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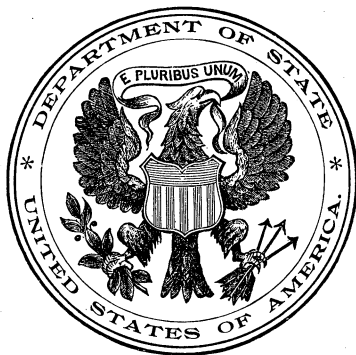
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U.S. Department of State
" | PAPERS RELATING TO
THE
FOREIGN RELATIONS
OF THE
UNITED STATES |

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

IN TWO PARTS
PART 1



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MESSAGE.

To the Senate and House of Representatives:

As a nation we still continue to enjoy a literally unprecedented prosperity; and it is probable that only reckless speculation and disregard of legitimate business methods on the part of the business world can materially mar this prosperity.

No Congress in our time has done more good work of importance than the present Congress. There were several matters left unfinished at your last session, however, which I most earnestly hope you will complete before your adjournment.

I again recommend a law prohibiting all corporations from contributing to the campaign expenses of any party. Such a bill has already past one House of Congress. Let individuals contribute as they desire; but let us prohibit in effective fashion all corporations from making contributions for any political purpose, directly or indirectly.

Another bill which has just past one House of the Congress and which it is urgently necessary should be enacted into law is that conferring upon the Government the right of appeal in criminal cases on questions of law. This right exists in many of the States; it exists in the District of Columbia by act of the Congress. It is of course not proposed that in any case a verdict for the defendant on the merits should be set aside. Recently in one district where the Government had indicted certain persons for conspiracy in connection with rebates, the court sustained the defendant's demurrer; while in another jurisdiction an indictment for conspiracy to obtain rebates has been sustained by the court, convictions obtained under it, and two defendants sentenced to imprisonment. The two cases referred

to may not be in real conflict with each other, but it is unfortunate that there should even be an apparent conflict. At present there is no way by which the Government can cause such a conflict, when it occurs, to be solved by an appeal to a higher court; and the wheels of justice are blocked without any real decision of the question. I can not too strongly urge the passage of the bill in question. A failure to pass it will result in seriously hampering the Government in its effort to obtain justice, especially against wealthy individuals or corporations who do wrong; and may also prevent the Government from obtaining justice for wageworkers who are not themselves able effectively to contest a case where the judgment of an inferior court has been against them. I have specifically in view a recent decision by a district judge leaving railway employees without remedy for violation of a certain so-called labor statute. It seems an absurdity to permit a single district judge, against what may be the judgment of the immense majority of his colleagues on the bench, to declare a law solemnly enacted by the Congress to be "unconstitutional," and then to deny to the Government the right to have the Supreme Court definitely decide the question.

It is well to recollect that the real efficiency of the law often depends not upon the passage of acts as to which there is great public excitement, but upon the passage of acts of this nature as to which there is not much public excitement, because there is little public understanding of their importance, while the interested parties are keenly alive to the desirability of defeating them. The importance of enacting into law the particular bill in question is further increased by the fact that the Government has now definitely begun a policy of resorting to the criminal law in those trust and interstate commerce cases where such a course offers a reasonable chance of success. At first, as was proper, every effort was made to enforce these laws by civil proceedings; but it has become increasingly evident that the action of the Government in finally deciding, in certain cases, to undertake criminal proceedings was justifiable; and tho there have been some conspicuous failures in these cases, we have had many successes, which have undoubtedly had a deterrent effect upon evil-doers, whether the penalty inflicted was in the shape of fine or imprisonment—and penalties of both kinds have already been inflicted by the courts. Of course, where the judge can see his way to inflict the penalty of imprisonment the deterrent effect of the punishment on other offenders is increased; but sufficiently heavy fines accomplish much.

Judge Holt, of the New York district court, in a recent decision admirably stated the need for treating with just severity offenders of this kind. His opinion runs in part as follows:

“The Government’s evidence to establish the defendant’s guilt was clear, conclusive, and undisputed. The case was a flagrant one. The transactions which took place under this illegal contract were very large; the amounts of rebates returned were considerable; and the amount of the rebate itself was large, amounting to more than one-fifth of the entire tariff charge for the transportation of merchandise from this city to Detroit. It is not too much to say, in my opinion, that if this business was carried on for a considerable time on that basis—that is, if this discrimination in favor of this particular shipper was made with an 18 instead of a 23 cent rate and the tariff rate was maintained as against their competitors—the result might be and not improbably would be that their competitors would be driven out of business. This crime is one which in its nature is deliberate and premeditated. I think over a fortnight elapsed between the date of Palmer’s letter requesting the reduced rate and the answer of the railroad company deciding to grant it, and then for months afterwards this business was carried on and these claims for rebates submitted month after month and checks in payment of them drawn month after month. Such a violation of the law, in my opinion, in its essential nature, is a very much more heinous act than the ordinary common, vulgar crimes which come before criminal courts constantly for punishment and which arise from sudden passion or temptation. This crime in this case was committed by men of education and of large business experience, whose standing in the community was such that they might have been expected to set an example of obedience to law, upon the maintenance of which alone in this country the security of their property depends. It was committed on behalf of a great railroad corporation, which, like other railroad corporations, has received gratuitously from the State large and valuable privileges for the public’s convenience and its own, which performs quasi public functions and which is charged with the highest obligation in the transaction of its business to treat the citizens of this country alike, and not to carry on its business with unjust discriminations between different citizens or different classes of citizens. This crime in its nature is one usually done with secrecy, and proof of which it is very difficult to obtain. The interstate commerce act was past in 1887, nearly twenty years ago. Ever since that time complaints of the granting of rebates by railroads has been

common, urgent, and insistent, and altho the Congress has repeatedly past legislation endeavoring to put a stop to this evil, the difficulty of obtaining proof upon which to bring prosecution in these cases is so great that this is the first case that has ever been brought in this court, and, as I am informed, this case and one recently brought in Philadelphia are the only cases that have ever been brought in the eastern part of this country. In fact, but few cases of this kind have ever been brought in this country, East or West. Now, under these circumstances, I am forced to the conclusion, in a case in which the proof is so clear and the facts are so flagrant, it is the duty of the court to fix a penalty which shall in some degree be commensurate with the gravity of the offense. As between the two defendants, in my opinion, the principal penalty should be imposed on the corporation. The traffic manager in this case, presumably, acted without any advantage to himself and without any interest in the transaction, either by the direct authority or in accordance with what he understood to be the policy or the wishes of his employer.

“The sentence of this court in this case is, that the defendant Pomeroy, for each of the six offenses upon which he has been convicted, be fined the sum of \$1,000, making six fines, amounting in all to the sum of \$6,000; and the defendant, The New York Central and Hudson River Railroad Company, for each of the six crimes of which it has been convicted, be fined the sum of \$18,000, making six fines amounting in the aggregate to the sum of \$108,000, and judgment to that effect will be entered in this case.”

In connection with this matter, I would like to call attention to the very unsatisfactory state of our criminal law, resulting in large part from the habit of setting aside the judgments of inferior courts on technicalities absolutely unconnected with the merits of the case, and where there is no attempt to show that there has been any failure of substantial justice. It would be well to enact a law providing something to the effect that:

No judgment shall be set aside or new trial granted in any cause, civil or criminal, on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure unless, in the opinion of the court to which the application is made, after an examination of the entire cause, it shall affirmatively appear that the error complained of has resulted in a miscarriage of justice.

Setting Aside
of Judgments and
Granting of
New Trials.

In my last message I suggested the enactment of a law in connection with the issuance of injunctions, attention having been sharply drawn to the matter by the demand that the right of applying
injunctions in labor cases should be wholly
abolished. It is at least doubtful whether a law
abolishing altogether the use of injunctions in
such cases would stand the test of the courts; in which case of
course the legislation would be ineffective. Moreover, I believe it
would be wrong altogether to prohibit the use of injunctions.
It is criminal to permit sympathy for criminals to weaken our
hands in upholding the law; and if men seek to destroy life or
property by mob violence there should be no impairment of the
power of the courts to deal with them in the most summary and
effective way possible. But so far as possible the abuse of the
power should be provided against by some such law as I advocated
last year.

In this matter of injunctions there is lodged in the hands of the judiciary a necessary power which is nevertheless subject to the possibility of grave abuse. It is a power that should be exercised with extreme care and should be subject to the jealous scrutiny of all men, and condemnation should be meted out as much to the judge who fails to use it boldly when necessary as to the judge who uses it wantonly or oppressively. Of course a judge strong enough to be fit for his office will enjoin any resort to violence or intimidation, especially by conspiracy, no matter what his opinion may be of the rights of the original quarrel. There must be no hesitation in dealing with disorder. But there must likewise be no such abuse of the injunctive power as is implied in forbidding laboring men to strive for their own betterment in peaceful and lawful ways; nor must the injunction be used merely to aid some big corporation in carrying out schemes for its own aggrandizement. It must be remembered that a preliminary injunction in a labor case, if granted without adequate proof (even when authority can be found to support the conclusions of law on which it is founded), may often settle the dispute between the parties; and therefore if improperly granted may do irreparable wrong. Yet there are many judges who assume a matter-of-course granting of a preliminary injunction to be the ordinary and proper judicial disposition of such cases; and there have undoubtedly been flagrant wrongs committed by judges in connection with labor disputes even within the last few years, altho I think much less often than in

former years. Such judges by their unwise action immensely strengthen the hands of those who are striving entirely to do away with the power of injunction; and therefore such careless use of the injunctive process tends to threaten its very existence, for if the American people ever become convinced that this process is habitually abused, whether in matters affecting labor or in matters affecting corporations, it will be well-nigh impossible to prevent its abolition.

