specific ones for Norway.

The whole course of emigration shows plainly that the principal causes are *pecuniary*. It took its commencement at a time remarkable for bad seasons; and we see subsequently that every bad season plays a part in the emigration of the succeeding year.

The pecuniary state of Norway is too, in many respects, unfavorable. The geographical position and nature of the country necessitates the population to live much scattered, which throws great difficulties in the way of material progress by preventing the division of labor. The cost of carriage must necessarily be very great in such a thinly populated country as Norway. The inhabitants live at too great a distance from one another, and are too few in numbers to develop the division of labor in the same degree as in other countries. This will explain the great part which the mountain districts take in emigration. The same cause is at work in the continual change of abode within the boundaries of Norway. Before emigration to America commenced the peasants from the mountain districts emigrated to the more thickly populated plains, and this movement has not yet ceased; whilst, therefore, the total population of the country has been greatly on the increase, the population of the mountain districts has been almost stationary.

The same phenomenon makes its appearance in other countries; the Swiss leave their Alps; the Highlanders their mountains; the Basques the Pyrenes; while in the middle ages people isolated themselves in the heart of mountains to avoid the storms which swept the plains. The present tendency is gregarious.

The scattered population is not the only difficulty to be surmounted. The soil is often sterile, and the extent of land capable of being cultivated very limited. The severity of the climate puts the Norwegian agriculturist to great expenses, from which other countries are spared, and destroys in some years a great portion of his crops. In this respect, also, the most unfavorably situated are the mountain districts.

To these natural difficulties artificial are joined. There are still a great many restraints on industry and trade. The right of every man to choose his own way of getting his livelihood is by no means general in Norway. Erroneous views of political economy in past centuries have bequeathed the country a multiplicity of restrictions on industry and trade, from which it has as yet become but partially liberated. Commerce is trammelled with numerous restrictive laws; guilds still exist. It may be mentioned, therefore, here, that an emigrant farmer in a letter home, which can be shown to have given the first impulse to emigration from Hardanger, in the province of Bergen, mentions among other advantages of America, "that every man may get his living in whatever way he pleases." It must, however, be stated that the last cause has not latterly had much influence on emigration.

A circumstance which, among the agricultural classes, seems to have given a great stimulus to emigration, is the Norwegian law of primogeniture. This, in conjunction with the high price of landed property—a necessary result of the limited extent of cultivated land—increases the difficulty, with the mass of the population, of satisfying the desire of becoming freeholders, the cherished wish of every Norwegian peasant.

It is, therefore, not to be wondered at that America should exercise such a strong power of attraction on the inhabitants of this country. In the new world plenty of rich and fruitful land is to be bought for a comparatively low price; the means of communication are easy, and all kinds of industry and trade perfectly free.

In the first period of emigration there was still another circumstance which no doubt contributed not a little to swell the tide of emigration. The number of able-bodied workmen increased very rapidly about the years 1836 and 1845. The census shows that in 1835 there were 82,809 men between 20 and 30 years of age. In 1845 the number had increased to no less than 116,295, an increase of about 40 per cent., (occasioned by a proportionate number of births in the years 1815 and 1825, when compared with the war times from 1806 to 1814.) Such a considerable increase could not but occasion great competition and partial want of work, a state of things which necessarily gave a strong impulse to emigration.

In conjunction with the above-mentioned pecuniary causes we may remark that the decrease of travelling expenses arising from the trade of Norway with Canada has, to a certain extent, been the cause of the increase in emigration since 1850. Norwegian emigration has not been influenced by pecuniary circumstances alone. It cannot be doubted but that many, on account of family reasons alone, have gone over to America. Those members of a family who have emigrated do all in their power to persuade their relations at home to follow them, and, if necessary, send money for their passage. A large number of the emigrants consists of those who are drawn in by the stream. How loose the determination to emigrate often is has lately been seen by an instance from the province of Thronhjelm. An emigrant agent had persuaded a great many people to insert their names on his list; but what was the result? The "lensmand" of the parish assembled the parishioners and gave them to understand that



America was not exactly the promised land they imagined. The consequence was that one and all altered their minds.