It may be the highest duty of a judge at any given moment to disregard, not merely the wishes of individuals of great political or financial power, but the overwhelming tide of public sentiment; and the judge who does thus disregard public sentiment when it is wrong, who brushes aside the plea of any special interest when the pleading is not founded on righteousness, performs the highest service to the country. Such a judge is deserving of all honor; and all honor can not be paid to this wise and fearless judge if we permit the growth of an absurd convention which would forbid any criticism of the judge of another type, who shows himself timid in the presence of arrogant disorder, or who on insufficient grounds grants an injunction that does grave injustice, or who in his capacity as a construer, and therefore in part a maker, of the law, in flagrant fashion thwarts the cause of decent government. The judge has a power over which no review can be exercised; he himself sits in review upon the acts of both the executive and legislative branches of the Government; save in the most extraordinary cases he is amenable only at the bar of public opinion; and it is unwise to maintain that public opinion in reference to a man with such power shall neither be expressed nor led.

The best judges have ever been foremost to disclaim any immunity from criticism. This has been true since the days of the great English Lord Chancellor Parker, who said: "Let all people be at liberty to know what I found my judgment upon; that, so when I have given it in any cause, others may be at liberty to judge of *me*." The proprieties of the case were set forth with singular clearness and good temper by Judge W. H. Taft, when a United States circuit judge, eleven years ago, in 1895:

"The opportunity freely and publicly to criticize judicial action is of vastly more importance to the body politic than the immunity of courts and judges from unjust aspersions and attack. Nothing tends more to render judges careful in their decisions and anxiously solicitous to do exact justice than the consciousness that every act

of theirs is to be subjected to the intelligent scrutiny and candid criticism of their fellow-men. Such criticism is beneficial in proportion as it is fair, dispassionate, discriminating, and based on a knowledge of sound legal principles. The comments made by learned text writers and by the acute editors of the various law reviews upon judicial decisions are therefore highly useful. Such critics constitute more or less impartial tribunals of professional opinion before which each judgment is made to stand or fall on its merits, and thus exert a strong influence to secure uniformity of decision. But non-professional criticism also is by no means without its uses, even if accompanied, as it often is, by a direct attack upon the judicial fairness and motives of the occupants of the bench; for if the law is but the essence of common sense, the protest of many average men may evidence a defect in a judicial conclusion, tho based on the nicest legal reasoning and profoundest learning. The two important elements of moral character in a judge are an earnest desire to reach a just conclusion and courage to enforce it. In so far as fear of public comment does not affect the courage of a judge, but only spurs him on to search his conscience and to reach the result which approves itself to his inmost heart, such comment serves a useful purpose. There are few men, whether they are judges for life or for a shorter term, who do not prefer to earn and hold the respect of all, and who can not be reached and made to pause and deliberate by hostile public criticism. In the case of judges having a life tenure, indeed, their very independence makes the right freely to comment on their decisions of greater importance, because it is the only practical and available instrument in the hands of a free people to keep such judges alive to the reasonable demands of those they serve.

“On the other hand, the danger of destroying the proper influence of judicial decisions by creating unfounded prejudices against the courts justifies and requires that unjust attacks shall be met and answered. Courts must ultimately rest their defense upon the inherent strength of the opinions they deliver as the ground for their conclusions and must trust to the calm and deliberate judgment of all the people as their best vindication.”

There is one consideration which should be taken into account by the good people who carry a sound proposition to an excess in objecting to any criticism of a judge's decision. The instinct of the American people as a whole is sound in this matter. They will not subscribe to the doctrine that any public servant is to be above all criticism. If the best citizens, those most competent to

express their judgment in such matters, and above all those belonging to the great and honorable profession of the bar, so profoundly influential in American life, take the position that there shall be no criticism of a judge under any circumstances, their view will not be accepted by the American people as a whole. In such event the people will turn to, and tend to accept as justifiable, the intemperate and improper criticism uttered by unworthy agitators. Surely it is a misfortune to leave to such critics a function, right in itself, which they are certain to abuse. Just and temperate criticism, when necessary, is a safeguard against the acceptance by the people as a whole of that intemperate antagonism towards the judiciary which must be combated by every right-thinking man, and which, if it became widespread among the people at large, would constitute a dire menace to the Republic.

In connection with the delays of the law, I call your attention and the attention of the Nation to the prevalence of crime among us, and above all to the epidemic of lynching and mob violence that springs up, now in one part of our country, now in another. Each section, North, South, East, or West, has its own faults; no section can with wisdom spend its time jeering at the faults of another section; it should be busy trying to amend its own shortcomings. To deal with the crime of corruption it is necessary to have an awakened public conscience, and to supplement this by whatever legislation will add speed and certainty in the execution of the law. When we deal with lynching even more is necessary. A great many white men are lynched, but the crime is peculiarly frequent in respect to black men. The greatest existing cause of lynching is the perpetration, especially by black men, of the hideous crime of rape—the most abominable in all the category of crimes, even worse than murder. Mobs frequently avenge the commission of this crime by themselves torturing to death the man committing it; thus avenging in bestial fashion a bestial deed, and reducing themselves to a level with the criminal.

Lawlessness grows by what it feeds upon; and when mobs begin to lynch for rape they speedily extend the sphere of their operations and lynch for many other kinds of crimes, so that two-thirds of the lynchings are not for rape at all; while a considerable proportion of the individuals lynched are innocent of all crime. Governor Candler, of Georgia, stated on one occasion some years ago: "I can say of a verity that I have, within the last month, saved the lives of half

a dozen innocent negroes who were pursued by the mob, and brought them to trial in a court of a law in which they were acquitted." As Bishop Galloway, of Mississippi, has finely said: "When the rule of a mob obtains, that which distinguishes a high civilization is surrendered. The mob which lynches a negro charged with rape will in a little while lynch a white man suspected of crime. Every Christian patriot in America needs to lift up his voice in loud and eternal protest against the mob spirit that is threatening the integrity of this Republic." Governor Jelks, of Alabama, has recently spoken as follows: "The lynching of any person for whatever crime is inexcusable anywhere—it is a defiance of orderly government; but the killing of innocent people under any provocation is infinitely more horrible; and yet innocent people are likely to die when a mob's terrible lust is once aroused. The lesson is this: No good citizen can afford to countenance a defiance of the statutes, no matter what the provocation. The innocent frequently suffer, and, it is my observation, more usually suffer than the guilty. The white people of the South indict the whole colored race on the ground that even the better elements lend no assistance whatever in ferreting out criminals of their own color. The respectable colored people must learn not to harbor their criminals, but to assist the officers in bringing them to justice. This is the larger crime, and it provokes such atrocious offenses as the one at Atlanta. The two races can never get on until there is an understanding on the part of both to make common cause with the law-abiding against criminals of any color."

Moreover, where any crime committed by a member of one race against a member of another race is avenged in such fashion that it seems as if not the individual criminal, but the whole race, is attacked, the result is to exasperate to the highest degree race feeling. There is but one safe rule in dealing with black men as with white men; it is the same rule that must be applied in dealing with rich men and poor men; that is, to treat each man, whatever his color, his creed, or his social position, with even-handed justice on his real worth as a man. White people owe it quite as much to themselves as to the colored race to treat well the colored man who shows by his life that he deserves such treatment; for it is surely the highest wisdom to encourage in the colored race all those individuals who are honest, industrious, law-abiding, and who therefore make good and safe neighbors and citizens. Reward or punish the individual on his merits

as an individual. Evil will surely come in the end to both races if we substitute for this just rule the habit of treating all the members of the race, good and bad, alike. There is no question of "social equality" or "negro domination" involved; only the question of relentlessly punishing bad men, and of securing to the good man the right to his life, his liberty, and the pursuit of his happiness as his own qualities of heart, head, and hand enable him to achieve it.

Every colored man should realize that the worst enemy of his race is the negro criminal, and above all the negro criminal who commits the dreadful crime of rape; and it should be felt as in the highest degree an offense against the whole country, and against the colored race in particular, for a colored man to fail to help the officers of the law in hunting down with all possible earnestness and zeal every such infamous offender. Moreover, in my judgment, the crime of rape should always be punished with death, as is the case with murder; assault with intent to commit rape should be made a capital crime, at least in the discretion of the court; and provision should be made by which the punishment may follow immediately upon the heels of the offense; while the trial should be so conducted that the victim need not be wantonly shamed while giving testimony, and that the least possible publicity shall be given to the details.

The members of the white race on the other hand should understand that every lynching represents by just so much a loosening of the bands of civilization; that the spirit of lynching inevitably throws into prominence in the community all the foul and evil creatures who dwell therein. No man can take part in the torture of a human being without having his own moral nature permanently lowered. Every lynching means just so much moral deterioration in all the children who have any knowledge of it, and therefore just so much additional trouble for the next generation of Americans.

Let justice be both sure and swift; but let it be justice under the law, and not the wild and crooked savagery of a mob.

There is another matter which has a direct bearing upon this matter of lynching and of the brutal crime which sometimes calls it forth and at other times merely furnishes the excuse for its existence. It is out of the question for our people as a whole permanently to rise by treading down any of their own number. Even those who themselves for the moment profit by such maltreatment of their fellows will in the long run also suffer. No more shortsighted policy can be imagined than, in the fancied interest of one class, to prevent

the education of another class. The free public school, the chance for each boy or girl to get a good elementary education, lies at the foundation of our whole political situation. In every community the poorest citizens, those who need the schools most, would be deprived of them if they only received school facilities proportioned to the taxes they paid. This is as true of one portion of our country as of another. It is as true for the negro as for the white man. The white man, if he is wise, will decline to allow the negroes in a mass to grow to manhood and womanhood without education. Unquestionably education such as is obtained in our public schools does not do everything towards making a man a good citizen; but it does much. The lowest and most brutal criminals, those for instance who commit the crime of rape, are in the great majority men who have had either no education or very little; just as they are almost invariably men who own no property; for the man who puts money by out of his earnings, like the man who acquires education, is usually lifted above mere brutal criminality. Of course the best type of education for the colored man, taken as a whole, is such education as is conferred in schools like Hampton and Tuskegee; where the boys and girls, the young men and young women, are trained industrially as well as in the ordinary public school branches. The graduates of these schools turn out well in the great majority of cases, and hardly any of them become criminals, while what little criminality there is never takes the form of that brutal violence which invites lynch law. Every graduate of these schools—and for the matter of that every other colored man or woman—who leads a life so useful and honorable as to win the good will and respect of those whites whose neighbor he or she is, thereby helps the whole colored race as it can be helped in no other way; for next to the negro himself, the man who can do most to help the negro is his white neighbor who lives near him; and our steady effort should be to better the relations between the two. Great tho the benefit of these schools has been to their colored pupils and to the colored people, it may well be questioned whether the benefit has not been at least as great to the white people among whom these colored pupils live after they graduate.

Be it remembered, furthermore, that the individuals who, whether from folly, from evil temper, from greed for office, or in a spirit of mere base demagoguery, indulge in the inflammatory and incendiary speeches and writings which tend to arouse mobs and to bring about lynching, not only thus excite the mob, but also tend by what

criminologists call "suggestion," greatly to increase the likelihood of a repetition of the very crime against which they are inveighing. When the mob is composed of the people of one race and the man lynched is of another race, the men who in their speeches and writings either excite or justify the action tend, of course, to excite a bitter race feeling and to cause the people of the opposite race to lose sight of the abominable act of the criminal himself; and in addition, by the prominence they give to the hideous deed they undoubtedly tend to excite in other brutal and depraved natures thoughts of committing it. Swift, relentless, and orderly punishment under the law is the only way by which criminality of this type can permanently be suppressed.

In dealing with both labor and capital, with the questions affecting both corporations and trades unions, there is one matter more important to remember than aught else, and that is the infinite harm done by preachers of mere discontent.

Capital and Labor. These are the men who seek to excite a violent class hatred against all men of wealth. They seek to turn wise and proper movements for the better control of corporations and for doing away with the abuses connected with wealth, into a campaign of hysterical excitement and falsehood in which the aim is to inflame to madness the brutal passions of mankind. The sinister demagogues and foolish visionaries who are always eager to undertake such a campaign of destruction sometimes seek to associate themselves with those working for a genuine reform in governmental and social methods, and sometimes masquerade as such reformers. In reality they are the worst enemies of the cause they profess to advocate, just as the purveyors of sensational slander in newspaper or magazine are the worst enemies of all men who are engaged in an honest effort to better what is bad in our social and governmental conditions. To preach hatred of the rich man as such, to carry on a campaign of slander and invective against him, to seek to mislead and inflame to madness honest men whose lives are hard and who have not the kind of mental training which will permit them to appreciate the danger in the doctrine preached—all this is to commit a crime against the body politic and to be false to every worthy principle and tradition of American national life. Moreover, while such preaching and such agitation may give a livelihood and a certain notoriety to some of those who take part in it, and may result in the temporary political success of others, in the long run every such movement will either fail or else will

provoke a violent reaction, which will itself result not merely in undoing the mischief wrought by the demagog and the agitator, but also in undoing the good that the honest reformer, the true upholder of popular rights, has painfully and laboriously achieved. Corruption is never so rife as in communities where the demagog and the agitator bear full sway, because in such communities all moral bands become loosened, and hysteria and sensationalism replace the spirit of sound judgment and fair dealing as between man and man. In sheer revolt against the squalid anarchy thus produced men are sure in the end to turn toward any leader who can restore order, and then their relief at being free from the intolerable burdens of class hatred, violence, and demagoguery is such that they can not for some time be aroused to indignation against misdeeds by men of wealth; so that they permit a new growth of the very abuses which were in part responsible for the original outbreak. The one hope for success for our people lies in a resolute and fearless, but sane and cool-headed, advance along the path marked out last year by this very Congress. There must be a stern refusal to be misled into following either that base creature who appeals and panders to the lowest instincts and passions in order to arouse one set of Americans against their fellows, or that other creature, equally base but no baser, who in a spirit of greed, or to accumulate or add to an already huge fortune, seeks to exploit his fellow-Americans with callous disregard to their welfare of soul and body. The man who debauches others in order to obtain a high office stands on an evil equality of corruption with the man who debauches others for financial profit; and when hatred is sown the crop which springs up can only be evil.

The plain people who think—the mechanics, farmers, merchants, workers with head or hand, the men to whom American traditions are dear, who love their country and try to act decently by their neighbors—owe it to themselves to remember that the most damaging blow that can be given popular government is to elect an unworthy and sinister agitator on a platform of violence and hypocrisy. Whenever such an issue is raised in this country nothing can be gained by flinching from it, for in such case democracy is itself on trial, popular self-government under republican forms is itself on trial. The triumph of the mob is just as evil a thing as the triumph of the plutocracy, and to have escaped one danger avails nothing whatever if we succumb to the other. In the end the honest man, whether rich or poor, who

earns his own living and tries to deal justly by his fellows, has as much to fear from the insincere and unworthy demagog, promising much and performing nothing, or else performing nothing but evil, who would set on the mob to plunder the rich, as from the crafty corruptionist, who, for his own ends, would permit the common people to be exploited by the very wealthy. If we ever let this Government fall into the hands of men of either of these two classes, we shall show ourselves false to America's past. Moreover, the demagog and the corruptionist often work hand in hand. There are at this moment wealthy reactionaries of such obtuse morality that they regard the public servant who prosecutes them when they violate the law, or who seeks to make them bear their proper share of the public burdens, as being even more objectionable than the violent agitator who hounds on the mob to plunder the rich. There is nothing to choose between such a reactionary and such an agitator; fundamentally they are alike in their selfish disregard of the rights of others; and it is natural that they should join in opposition to any movement of which the aim is fearlessly to do exact and even justice to all.

I call your attention to the need of passing the bill limiting the number of hours of employment of railroad employees. The

**Railroad Employees'
Hours and Eight-
Hour Law.**

measure is a very moderate one and I can conceive of no serious objection to it. Indeed, so far as it is in our power, it should be our aim steadily to reduce the number of hours of labor, with as a goal the general introduction of an eight-hour day. There are industries in which it is not possible that the hours of labor should be reduced; just as there are communities not far enough advanced for such a movement to be for their good, or, if in the Tropics, so situated that there is no analogy between their needs and ours in this matter. On the Isthmus of Panama, for instance, the conditions are in every way so different from what they are here that an eight-hour day would be absurd; just as it is absurd, so far as the Isthmus is concerned, where white labor can not be employed, to bother as to whether the necessary work is done by alien black men or by alien yellow men. But the wageworkers of the United States are of so high a grade that alike from the merely industrial standpoint and from the civic standpoint it should be our object to do what we can in the direction of securing the general observance of an eight-hour day. Until recently the eight-hour law on our Federal statute books has been very scantily observed. Now, however, largely thru the instrumentality of the Bureau of Labor, it is being rigidly enforced, and

I shall speedily be able to say whether or not there is need of further legislation in reference thereto; for our purpose is to see it obeyed in spirit no less than in letter. Half holidays during summer should be established for Government employees; it is as desirable for wage-workers who toil with their hands as for salaried officials whose labor is mental that there should be a reasonable amount of holiday.

The Congress at its last session wisely provided for a truant court for the District of Columbia; a marked step in advance on the path of properly caring for the children. Let me again urge that the

**Labor of Women
and Children.**

Congress provide for a thoro investigation of the conditions of child labor and of the labor of women in the United States. More and more our people are growing to recognize the fact that the questions which are not merely of industrial but of social importance outweigh all others; and these two questions most emphatically come in the category of those which affect in the most far-reaching way the home life of the Nation. The horrors incident to the employment of young children in factories or at work anywhere are a blot on our civilization. It is true that each State must ultimately settle the question in its own way; but a thoro official investigation of the matter, with the results published broadcast, would greatly help toward arousing the public conscience and securing unity of State action in the matter. There is, however, one law on the subject which should be enacted immediately, because there is no need for an investigation in reference thereto, and the failure to enact it is discreditable to the National Government. A drastic and thorogoining child-labor law should be enacted for the District of Columbia and the Territories.

Among the excellent laws which the Congress past at the last session was an employers' liability law. It was a marked step in advance to get the recognition of employers' liability on the statute

Employers' Liability. books; but the law did not go far enough. In spite of all precautions exercised by employers there are unavoidable accidents and even deaths involved in nearly every line of business connected with the mechanic arts. This inevitable sacrifice of life may be reduced to a minimum, but it can not be completely eliminated. It is a great social injustice to compel the employee, or rather the family of the killed or disabled victim, to bear the entire burden of such an inevitable sacrifice. In other words, society shirks its duty by laying the whole cost on the victim, whereas the injury comes from what may be called the legitimate risks of the trade. Compensation for accidents or deaths due in any line of industry to the

actual conditions under which that industry is carried on, should be paid by that portion of the community for the benefit of which the industry is carried on—that is, by those who profit by the industry. If the entire trade risk is placed upon the employer he will promptly and properly add it to the legitimate cost of production and assess it proportionately upon the consumers of his commodity. It is therefore clear to my mind that the law should place this entire “risk of a trade” upon the employer. Neither the Federal law, nor, as far as I am informed, the State laws dealing with the question of employers’ liability are sufficiently thoroughgoing. The Federal law should of course include employees in navy-yards, arsenals, and the like.

The commission appointed by the President October 16, 1902, at the request of both the anthracite coal operators and miners, to inquire into, consider, and pass upon the questions in controversy in connection with the strike in the anthracite regions of Pennsylvania and the causes out of which the controversy arose, in their report, findings, and award express the belief “that the State and Federal governments should provide the machinery for what may be called the compulsory investigation of controversies between employers and employees when they arise.” This expression of belief is deserving of the favorable consideration of the Congress and the enactment of its provisions into law. A bill has already been introduced to this end.