As in several other countries, religion has influenced emigration, and religious intolerance probably gave the first impulse to it. In his report on emigration from Stavanger amt, in the years 1836 and 1837, the "amtmand" states that in all probability emigration from that district was brought about by letters written by persons who had emigrated from Stavanger 12 to 14 years before, some of whom were known to be Quakers. If we take into consideration the persecution which this sect had to endure from government—for instance, compulsory baptism of infants, confirmation, and the exhumation of bodies buried according to the ritual of the Quakers, in order to rebury them according to the ritual of the established church—it will not be unreasonable to imagine that this intolerance was the cause of the emigration of these Quakers in the years 1823-'25. The fact that emigration had its commencement in Stavanger amt would seem to strengthen this supposition, for that amt was the only one in which there were any Quakers. The emigration of these few Quakers seems to have been the example which so many of the inhabitants of the country have followed.

At a later date, too, religion has not been without its influence on emigration; such, for instance, has been the case with the emigration from the province of Tromsøe of late years, the emigrants consisting chiefly of dissenters from Maalselven and Bardodalen. In connection of this may be noticed the Mormon emigration.

As one of the causes of emigration deserves to be mentioned the deep-rooted dissatisfaction with and suspicion of government officials felt by the peasantry. This suspicion has its origin in the conduct of many unprincipled officials, who, especially under the Danish regime, and no doubt since, illegally screwed money out of the peasantry. How deeply rooted it was is best shown by its existence at the present day in many districts.

A letter from a Norwegian who emigrated in 1831 gives a clue to the opinions of the peasantry on this subject. We take the liberty of quoting some passages:—

\* \* \* "When meetings are held here (in America) to elect a representative of the people, the voice of the poor man has as much weight as that of the rich; here they make no difference between a peasant and a magistrate; liberty is as much for one as another if they conduct themselves properly. People can travel about the country as much as they please without passports; every one can follow the trade or profession he is best suited for, but vice is quickly and summarily punished. There is no duty to pay here on goods manufactured in the country, and conveyed to the towns by land or water. Neither is the registration of deaths necessary; the survivor has a right to do as he pleases with the effects of the deceased after having paid off the debts; nobody comes here to seize them like a beast of prey, that would live by the labor of others and inherit their property. No! here everybody must work for his bread, no matter whether he be ignorant or learned." \* \* \*

These are indeed serious complaints against this country, but apart from all exaggeration it must be admitted that several of them were by no means unfounded. It is, at all events, evident that the unenlightened peasant, always suspicious of government officials, would join in this censure of Norwegian institutions. The time when such things might have been advanced with some show of truth is, however, long since gone by. Taken altogether there is, probably, no nation whose political and social position ranks higher than that of Norway.

Nor can it be said that the industrial laws force people to emigrate. To be sure the pecuniary resources of America are beyond all comparison, greater than those of Norway, and this has been the reason why so many have preferred the former country; but the gradual development of trade and industry, the increase of population, show plainly enough that in this country, too, there is plenty to do for those who can and will work. Notwithstanding natural obstacles the resources of Norway can still be greatly developed, and by a proper use of them double and treble the present number of inhabitants might be supported. The degree of social well-being to which a country can rise depends altogether upon the people themselves.

#### THE RESULTS OF EMIGRATION.

The effect of emigration is chiefly seen in the decrease of the population. In several countries, Ireland, for instance, this has been the case; in others the result has been a less increase in the population than would otherwise have been the case.

As regards Norway, it has not been followed by either of these results, the population having increased more rapidly since emigration commenced than ever before. It amounts at the close of the following years to—

1814.....	885,000	1845.....	1,328,000
1825.....	1,051,000	1850.....	1,400,000
1835.....	1,195,000	1855.....	1,490,000
1840.....	1,245,000	1863.....	1,645,000

\* The writer of letter is Gjert Gregorinussen Howland; the letter, which is dated 22d April, 1835, shows among other things that eight Norwegian families were then living on the same spot.

In the years of 1814-'40 there was no emigration worth speaking of. The total increase during that period was 360,000, or 13,800 per annum.