Records show that during the twenty years from January 1, 1881, to December 31, 1900, there were strikes affecting 117,509 establishments, and 6,105,694 employees were thrown out of employment. During the same period there were 1,005 lockouts, involving nearly 10,000 establishments, throwing over one million people out of employment. These strikes and lockouts involved an estimated loss to employees of \$307,000,000 and to employers of \$143,000,000, a total of \$450,000,000. The public suffered directly and indirectly probably as great additional loss. But the money loss, great as it was, did not measure the anguish and suffering endured by the wives and children of employees whose pay stopped when their work stopped, or the disastrous effect of the strike or lockout upon the business of employers, or the increase in the cost of products and the inconvenience and loss to the public.

Many of these strikes and lockouts would not have occurred had the parties to the dispute been required to appear before an unprejudiced body representing the nation and, face to face, state the reasons

for their contention. In most instances the dispute would doubtless be found to be due to a misunderstanding by each of the other's rights, aggravated by an unwillingness of either party to accept as true the statements of the other as to the justice or injustice of the matters in dispute. The exercise of a judicial spirit by a disinterested body representing the Federal Government, such as would be provided by a commission on conciliation and arbitration would tend to create an atmosphere of friendliness and conciliation between contending parties; and the giving each side an equal opportunity to present fully its case in the presence of the other would prevent many disputes from developing into serious strikes or lock-outs, and, in other cases, would enable the commission to persuade the opposing parties to come to terms.

In this age of great corporate and labor combinations, neither employers nor employees should be left completely at the mercy of the stronger party to a dispute, regardless of the righteousness of their respective claims. The proposed measure would be in the line of securing recognition of the fact that in many strikes the public has itself an interest which can not wisely be disregarded; an interest not merely of general convenience, for the question of a just and proper public policy must also be considered. In all legislation of this kind it is well to advance cautiously, testing each step by the actual results; the step proposed can surely be safely taken, for the decisions of the commission would not bind the parties in legal fashion, and yet would give a chance for public opinion to crystallize and thus to exert its full force for the right.

It is not wise that the Nation should alienate its remaining coal lands. I have temporarily withdrawn from settlement all the lands which the Geological Survey has indicated as containing, or in all probability containing, coal. The question, however, can be properly settled only by legislation, which in my judgment should provide for the withdrawal of these lands from sale or from entry, save in certain especial circumstances. The ownership would then remain in the United States, which should not, however, attempt to work them, but permit them to be worked by private individuals under a royalty system, the Government keeping such control as to permit it to see that no excessive price was charged consumers. It would, of course, be as necessary to supervise the rates charged by the common carriers to transport the product as the rates charged by those who mine it; and the supervision must extend to the conduct of the common carriers, so that they shall in no way favor one competitor at the

Withdrawal of
Coal Lands.

expense of another. The withdrawal of these coal lands would constitute a policy analogous to that which has been followed in withdrawing the forest lands from ordinary settlement. The coal, like the forests, should be treated as the property of the public and its disposal should be under conditions which would inure to the benefit of the public as a whole.

The present Congress has taken long strides in the direction of securing proper supervision and control by the National Government over corporations engaged in interstate business—and the enormous majority of corporations of any size are engaged in interstate business. The passage of the railway rate bill, and only to a less degree the passage of the pure food bill, and the provision for increasing and rendering more effective national control over the beef-packing industry, mark an important advance in the proper direction. In the short session it will perhaps be difficult to do much further along this line; and it may be best to wait until the laws have been in operation for a number of months before endeavoring to increase their scope, because only operation will show with exactness their merits and their shortcomings and thus give opportunity to define what further remedial legislation is needed. Yet in my judgment it will in the end be advisable in connection with the packing house inspection law to provide for putting a date on the label and for charging the cost of inspection to the packers. All these laws have already justified their enactment. The interstate commerce law, for instance, has rather amusingly falsified the predictions, both of those who asserted that it would ruin the railroads and of those who asserted that it did not go far enough and would accomplish nothing. During the last five months the railroads have shown increased earnings and some of them unusual dividends; while during the same period the mere taking effect of the law has produced an unprecedented, a hitherto unheard of, number of voluntary reductions in freights and fares by the railroads. Since the founding of the Commission there has never been a time of equal length in which anything like so many reduced tariffs have been put into effect. On August 27, for instance, two days before the new law went into effect, the Commission received notices of over five thousand separate tariffs which represented reductions from previous rates.

It must not be supposed, however, that with the passage of these laws it will be possible to stop progress along the line of increasing

the power of the National Government over the use of capital in interstate commerce. For example, there will ultimately be need of enlarging the powers of the Interstate Commerce Commission along several different lines, so as to give it a larger and more efficient control over the railroads.

It can not too often be repeated that experience has conclusively shown the impossibility of securing by the actions of nearly half a hundred different State legislatures anything but ineffective chaos in the way of dealing with the great corporations which do not operate exclusively within the limits of any one State. In some method, whether by a national license law or in other fashion, we must exercise, and that at an early date, a far more complete control than at present over these great corporations—a control that will among other things prevent the evils of excessive overcapitalization, and that will compel the disclosure by each big corporation of its stockholders and of its properties and business, whether owned directly or thru subsidiary or affiliated corporations. This will tend to put a stop to the securing of inordinate profits by favored individuals at the expense whether of the general public, the stockholders, or the wageworkers. Our effort should be not so much to prevent consolidation as such, but so to supervise and control it as to see that it results in no harm to the people. The reactionary or ultraconservative apologists for the misuse of wealth assail the effort to secure such control as a step toward socialism. As a matter of fact it is these reactionaries and ultraconservatives who are themselves most potent in increasing socialistic feeling. One of the most efficient methods of averting the consequences of a dangerous agitation, which is 80 per cent wrong, is to remedy the 20 per cent of evil as to which the agitation is well founded. The best way to avert the very undesirable move for the governmental ownership of railroads is to secure by the Government on behalf of the people as a whole such adequate control and regulation of the great interstate common carriers as will do away with the evils which give rise to the agitation against them. So the proper antidote to the dangerous and wicked agitation against the men of wealth as such is to secure by proper legislation and executive action the abolition of the grave abuses which actually do obtain in connection with the business use of wealth under our present system—or rather no system—of failure to exercise any adequate control at all. Some persons speak as if the exercise of such governmental

control would do away with the freedom of individual initiative and dwarf individual effort. This is not a fact. It would be a veritable calamity to fail to put a premium upon individual initiative, individual capacity and effort; upon the energy, character, and foresight which it is so important to encourage in the individual. But as a matter of fact the deadening and degrading effect of pure socialism, and especially of its extreme form communism, and the destruction of individual character which they would bring about, are in part achieved by the wholly unregulated competition which results in a single individual or corporation rising at the expense of all others until his or its rise effectually checks all competition and reduces former competitors to a position of utter inferiority and subordination.

In enacting and enforcing such legislation as this Congress already has to its credit, we are working on a coherent plan, with the steady endeavor to secure the needed reform by the joint action of the moderate men, the plain men who do not wish anything hysterical or dangerous, but who do intend to deal in resolute common-sense fashion with the real and great evils of the present system. The reactionaries and the violent extremists show symptoms of joining hands against us. Both assert, for instance, that if logical, we should go to government ownership of railroads and the like; the reactionaries, because on such an issue they think the people would stand with them, while the extremists care rather to preach discontent and agitation than to achieve solid results. As a matter of fact, our position is as remote from that of the Bourbon reactionary as from that of the impracticable or sinister visionary. We hold that the Government should not conduct the business of the nation, but that it should exercise such supervision as will insure its being conducted in the interest of the nation. Our aim is, so far as may be, to secure, for all decent, hard working men, equality of opportunity and equality of burden.

The actual working of our laws has shown that the effort to prohibit all combination, good or bad, is noxious where it is not ineffective. Combination of capital like combination of labor is a necessary element of our present industrial system. It is not possible completely to prevent it; and if it were possible, such complete prevention would do damage to the body politic. What we need is not vainly to try to prevent all combination, but to secure such rigorous and adequate control and supervision of the combinations as to prevent their injuring the public, or existing in such form as

inevitably to threaten injury—for the mere fact that a combination has secured practically complete control of a necessary of life would under any circumstances show that such combination was to be presumed to be adverse to the public interest. It is unfortunate that our present laws should forbid all combinations, instead of sharply discriminating between those combinations which do good and those combinations which do evil. Rebates, for instance, are as often due to the pressure of big shippers (as was shown in the investigation of the Standard Oil Company and as has been shown since by the investigation of the tobacco and sugar trusts) as to the initiative of big railroads. Often railroads would like to combine for the purpose of preventing a big shipper from maintaining improper advantages at the expense of small shippers and of the general public. Such a combination, instead of being forbidden by law, should be favored. In other words, it should be permitted to railroads to make agreements, provided these agreements were sanctioned by the Interstate Commerce Commission and were published. With these two conditions complied with it is impossible to see what harm such a combination could do to the public at large. It is a public evil to have on the statute books a law incapable of full enforcement because both judges and juries realize that its full enforcement would destroy the business of the country; for the result is to make decent railroad men violators of the law against their will, and to put a premium on the behavior of the wilful wrongdoers. Such a result in turn tends to throw the decent man and the wilful wrongdoer into close association, and in the end to drag down the former to the latter's level; for the man who becomes a lawbreaker in one way unhappily tends to lose all respect for law and to be willing to break it in many ways. No more scathing condemnation could be visited upon a law than is contained in the words of the Interstate Commerce Commission when, in commenting upon the fact that the numerous joint traffic associations do technically violate the law, they say: "The decision of the United States Supreme Court in the Trans-Missouri case and the Joint Traffic Association case has produced no practical effect upon the railway operations of the country. Such associations, in fact, exist now as they did before these decisions, and with the same general effect. In justice to all parties, we ought probably to add that it is difficult to see how our interstate railways could be operated with due regard to the interest of the shipper and the railway without concerted action of the kind afforded thru these associations."

This means that the law as construed by the Supreme Court is such that the business of the country can not be conducted without breaking it. I recommend that you give careful and early consideration to this subject, and if you find the opinion of the Interstate Commerce Commission justified, that you amend the law so as to obviate the evil disclosed.

The question of taxation is difficult in any country, but it is especially difficult in ours with its Federal system of government. Some taxes should on every ground be levied in a small district for

**Inheritance and
Income Tax.**

use in that district. Thus the taxation of real estate is peculiarly one for the immediate locality in which the real estate is found. Again, there is no more legitimate tax for any State than a tax on the franchises conferred by that State upon street railroads and similar corporations which operate wholly within the State boundaries, sometimes in one and sometimes in several municipalities or other minor divisions of the State. But there are many kinds of taxes which can only be levied by the General Government so as to produce the best results, because, among other reasons, the attempt to impose them in one particular State too often results merely in driving the corporation or individual affected to some other locality or other State. The National Government has long derived its chief revenue from a tariff on imports and from an internal or excise tax. In addition to these there is every reason why, when next our system of taxation is revised, the National Government should impose a graduated inheritance tax, and, if possible, a graduated income tax. The man of great wealth owes a peculiar obligation to the State, because he derives special advantages from the mere existence of government. Not only should he recognize this obligation in the way he leads his daily life and in the way he earns and spends his money, but it should also be recognized by the way in which he pays for the protection the State gives him. On the one hand, it is desirable that he should assume his full and proper share of the burden of taxation; on the other hand, it is quite as necessary that in this kind of taxation, where the men who vote the tax pay but little of it, there should be clear recognition of the danger of inaugurating any such system save in a spirit of entire justice and moderation. Whenever we, as a people, undertake to remodel our taxation system along the lines suggested, we must make it clear beyond peradventure that our aim is to distribute the burden of supporting the Government more equitably than at present; that we intend to treat rich man and poor man on a basis

of absolute equality, and that we regard it as equally fatal to true democracy to do or permit injustice to the one as to do or permit injustice to the other.

I am well aware that such a subject as this needs long and careful study in order that the people may become familiar with what is proposed to be done, may clearly see the necessity of proceeding with wisdom and self-restraint, and may make up their minds just how far they are willing to go in the matter; while only trained legislators can work out the project in necessary detail. But I feel that in the near future our national legislators should enact a law providing for a graduated inheritance tax by which a steadily increasing rate of duty should be put upon all moneys or other valuables coming by gift, bequest, or devise to any individual or corporation. It may be well to make the tax heavy in proportion as the individual benefited is remote of kin. In any event, in my judgment the pro rata of the tax should increase very heavily with the increase of the amount left to any one individual after a certain point has been reached. It is most desirable to encourage thrift and ambition, and a potent source of thrift and ambition is the desire on the part of the breadwinner to leave his children well off. This object can be attained by making the tax very small on moderate amounts of property left; because the prime object should be to put a constantly increasing burden on the inheritance of those swollen fortunes which it is certainly of no benefit to this country to perpetuate.

There can be no question of the ethical propriety of the Government thus determining the conditions upon which any gift or inheritance should be received. Exactly how far the inheritance tax would, as an incident, have the effect of limiting the transmission by devise or gift of the enormous fortunes in question it is not necessary at present to discuss. It is wise that progress in this direction should be gradual. At first a permanent national inheritance tax, while it might be more substantial than any such tax has hitherto been, need not approximate, either in amount or in the extent of the increase by graduation, to what such a tax should ultimately be.

This species of tax has again and again been imposed, altho only temporarily, by the National Government. It was first imposed by the act of July 6, 1797, when the makers of the Constitution were alive and at the head of affairs. It was a graduated tax; tho small in amount, the rate was increased with the amount left to any individual, exceptions being made in the case of certain close kin. A

similar tax was again imposed by the act of July 1, 1862; a minimum sum of one thousand dollars in personal property being excepted from taxation, the tax then becoming progressive according to the remoteness of kin. The war-revenue act of June 13, 1898, provided for an inheritance tax on any sum exceeding the value of ten thousand dollars, the rate of the tax increasing both in accordance with the amounts left and in accordance with the legatee's remoteness of kin. The Supreme Court has held that the succession tax imposed at the time of the Civil War was not a direct tax but an impost or excise which was both constitutional and valid. More recently the Court, in an opinion delivered by Mr. Justice White, which contained an exceedingly able and elaborate discussion of the powers of the Congress to impose death duties, sustained the constitutionality of the inheritance-tax feature of the war-revenue act of 1898.

In its incidents, and apart from the main purpose of raising revenue, an income tax stands on an entirely different footing from an inheritance tax; because it involves no question of the perpetuation of fortunes swollen to an unhealthy size. The question is in its essence a question of the proper adjustment of burdens to benefits. As the law now stands it is undoubtedly difficult to devise a national income tax which shall be constitutional. But whether it is absolutely impossible is another question; and if possible it is most certainly desirable. The first purely income-tax law was past by the Congress in 1861, but the most important law dealing with the subject was that of 1894. This the court held to be unconstitutional.

The question is undoubtedly very intricate, delicate, and troublesome. The decision of the court was only reached by one majority. It is the law of the land, and of course is accepted as such and loyally obeyed by all good citizens. Nevertheless, the hesitation evidently felt by the court as a whole in coming to a conclusion, when considered together with the previous decisions on the subject, may perhaps indicate the possibility of devising a constitutional income-tax law which shall substantially accomplish the results aimed at. The difficulty of amending the Constitution is so great that only real necessity can justify a resort thereto. Every effort should be made in dealing with this subject, as with the subject of the proper control by the National Government over the use of corporate wealth in interstate business, to devise legislation which without such action shall attain the desired end; but if this fails, there will ultimately be no alternative to a constitutional amendment.

It would be impossible to overstate (tho it is of course difficult quantitatively to measure) the effect upon a nation's growth to greatness of what may be called organized patriotism, which necessarily includes the substitution of a national feeling for mere local pride; with as a resultant a high ambition for the whole country. No country can develop its full strength so long as the parts which make up the whole each put a feeling of loyalty to the part above the feeling of loyalty to the whole. This is true of sections and it is just as true of classes. The industrial and agricultural classes must work together, capitalists and wageworkers must work together, if the best work of which the country is capable is to be done. It is probable that a thoroly efficient system of education comes next to the influence of patriotism in bringing about national success of this kind. Our federal form of government, so fruitful of advantage to our people in certain ways, in other ways undoubtedly limits our national effectiveness. It is not possible, for instance, for the National Government to take the lead in technical industrial education, to see that the public school system of this country develops on all its technical, industrial, scientific, and commercial sides. This must be left primarily to the several States. Nevertheless, the National Government has control of the schools of the District of Columbia, and it should see that these schools promote and encourage the fullest development of the scholars in both commercial and industrial training. The commercial training should in one of its branches deal with foreign trade. The industrial training is even more important. It should be one of our prime objects as a Nation, so far as feasible, constantly to work toward putting the mechanic, the wageworker who works with his hands, on a higher plane of efficiency and reward, so as to increase his effectiveness in the economic world, and the dignity, the remuneration, and the power of his position in the social world. Unfortunately, at present the effect of some of the work in the public schools is in the exactly opposite direction. If boys and girls are trained merely in literary accomplishments, to the total exclusion of industrial, manual, and technical training, the tendency is to unfit them for industrial work and to make them reluctant to go into it, or unfitted to do well if they do go into it. This is a tendency which should be strenuously combated. Our industrial development depends largely upon technical education, including in this term all industrial education, from that which fits a man to be a good mechanic, a good carpenter, or

blacksmith, to that which fits a man to do the greatest engineering feat. The skilled mechanic, the skilled workman, can best become such by technical industrial education. The far-reaching usefulness of institutes of technology and schools of mines or of engineering, is now universally acknowledged, and no less far-reaching is the effect of a good building or mechanical trades school, a textile, or watchmaking, or engraving school. All such training must develop not only manual dexterity but industrial intelligence. In international rivalry this country does not have to fear the competition of pauper labor as much as it has to fear the educated labor of specially trained competitors; and we should have the education of the hand, eye, and brain which will fit us to meet such competition.

In every possible way we should help the wageworker who toils with his hands and who must (we hope in a constantly increasing measure) also toil with his brain. Under the Constitution the National Legislature can do but little of direct importance for his welfare save where he is engaged in work which permits it to act under the interstate commerce clause of the Constitution; and this is one reason why I so earnestly hope that both the legislative and judicial branches of the Government will construe this clause of the Constitution in the broadest possible manner. We can, however, in such a matter as industrial training, in such a matter as child labor and factory laws, set an example to the States by enacting the most advanced legislation that can wisely be enacted for the District of Columbia.

The only other persons whose welfare is as vital to the welfare of the whole country as is the welfare of the wageworkers are the tillers of the soil, the farmers. It is a mere truism to say that no growth of cities, no growth of wealth, no industrial development can atone for any falling off in the character and standing of the farming population.

Agriculture. During the last few decades this fact has been recognized with ever-increasing clearness. There is no longer any failure to realize that farming, at least in certain branches, must become a technical and scientific profession. This means that there must be open to farmers the chance for technical and scientific training, not theoretical merely but of the most severely practical type. The farmer represents a peculiarly high type of American citizenship, and he must have the same chance to rise and develop as other American citizens have. Moreover, it is exactly as true of the farmer, as

it is of the business man and the wageworker, that the ultimate success of the Nation of which he forms a part must be founded not alone on material prosperity but upon high moral, mental, and physical development. This education of the farmer—self-education by preference, but also education from the outside, as with all other men—is peculiarly necessary here in the United States, where the frontier conditions even in the newest States have now nearly vanished, where there must be a substitution of a more intensive system of cultivation for the old wasteful farm management, and where there must be a better business organization among the farmers themselves.