From 1841-'63 the population has increased with 400,000, averaging 17,400 per annum. Calculated at a percentage on the average population, this yearly increase for 1814-'40 gives 1 3-10 per cent., and for 1841-'63, 1 2-10 per cent., consequently a trifle less. It must, however, be remarked that the years 1814-'25 ought not to be included in the comparison, the rapid increase of the population of Norway during that period having been caused by the cessation of the great European war. The average increase for the years 1826-'40 was 1 1-10 per cent., consequently rather less than at a later date, when emigration commenced.

If we inspect more closely the period in which emigration has taken place, we shall find that the increase in the population was greatest at the very time when emigration was at its height. By comparing the years 1841-'50 with 1851-'63, the following difference will be seen:

	1841-'50.	1851-'63.
The annual increase of the population was.....	15,500	18,000
Or a percentage of.....	117	124
The annual emigration was.....	17,000	4,000
Or a percentage of.....	013	026

Notwithstanding, therefore, emigration during the last 13 years has become twice as great, the increase of population has likewise been greater than in the period from 1841-'50, which has been principally caused by a decrease in the number of deaths in conjunction with an increase in the number of births.

On the other hand, the influence of emigration on the population is plainly shown in the several years, and in the different parts of the kingdom.

Its effect during some years has been greater owing to the fact that the causes of increase of emigration have generally a bad effect on the rate of mortality. This has especially been the case during the two years which followed the bad harvest of 1860. The average number of births for the years 1856-'60 was 51,562, of deaths 26,053; consequently an excess in the number of births of 25,503. The number of emigrants was 3,200, making the increase of population 22,300.

The population for these two years is as follows:

	1861.	1862.
Number of births.....	49,524	52,160
Number of deaths.....	31,471	32,494
Majority of births.....	18,053	19,666
Emigration.....	3,550	5,100
Increase of population.....	9,203	14,566

In those two years the increase of population averaged about one half of what it had been during the previous years. In 1857 the increase was also less than usual, (17,621,) principally on account of the large number of emigrants. The same was the case in 1853; whereas the excess of births in 1864 was so great that the increase for that year, notwithstanding the large number of emigrants, was greater than ever before. In 1859 the increase, on account of the small number of emigrants and low rate of mortality, went up to 26,000. It will be seen from this that emigration causes the increase of population to vary considerably.

In the districts where emigration has been most extensive the population has generally increased at a slower rate than in other parts of the kingdom. This is, however, not without an exception; and it deserves likewise to be noticed that the population of a district has never decreased on account of emigration. The effect has been greatest in Bradsberg amt, Northern Bergenhuus, and Buskerud.

The increase of population in the first-named amt, from 1815-'35, was rather more than 17 per cent. for each decennium; from 1835-'45 it was only 7½ per cent., and from 1845-'55 only 5 per cent. The increase in Upper Thelemarken in the two last named decennia has been only 4½ and 2 per cent.

In Northern Bergenhuus amt the increase from 1825-'35 was 11 per cent.; from 1835-'45 10 per cent. In the decennium following the commencement of emigration it was only 4½ per cent.; in Sogne not more than 2½ per cent.

The increase of population in Buskerud amt during each of the decennia in 1825-'35 and 1835-'45 was but a little above 9 per cent., and from 1845-'55 the increase went down to 7½ per cent., and in Hallingdal to 5 per cent.

In Christians amt, on the other hand, emigration does not seem to have caused any perceptible decrease in the population, for it was greater after the commencement of emigration in 1848 than in the preceding decennia, (12 per cent. against 8 per cent.) This does not, however, refer to the whole amt. In Valdres the increase in 1846-55 did not rise to 4 per cent.

Stavanger is quite an exception. Notwithstanding a proportionally extensive emigration, the population of this amt has increased more than in any other, Finnmark alone excepted. The increase in 1835-45 was  $15\frac{1}{2}$  per cent., and in 1845-55 it was 17 per cent. The emigration from this amt was counterbalanced by an equally extensive immigration, chiefly from Lister and Mandal.

One of the results of emigration is to alter the numerical proportion of the sexes, and the different ages, the emigrants being chiefly males and grown-up people.