Several factors must cooperate in the improvement of the farmer's condition. He must have the chance to be educated in the widest possible sense—in the sense which keeps ever in view the intimate relationship between the theory of education and the facts of life. In all education we should widen our aims. It is a good thing to produce a certain number of trained scholars and students; but the education superintended by the State must seek rather to produce a hundred good citizens than merely one scholar, and it must be turned now and then from the class book to the study of the great book of nature itself. This is especially true of the farmer, as has been pointed out again and again by all observers most competent to pass practical judgment on the problems of our country life. All students now realize that education must seek to train the executive powers of young people and to confer more real significance upon the phrase "dignity of labor," and to prepare the pupils so that in addition to each developing in the highest degree his individual capacity for work, they may together help create a right public opinion, and show in many ways social and cooperative spirit. Organization has become necessary in the business world; and it has accomplished much for good in the world of labor. It is no less necessary for farmers. Such a movement as the grange movement is good in itself and is capable of a well-nigh infinite further extension for good so long as it is kept to its own legitimate business. The benefits to be derived by the association of farmers for mutual advantage are partly economic and partly sociological.

Moreover, while in the long run voluntary effort will prove more efficacious than government assistance, while the farmers must primarily do most for themselves, yet the Government can also do much. The Department of Agriculture has broken new ground in

many directions, and year by year it finds how it can improve its methods and develop fresh usefulness. Its constant effort is to give the governmental assistance in the most effective way; that is, thru associations of farmers rather than to or thru individual farmers. It is also striving to coordinate its work with the agricultural departments of the several States, and so far as its own work is educational, to coordinate it with the work of other educational authorities. Agricultural education is necessarily based upon general education, but our agricultural educational institutions are wisely specializing themselves, making their courses relate to the actual teaching of the agricultural and kindred sciences to young country people or young city people who wish to live in the country.

Great progress has already been made among farmers by the creation of farmers' institutes, of dairy associations, of breeders' associations, horticultural associations, and the like. A striking example of how the Government and the farmers can cooperate is shown in connection with the menace offered to the cotton growers of the Southern States by the advance of the boll weevil. The Department is doing all it can to organize the farmers in the threatened districts, just as it has been doing all it can to organize them in aid of its work to eradicate the cattle fever tick in the South. The Department can and will cooperate with all such associations, and it must have their help if its own work is to be done in the most efficient style.

Much is now being done for the States of the Rocky Mountains and Great Plains thru the development of the national policy of irrigation and forest preservation; no Government **Irrigation and Forest Preservation.** policy for the betterment of our internal conditions has been more fruitful of good than this. The forests of the White Mountains and Southern Appalachian regions should also be preserved; and they can not be unless the people of the States in which they lie, thru their representatives in the Congress, secure vigorous action by the National Government.

I invite the attention of the Congress to the estimate of the Secretary of War for an appropriation to enable him to begin the preliminary work for the construction of a memorial amphitheater at Arlington. The Grand Army of the Republic in its national encampment has urged the erection of such an amphitheater as necessary for the proper observance of Memorial Day and as a fitting monument to the soldier and sailor dead buried there. In this I heartily concur **Memorial Amphitheater at Arlington.**

and commend the matter to the favorable consideration of the Congress.

I am well aware of how difficult it is to pass a constitutional amendment. Nevertheless in my judgment the whole question of marriage and divorce should be relegated to the authority of the National Congress. At present the wide differences in the laws of the different States on this subject result in scandals and abuses; and surely there is nothing so vitally essential to the welfare of the nation, nothing around which the nation should so bend itself to throw every safeguard, as the home life of the average citizen. The change would be good from every standpoint. In particular it would be good because it would confer on the Congress the power at once to deal radically and efficiently with polygamy; and this should be done whether or not marriage and divorce are dealt with. It is neither safe nor proper to leave the question of polygamy to be dealt with by the several States. Power to deal with it should be conferred on the National Government.

When home ties are loosened; when men and women cease to regard a worthy family life, with all its duties fully performed, and all its responsibilities lived up to, as the life best worth living; then evil days for the commonwealth are at hand. There are regions in our land, and classes of our population, where the birth rate has sunk below the death rate. Surely it should need no demonstration to show that wilful sterility is, from the standpoint of the nation, from the standpoint of the human race, the one sin for which the penalty is national death, race death; a sin for which there is no atonement; a sin which is the more dreadful exactly in proportion as the men and women guilty thereof are in other respects, in character, and bodily and mental powers, those whom for the sake of the state it would be well to see the fathers and mothers of many healthy children, well brought up in homes made happy by their presence. No man, no woman, can shirk the primary duties of life, whether for love of ease and pleasure, or for any other cause, and retain his or her self-respect.

Let me once again call the attention of the Congress to two subjects concerning which I have frequently before communicated with them.

One is the question of developing American shipping. I trust that a law embodying in substance the views, or a major part of the views, express in the report on this subject laid before the House at its last session will be past. I am well aware that in former years objectionable

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Divorce.**

American Shipping.

measures have been proposed in reference to the encouragement of American shipping; but it seems to me that the proposed measure is as nearly unobjectionable as any can be. It will of course benefit primarily our seaboard States, such as Maine, Louisiana, and Washington; but what benefits part of our people in the end benefits all; just as Government aid to irrigation and forestry in the West is really of benefit, not only to the Rocky Mountain States, but to all our country. If it prove impracticable to enact a law for the encouragement of shipping generally, then at least provision should be made for better communication with South America, notably for fast mail lines to the chief South American ports. It is discreditable to us that our business people, for lack of direct communication in the shape of lines of steamers with South America, should in that great sister continent be at a disadvantage compared to the business people of Europe.

I especially call your attention to the second subject, the condition of our currency laws. The national bank act has ably served a great purpose in aiding the enormous business development of the country; and within ten years there has been an **Currency Reform.** increase in circulation per capita from \$21.41 to \$33.08. For several years evidence has been accumulating that additional legislation is needed. The recurrence of each crop season emphasizes the defects of the present laws. There must soon be a revision of them, because to leave them as they are means to incur liability of business disaster. Since your body adjourned there has been a fluctuation in the interest on call money from 2 per cent to 30 per cent; and the fluctuation was even greater during the preceding six months. The Secretary of the Treasury had to step in and by wise action put a stop to the most violent period of oscillation. Even worse than such fluctuation is the advance in commercial rates and the uncertainty felt in the sufficiency of credit even at high rates. All commercial interests suffer during each crop period. Excessive rates for call money in New York attract money from the interior banks into the speculative field; this depletes the fund that would otherwise be available for commercial uses, and commercial borrowers are forced to pay abnormal rates; so that each fall a tax, in the shape of increased interest charges, is placed on the whole commerce of the country.

The mere statement of these facts shows that our present system is seriously defective. There is need of a change. Unfortunately, however, many of the proposed changes must be ruled from consid-

eration because they are complicated, are not easy of comprehension, and tend to disturb existing rights and interests. We must also rule out any plan which would materially impair the value of the United States 2 per cent bonds now pledged to secure circulation, the issue of which was made under conditions peculiarly creditable to the Treasury. I do not press any especial plan. Various plans have recently been proposed by expert committees of bankers. Among the plans which are possibly feasible and which certainly should receive your consideration is that repeatedly brought to your attention by the present Secretary of the Treasury, the essential features of which have been approved by many prominent bankers and business men. According to this plan national banks should be permitted to issue a specified proportion of their capital in notes of a given kind, the issue to be taxed at so high a rate as to drive the notes back when not wanted in legitimate trade. This plan would not permit the issue of currency to give banks additional profits, but to meet the emergency presented by times of stringency.

I do not say that this is the right system. I only advance it to emphasize my belief that there is need for the adoption of some system which shall be automatic and open to all sound banks, so as to avoid all possibility of discrimination and favoritism. Such a plan would tend to prevent the spasms of high money and speculation which now obtain in the New York market; for at present there is too much currency at certain seasons of the year, and its accumulation at New York tempts bankers to lend it at low rates for speculative purposes; whereas at other times when the crops are being moved there is urgent need for a large but temporary increase in the currency supply. It must never be forgotten that this question concerns business men generally quite as much as bankers; especially is this true of stockmen, farmers, and business men in the West; for at present at certain seasons of the year the difference in interest rates between the East and the West is from 6 to 10 per cent, whereas in Canada the corresponding difference is but 2 per cent. Any plan must, of course, guard the interests of western and southern bankers as carefully as it guards the interests of New York or Chicago bankers; and must be drawn from the standpoints of the farmer and the merchant no less than from the standpoints of the city banker and the country banker.

The law should be amended so as specifically to provide that the funds derived from customs duties may be treated by the Secretary of the Treasury as he treats funds obtained under the

internal-revenue laws. There should be a considerable increase in bills of small denominations. Permission should be given banks, if necessary under settled restrictions, to retire their circulation to a larger amount than three millions a month.

I most earnestly hope that the bill to provide a lower tariff for or else absolute free trade in Philippine products will become a law. No harm will come to any American industry; and while there will be some small but real material benefit to the Filipinos, the main benefit will come by the showing made as to our purpose to do all in our power for their welfare. So far our action in the Philippines has been abundantly justified, not mainly and indeed not primarily because of the added dignity it has given us as a nation by proving that we are capable honorably and efficiently to bear the international burdens which a mighty people should bear, but even more because of the immense benefit that has come to the people of the Philippine Islands. In these islands we are steadily introducing both liberty and order, to a greater degree than their people have ever before known. We have secured justice. We have provided an efficient police force, and have put down ladronism. Only in the islands of Leyte and Samar is the authority of our Government resisted and this by wild mountain tribes under the superstitious inspiration of fakirs and pseudo-religious leaders. We are constantly increasing the measure of liberty accorded the islanders, and next spring, if conditions warrant, we shall take a great stride forward in testing their capacity for self-government by summoning the first Filipino legislative assembly; and the way in which they stand this test will largely determine whether the self-government thus granted will be increased or decreased; for if we have erred at all in the Philippines it has been in proceeding too rapidly in the direction of granting a large measure of self-government. We are building roads. We have, for the immeasurable good of the people, arranged for the building of railroads. Let us also see to it that they are given free access to our markets. This nation owes no more imperative duty to itself and mankind than the duty of managing the affairs of all the islands under the American flag—the Philippines, Porto Rico, and Hawaii—so as to make it evident that it is in every way to their advantage that the flag should fly over them.