In those countries to which the emigrants resort the male sex is still often in excess of the female. In the colony of Victoria, South Australia, there are not more than 60 females for every 100 males. Among the white population of the United States the males numbered 10,000,000 and the females 9,500,000.

In most of the European countries before the commencement of emigration the female sex was considerably in excess of the male, which excess has latterly become still greater. In 1821 the number of females was 102.97 for every 100 males, and has since gradually risen to 105.64 in 1861. The same phenomenon is observable in Germany, principally in Wurtemberg, where the proportion during six years (1849 to 1855) rose from 105.54 to 108.40.

In Norway the results of the census show a gradual decrease in the excess of females up to 1845, but an increase in the decennium from 1846 to 1855. For every 100 males there were in 1801, 109 females; in 1825, 106; in 1835, 104.1; in 1845, 103.7; but in 1855, 104.1.

With regard to the proportion between the different ages the result of emigration should tend to decrease the number of inhabitants between the ages of twenty and forty. In this case, however, it will be more difficult to show the influence emigration has had, the rate of mortality being the chief cause of the increase or decrease of the population within the different ages. The influence of emigration in this respect may, however, be arrived at pretty closely.

In 1825, the number of males between the ages of ten and twenty was 87,648; ten years later (1835) the census would show what decrease there had been in the number of the population at the above-mentioned ages. In 1835, the number of males between the ages of twenty and thirty was 82,809; the decrease has consequently been 4,839, or 5.8 per cent. In the same way we find that the 123,823 males in 1835, who were between the ages of ten and twenty, had decreased to 116,295, or  $6\frac{1}{2}$  per cent.; for the years 1846 to 1855, the decrease was not less than 11.1 per cent.

If we investigate the proportion for the ages of twenty to thirty, we get at the following result:

In the decennium 1826 to 1835, the decrease was  $10\frac{1}{2}$  per cent.; in the decennium 1836 to 1845, the decrease was 8.7 per cent.; in the decennium 1846 to 1855, the decrease was 16 per cent. For both these ages there is a far greater decrease in the decennium from 1846 to 1855 than in any of the preceding decennia, which can only have been caused by the extensive emigration which took place in 1846 to 1855; for the rate of mortality during these years was much more favorable than formerly, and had there been no emigration the decrease must necessarily have been less.

As regards the female sex, we should probably arrive at similar results if we were in possession of reliable reports for the ages in question; but owing to peculiarity with the fair sex, the statements of the number of females between the ages of twenty and thirty can never be relied on.

We have above shown that the yearly increase of the population has not been lessened by emigration. It is quite another question how far the increase would have been still greater had the emigrants remained at home. At the first glance the matter seems easy enough; if the 73,000 had not emigrated the population of Norway at the present time would have been greater than it is by that number, and if one chose to calculate very closely something should be added for the increase in this number. Norway would thus have lost about 80,000 of its population. This calculation is, however, not correct; for the increase of population is not determined by an excess of births, or by the proportion between emigration and immigration. The increase or decrease of the population depends principally on their pecuniary position; if a land advance in social well-being the population is sure to increase, notwithstanding emigration; if, on the other hand, the pecuniary resources of a country remain stationary or diminish, the population, exceptions not included, will also remain stationary or decrease, even should there be no emigration; the unfavorable pecuniary position will always tend to increase the number of deaths and lessen the number of marriages and births.

The question of the influence of emigration on the population is dependent on another question: *its influence on the pecuniary development of the country.*

It is not, however, easy to ascertain to what extent the results of emigration have been favorable or pernicious; this would necessitate a more careful investigation.

It would seem that emigration is generally advantageous to the community at large. How

much has not England gained through it! What numbers find employment in the commerce between America and the mother country!