American citizenship should be conferred on the citizens of Porto Rico. The harbor of San Juan in Porto Rico should be dredged

and improved. The expenses of the federal court of Porto Rico should be met from the Federal Treasury. The administration of the affairs of Porto Rico, together with those of the Philippines, Hawaii, and our other insular possessions, should all be directed under one executive department; by preference the Department of State or the Department of War.

**Porto Rican
Affairs.**

The needs of Hawaii are peculiar; every aid should be given the islands; and our efforts should be unceasing to develop them along the lines of a community of small freeholders, not of great planters with coolie-tilled estates. Situated as this Territory is, in the middle of the Pacific, there are duties imposed upon this small community which do not fall in like degree or manner upon any other American community. This warrants our treating it differently from the way in which we treat Territories contiguous to or surrounded by sister Territories or other States, and justifies the setting aside of a portion of our revenues to be expended for educational and internal improvements therein. Hawaii is now making an effort to secure immigration fit in the end to assume the duties and burdens of full American citizenship, and whenever the leaders in the various industries of those islands finally adopt our ideals and heartily join our administration in endeavoring to develop a middle class of substantial citizens, a way will then be found to deal with the commercial and industrial problems which now appear to them so serious. The best Americanism is that which aims for stability and permanency of prosperous citizenship, rather than immediate returns on large masses of capital.

Alaska's needs have been partially met, but there must be a complete reorganization of the governmental system, as I have before indicated to you. I ask your especial attention to this. Our fellow-citizens who dwell on the shores of Puget Sound with characteristic energy are arranging to hold in Seattle the Alaska Yukon Pacific Exposition. Its special aims include the upbuilding of Alaska and the development of American commerce on the Pacific Ocean. This exposition, in its purposes and scope, should appeal not only to the people of the Pacific slope, but to the people of the United States at large. Alaska since it was bought has yielded to the Government eleven millions of dollars of revenue, and has produced nearly three hundred millions of dollars in gold, furs, and fish. When properly

Alaska.

developed it will become in large degree a land of homes. The countries bordering the Pacific Ocean have a population more numerous than that of all the countries of Europe; their annual foreign commerce amounts to over three billions of dollars, of which the share of the United States is some seven hundred millions of dollars. If this trade were thoroly understood and pushed by our manufacturers and producers, the industries not only of the Pacific slope, but of all our country, and particularly of our cotton growing States, would be greatly benefited. Of course, in order to get these benefits, we must treat fairly the countries with which we trade.

It is a mistake, and it betrays a spirit of foolish cynicism, to maintain that all international governmental action is, and must ever be, based upon mere selfishness, and that to advance ethical reasons for such action is always a sign of hypocrisy. This is no more necessarily true of the action of governments than of the action of individuals. It is a sure sign of a base nature always to ascribe base motives for the actions of others. Unquestionably no nation can afford to disregard proper considerations of self-interest, any more than a private individual can so do. But it is equally true that the average private individual in any really decent community does many actions with reference to other men in which he is guided, not by self-interest, but by public spirit, by regard for the rights of others, by a disinterested purpose to do good to others, and to raise the tone of the community as a whole. Similarly, a really great nation must often act, and as a matter of fact often does act, toward other nations in a spirit not in the least of mere self-interest, but paying heed chiefly to ethical reasons; and as the centuries go by this disinterestedness in international action, this tendency of the individuals comprizing a nation to require that nation to act with justice toward its neighbors, steadily grows and strengthens. It is neither wise nor right for a nation to disregard its own needs, and it is foolish—and may be wicked—to think that other nations will disregard theirs. But it is wicked for a nation only to regard its own interest, and foolish to believe that such is the sole motive that actuates any other nation. It should be our steady aim to raise the ethical standard of national action just as we strive to raise the ethical standard of individual action.

Not only must we treat all nations fairly, but we must treat with justice and good will all immigrants who come here under the law. Whether they are Catholic or Protestant, Jew or Gentile; whether

International Morality.

they come from England or Germany, Russia, Japan, or Italy, matters nothing. All we have a right to question is the man's conduct. If he is honest and upright in his dealings with his neighbor and with the State, then he is entitled to respect and good treatment. Especially do we need to remember our duty to the stranger within our gates. It is the sure mark of a low civilization, a low morality, to abuse or discriminate against or in any way humiliate such stranger who has come here lawfully and who is conducting himself properly. To remember this is incumbent on every American citizen, and it is of course peculiarly incumbent on every Government official, whether of the nation or of the several States.

I am prompted to say this by the attitude of hostility here and there assumed toward the Japanese in this country. This hostility is sporadic and is limited to a very few places. Nevertheless, it is most discreditable to us as a people, and it may be fraught with the gravest consequences to the nation. The friendship between the United States and Japan has been continuous since the time, over half a century ago, when Commodore Perry, by his expedition to Japan, first opened the islands to western civilization. Since then the growth of Japan has been literally astounding. There is not only nothing to parallel it, but nothing to approach it in the history of civilized mankind. Japan has a glorious and ancient past. Her civilization is older than that of the nations of northern Europe—the nations from whom the people of the United States have chiefly sprung. But fifty years ago Japan's development was still that of the Middle Ages. During that fifty years the progress of the country in every walk in life has been a marvel to mankind, and she now stands as one of the greatest of civilized nations; great in the arts of war and in the arts of peace; great in military, in industrial, in artistic development and achievement. Japanese soldiers and sailors have shown themselves equal in combat to any of whom history makes note. She has produced great generals and mighty admirals; her fighting men, afloat and ashore, show all the heroic courage, the unquestioning, unfaltering loyalty, the splendid indifference to hardship and death, which marked the Loyal Ronins; and they show also that they possess the highest ideal of patriotism. Japanese artists of every kind see their products eagerly sought for in all lands. The industrial and commercial development of Japan has been phenomenal; greater than that of any other country during the same period. At the same time the advance in science and philosophy is no less marked. The admirable management of the Japanese Red Cross during the late war, the efficiency and humanity of the

Japanese officials, nurses, and doctors, won the respectful admiration of all acquainted with the facts. Thru the Red Cross the Japanese people sent over \$100,000 to the sufferers of San Francisco, and the gift was accepted with gratitude by our people. The courtesy of the Japanese, nationally and individually, has become proverbial. To no other country has there been such an increasing number of visitors from this land as to Japan. In return, Japanese have come here in great numbers. They are welcome, socially and intellectually, in all our colleges and institutions of higher learning, in all our professional and social bodies. The Japanese have won in a single generation the right to stand abreast of the foremost and most enlightened peoples of Europe and America; they have won on their own merits and by their own exertions the right to treatment on a basis of full and frank equality. The overwhelming mass of our people cherish a lively regard and respect for the people of Japan, and in almost every quarter of the Union the stranger from Japan is treated as he deserves; that is, he is treated as the stranger from any part of civilized Europe is and deserves to be treated. But here and there a most unworthy feeling has manifested itself toward the Japanese—the feeling that has been shown in shutting them out from the common schools in San Francisco, and in mutterings against them in one or two other places, because of their efficiency as workers. To shut them out from the public schools is a wicked absurdity, when there are no first-class colleges in the land, including the universities and colleges of California, which do not gladly welcome Japanese students and on which Japanese students do not reflect credit. We have as much to learn from Japan as Japan has to learn from us; and no nation is fit to teach unless it is also willing to learn. Thruout Japan Americans are well treated, and any failure on the part of Americans at home to treat the Japanese with a like courtesy and consideration is by just so much a confession of inferiority in our civilization.

Our nation fronts on the Pacific, just as it fronts on the Atlantic. We hope to play a constantly growing part in the great ocean of the Orient. We wish, as we ought to wish, for a great commercial development in our dealings with Asia; and it is out of the question that we should permanently have such development unless we freely and gladly extend to other nations the same measure of justice and good treatment which we expect to receive in return. It is only a very small body of our citizens that act badly. Where the Federal

Government has power it will deal summarily with any such. Where the several States have power I earnestly ask that they also deal wisely and promptly with such conduct, or else this small body of wrongdoers may bring shame upon the great mass of their innocent and right-thinking fellows—that is, upon our nation as a whole. Good manners should be an international no less than an individual attribute. I ask fair treatment for the Japanese as I would ask fair treatment for Germans or Englishmen, Frenchmen, Russians, or Italians. I ask it as due to humanity and civilization. I ask it as due to ourselves because we must act uprightly toward all men.

I recommend to the Congress that an act be past specifically providing for the naturalization of Japanese who come here intending to become American citizens. One of the great embarrassments attending the performance of our international obligations is the fact that the Statutes of the United States are entirely inadequate. They fail to give to the National Government sufficiently ample power, thru United States courts and by the use of the Army and Navy, to protect aliens in the rights secured to them under solemn treaties which are the law of the land. I therefore earnestly recommend that the criminal and civil statutes of the United States be so amended and added to as to enable the President, acting for the United States Government, which is responsible in our international relations, to enforce the rights of aliens under treaties. Even as the law now is something can be done by the Federal Government toward this end, and in the matter now before me affecting the Japanese, everything that it is in my power to do will be done, and all of the forces, military and civil, of the United States which I may lawfully employ will be so employed. There should, however, be no particle of doubt as to the power of the National Government completely to perform and enforce its own obligations to other nations. The mob of a single city may at any time perform acts of lawless violence against some class of foreigners which would plunge us into war. That city by itself would be powerless to make defense against the foreign power thus assaulted, and if independent of this Government it would never venture to perform or permit the performance of the acts complained of. The entire power and the whole duty to protect the offending city or the offending community lies in the hands of the United States Government. It is unthinkable that we should continue a policy under which a given locality may be allowed to commit a crime against a friendly nation, and the United States Government limited, not to preventing the

commission of the crime, but, in the last resort, to defending the people who have committed it against the consequences of their own wrongdoing.