Norway has likewise been greatly benefited by emigration, far more than might be expected from its contributions thereto. Its commerce, for instance, has been greatly increased by the trade between Europe and Canada, and the rest of North America. The indirect benefit which Norway has, from everything tending to increase the wealth of England, (and consequently from emigration,) is still greater; for the latter country is the best market for the produce of Norway, and finds employment for its ships. It seems digressing from the point to mention these advantages here, but, it appears that in this case a number of nations have each contributed their part to a useful enterprise, and the contributions of Norway have been far less than its gain. Is it then right to ask whether Norway might not have had the gain without making the contribution? Even if we do not take into consideration all the advantages resulting to Norway from the use of America, it is still doubtful whether emigration has really had any pernicious effect upon the country. The loss to Norway consists chiefly in the labor of which it is deprived, (employed, however, more advantageously in America.) There is no doubt a plenty of uncultivated land in Norway, but the fact is there is not sufficient capital, and the supply of labor will always be found proportioned thereto. If there be a scarcity of capital in a country, it cannot support a large staff of laborers, even if there exist extensive tracts of uncultivated land. Under such circumstances it is more advantageous to have a small staff of laborers in proportion to the capital, for wages will then be high, and nothing tends so much to increase capital among the masses than high wages. Wages can be too high, but generally they have rather a tendency to sink below the proper level than to rise above it. As regards Norway wages can scarcely be said to be too high; they were at their highest during the years 1853 and 1854, but no pernicious results followed; on the other hand those years were golden ones for Norway. If wages in Norway be not too high, it is clear that emigration cannot have been disadvantageous, for it has not injuriously diminished the staff of laborers.

Emigration has deprived the country of a certain amount of capital, and so far had an injurious effect, but this loss of capital is too insignificant, in proportion to the resources of the country, to deserve any special attention.

In some districts the result of emigration has been a decline in the price of land, several farmers having sold their land in order to emigrate to America; but low prices of land are not counted among the evils of which agriculturists complain now.

On the whole it seems we must come to the conclusion that emigration has not had any very injurious results, although it may have been felt severely in some parts of the country.

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*Mr. Campbell to Mr. Seward.*

No. 55.]

LEGATION OF THE UNITED STATES,

*Stockholm, March 28, 1867.*

SIR: On Tuesday last the Baron Rabb, a member of the upper chamber of the Swedish Diet, addressed several inquiries to Count Manderström, minister of state and of foreign affairs, among which was the following.

Has the sudden friendship between Russia and America anything menacing in it?

To this inquiry Count Manderström replied as follows:

The second question leads us far on the ground of conjectural politics, on which ground I have neither any disposition nor do I feel myself authorized to touch. It is certain, however, that if the intimate relations signalized by the Baron Rabb have conducted, or shall conduct, to an offensive alliance against us, or against any of the powers with which we are allied by the treaty of November, our security would be diminished by it in rather a considerable degree.

I do not know whether Baron Rabb's information is derived from sources unknown to me, but as for myself the articles which have appeared on this subject in the newspapers can only inspire me with great mistrust of them, and so much the more because the Russian minister of foreign affairs has loudly denied that such an alliance has been thought of; and as far as I know, the diplomacy of other countries, as well as our own, have not discovered any trace of it.

I have the honor to be, with great respect, your obedient servant,

JAMES H. CAMPBELL.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.*

*Mr. Campbell to Mr. Seward.*

[Extract.]

No. 56.]

LEGATION OF THE UNITED STATES,  
*Stockholm, March 29, 1867.*

SIR: Not having received further instructions from the Department of State, and in obedience to my letter of recall, on Monday last I placed the office copy of the same in the hands of the minister of state and of foreign affairs, and requested an audience of his Majesty, for the purpose of delivering the letter of the President to the King in person.

In pursuance of my request an audience was accorded me this day at 1 o'clock p. m., and from which I have just returned. I was accompanied by the chamberlain of the King, in the royal carriage, &c., with all the ceremony usual or appropriate to the occasion. The audience took place in the grand palace of Stockholm. Charles XV received me with great cordiality and kindness. In delivering the letter of the President of the United States announcing my recall, I took occasion to say that never were the friendly relations between the United States and Sweden more cordial than at present, and that it was the sincere desire of the President and people of my country that they might ever remain so.

The King fully reciprocated these friendly sentiments, and expressed a hope that the difference of views respecting public policy unfortunately existing between the President and Congress might soon be adjusted. I thanked his Majesty for his uniform kindness and consideration for me as the representative of my government, as well as for that extended to my family. He replied that he was sorry to part with us, and hoped we would have a safe and prosperous voyage home.

I have also taken *congé* of the Prince Oscar, and take pleasure in recording the fact that this intelligent and courtly gentleman and his excellent duchess have always extended to me and the members of my family the utmost kindness and hospitality.

Audiences of leave having been granted to Mrs. Campbell and myself, we have taken *congé* of the Queen, the Queen Dowager Josephine, and the Duchesses of Ostergothland and Dalecarlia.

I have thus closed my mission with the usual formalities, but cannot close this record without (as my predecessors have done before me) paying a just tribute to the goodness of the people of Sweden and Norway, and to the undeviating kindness and attention I have received from them.

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I have the honor to be your obedient servant,

JAMES H. CAMPBELL.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*

*Mr. Bartlett to Mr. Seward.*

[Extract.]

No. 2.]

LEGATION OF THE UNITED STATES,  
*Stockholm, June 5, 1867.*

SIR: I have the honor to report that I arrived in Stockholm on the 29th ultimo, and found that the Hon. James H. Campbell, my predecessor, had delivered his letter of recall and taken leave of his Majesty the King on the 29th of March. The 30th being a holiday, I did not communicate with the

minister of state and foreign affairs until the 31st. I called in person upon Count Manderström and presented the office copy of my letter of credence. I was received by his excellency with unaffected cordiality and without ceremony. He stated that he would take the orders to his Majesty the King, in regard to my presentation, and communicate them to me at the earliest moment.

My interview with Count Manderström was about twenty minutes in length, during which he expressed great surprise, together with unbounded admiration for the wonderful recuperative powers of our country as exhibited in the present state of our financial affairs after such an exhaustive war. The present differences between the President and Congress as to the manner of the final adjustment of our state affairs he looked upon as a division upon mere matters of detail as to the method of removing the traces of the great storm that had swept over our country, which but little affected our national standing with European governments. The secretary of foreign affairs then spoke of a paragraph he had read in the papers, stating that "the honorable Secretary of State, William H. Seward, intended visiting Europe this summer, and would be in Paris some time in June," and asked me if it were true. I replied that I had not heard before leaving America that such was your intention, but hoped it was true. He then said, "Mr. Seward's accomplishments and record rank him amongst the most distinguished statesmen and diplomatists of the world, and I regret that the inaccessibility of our country to travellers, who have but little time to spare, may deprive us of the honor to receive so distinguished a visitor." After many other highly complimentary expressions he terminated the interview with the same kindness and cordiality with which he received me.

On Monday, June 3d, I received written notice from the secretary of foreign affairs that I would be received by his Majesty the King on Tuesday at one and a half o'clock p. m., and would be conveyed to the great palace of Stockholm in the carriage of the King, and be escorted by the vice-master of ceremonies, Baron Bennet.

At the appointed hour on Tuesday I was accordingly escorted to the palace, where with but little ceremony I was received by his Majesty the King in the audience chamber.

I had barely stated the fact of having been appointed by the President minister resident of the United States of America near his Majesty's person, when his Majesty interrupted me, and taking the sealed letter of credence from my hand commenced an easy conversation upon ordinary topics. Very soon, however, getting upon military affairs, he gave me a rapid review of his military system, and concluded by saying that he had ordered ten thousand rifles from the Remington Rifle Company, New York State, and expected soon to receive them. Nothing was said during our interview, which lasted perhaps a half hour, upon any political subject whatever. His Majesty's manner was characterized by an openness and freedom which conveyed the impression to me that I had been received by him with pleasure, as the representative of a great nation.

Upon the conclusion of my audience with his Majesty the King, I was escorted to the apartments of the Queen, and received by her with a warm welcome to Stockholm, and a great many pleasantly expressed wishes that my residence would be a happy one at the Swedish court.

I was lastly escorted by Baron Bennet to the apartments of the Queen Dowager, Josephine, who also extended a welcome to me in the same easy and impressive manner which had characterized the receptions of the King and Queen.

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I am, sir, with the highest consideration of respect, your obedient servant,  
 JOS. J. BARTLETT.

Hon. WILLIAM H. SEWARD,  
*Secretary of State, Washington, D. C.*