Last August an insurrection broke out in Cuba which it speedily grew evident that the existing Cuban Government was powerless to quell. This Government was repeatedly asked by the then Cuban Government to intervene, and finally was notified by the President of Cuba that he intended to resign; that his decision was irrevocable; that none of the other constitutional officers would consent to carry on the Government, and that he was powerless to maintain order. It was evident that chaos was impending, and there was every probability that if steps were not immediately taken by this Government to try to restore order, the representatives of various European nations in the island would apply to their respective governments for armed intervention in order to protect the lives and property of their citizens. Thanks to the preparedness of our Navy, I was able immediately to send enough ships to Cuba to prevent the situation from becoming hopeless; and I furthermore dispatched to Cuba the Secretary of War and the Assistant Secretary of State, in order that they might grapple with the situation on the ground. All efforts to secure an agreement between the contending factions, by which they should themselves come to an amicable understanding and settle upon some modus vivendi—some provisional government of their own—failed. Finally the President of the Republic resigned. The quorum of Congress assembled failed by deliberate purpose of its members, so that there was no power to act on his resignation, and the Government came to a halt. In accordance with the so-called Platt amendment, which was embodied in the constitution of Cuba, I thereupon proclaimed a provisional government for the island, the Secretary of War acting as provisional governor until he could be replaced by Mr. Magoon, the late minister to Panama and governor of the Canal Zone on the Isthmus; troops were sent to support them and to relieve the Navy, the expedition being handled with most satisfactory speed and efficiency. The insurgent chiefs immediately agreed that their troops should lay down their arms and disband; and the agreement was carried out. The provisional government has left the personnel of the old government and the old laws, so far as might be, unchanged, and will thus administer the island for a few months until tranquillity can be restored, a new election properly held, and a new government inaugurated. Peace has come in the island; and the harvesting of

the sugar-cane crop, the great crop of the island, is about to proceed.

When the election has been held and the new government inaugurated in peaceful and orderly fashion the provisional government will come to an end. I take this opportunity of expressing upon behalf of the American people, with all possible solemnity, our most earnest hope that the people of Cuba will realize the imperative need of preserving justice and keeping order in the Island. The United States wishes nothing of Cuba except that it shall prosper morally and materially, and wishes nothing of the Cubans save that they shall be able to preserve order among themselves and therefore to preserve their independence. If the elections become a farce, and if the insurrectionary habit becomes confirmed in the Island, it is absolutely out of the question that the Island should continue independent; and the United States, which has assumed the sponsorship before the civilized world for Cuba's career as a nation, would again have to intervene and to see that the government was managed in such orderly fashion as to secure the safety of life and property. The path to be trodden by those who exercise self-government is always hard, and we should have every charity and patience with the Cubans as they tread this difficult path. I have the utmost sympathy with, and regard for, them; but I most earnestly adjure them solemnly to weigh their responsibilities and to see that when their new government is started it shall run smoothly, and with freedom from flagrant denial of right on the one hand, and from insurrectionary disturbances on the other.

The Second International Conference of American Republics, held in Mexico in the years 1901-2, provided for the holding of the third conference within five years, and committed the fixing of the time and place and the arrangements for the conference to the governing board of the Bureau of American Republics, composed of the representatives of all the American nations in Washington. That board discharged the duty imposed upon it with marked fidelity and painstaking care, and upon the courteous invitation of the United States of Brazil, the conference was held at Rio de Janeiro, continuing from the 23d of July to the 29th of August last. Many subjects of common interest to all the American nations were discussed by the conference, and the conclusions reached, embodied in a series of resolutions and proposed conventions, will be laid before you upon the coming in of the final report of the American delegates. They contain many matters of importance relating to the extension of trade, the increase

The Rio Conference.

of communication, the smoothing away of barriers to free intercourse, and the promotion of a better knowledge and good understanding between the different countries represented. The meetings of the conference were harmonious and the conclusions were reached with substantial unanimity. It is interesting to observe that in the successive conferences which have been held the representatives of the different American nations have been learning to work together effectively, for, while the First Conference in Washington in 1889, and the Second Conference in Mexico in 1901-2, occupied many months, with much time wasted in an unregulated and fruitless discussion, the Third Conference at Rio exhibited much of the facility in the practical dispatch of business which characterizes permanent deliberative bodies, and completed its labors within the period of six weeks originally allotted for its sessions.

Quite apart from the specific value of the conclusions reached by the conference, the example of the representatives of all the American nations engaging in harmonious and kindly consideration and discussion of subjects of common interest is itself of great and substantial value for the promotion of reasonable and considerate treatment of all international questions. The thanks of this country are due to the Government of Brazil and to the people of Rio de Janeiro for the generous hospitality with which our delegates, in common with the others, were received, entertained, and facilitated in their work.

Incidentally to the meeting of the conference, the Secretary of State visited the city of Rio de Janeiro and was cordially received by the conference, of which he was made an honorary president. The announcement of his intention to make this visit was followed by most courteous and urgent invitations from nearly all the countries of South America to visit them as the guest of their Governments. It was deemed that by the acceptance of these invitations we might appropriately express the real respect and friendship in which we hold our sister Republics of the southern continent, and the Secretary, accordingly, visited Brazil, Uruguay, Argentina, Chile, Peru, Panama, and Colombia. He refrained from visiting Paraguay, Bolivia, and Ecuador only because the distance of their capitals from the seaboard made it impracticable with the time at his disposal. He carried with him a message of peace and friendship, and of strong desire for good understanding and mutual helpfulness; and he was everywhere received in the spirit of his message. The members of government, the press, the learned professions, the men of business,

and the great masses of the people united everywhere in emphatic response to his friendly expressions and in doing honor to the country and cause which he represented.

In many parts of South America there has been much misunderstanding of the attitude and purposes of the United States toward the other American Republics. An idea had become prevalent that our assertion of the Monroe Doctrine implied, or carried with it, an assumption of superiority, and of a right to exercise some kind of protectorate over the countries to whose territory that doctrine applies. Nothing could be farther from the truth. Yet that impression continued to be a serious barrier to good understanding, to friendly intercourse, to the introduction of American capital and the extension of American trade. The impression was so widespread that apparently it could not be reached by any ordinary means.

It was part of Secretary Root's mission to dispel this unfounded impression, and there is just cause to believe that he has succeeded. In an address to the third conference at Rio on the 31st of July—an address of such note that I send it in, together with this message—he said:

“We wish for no victories but those of peace; for no territory except our own; for no sovereignty except the sovereignty over ourselves. We deem the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire, and we deem the observance of that respect the chief guaranty of the weak against the oppression of the strong. We neither claim nor desire any rights or privileges or powers that we do not freely concede to every American Republic. We wish to increase our prosperity, to extend our trade, to grow in wealth, in wisdom, and in spirit, but our conception of the true way to accomplish this is not to pull down others and profit by their ruin, but to help all friends to a common prosperity and a common growth, that we may all become greater and stronger together. Within a few months for the first time the recognized possessors of every foot of soil upon the American continents can be and I hope will be represented with the acknowledged rights of equal sovereign states in the great World Congress at The Hague. This will be the world's formal and final acceptance of the declaration that no part of the American continents is to be deemed subject to colonization. Let us pledge ourselves to aid each other in the full performance of the duty to humanity which that accepted declaration implies, so that in time the weakest and most unfortunate of

our Republics may come to march with equal step by the side of the stronger and more fortunate. Let us help each other to show that for all the races of men the liberty for which we have fought and labored is the twin sister of justice and peace. Let us unite in creating and maintaining and making effective an all-American public opinion, whose power shall influence international conduct and prevent international wrong, and narrow the causes of war, and forever preserve our free lands from the burden of such armaments as are massed behind the frontiers of Europe, and bring us ever nearer to the perfection of ordered liberty. So shall come security and prosperity, production and trade, wealth, learning, the arts, and happiness for us all."

These words appear to have been received with acclaim in every part of South America. They have my hearty approval, as I am sure they will have yours, and I can not be wrong in the conviction that they correctly represent the sentiments of the whole American people. I can not better characterize the true attitude of the United States in its assertion of the Monroe Doctrine than in the words of the distinguished former minister of foreign affairs of Argentina, Doctor Drago, in his speech welcoming Mr. Root at Buenos Ayres. He spoke of—

"The traditional policy of the United States (which) without accentuating superiority or seeking preponderance, condemned the oppression of the nations of this part of the world and the control of their destinies by the great Powers of Europe."

It is gratifying to know that in the great city of Buenos Ayres, upon the arches which spanned the streets, entwined with Argentine and American flags for the reception of our representative, there were emblazoned not only the names of Washington and Jefferson and Marshall, but also, in appreciative recognition of their services to the cause of South American independence, the names of James Monroe, John Quincy Adams, Henry Clay, and Richard Rush. We take especial pleasure in the graceful courtesy of the Government of Brazil, which has given to the beautiful and stately building first used for the meeting of the conference the name of "Palacio Monroe." Our grateful acknowledgments are due to the Governments and the people of all the countries visited by the Secretary of State for the courtesy, the friendship, and the honor shown to our country in their generous hospitality to him.

In my message to you on the 5th of December, 1905, I called your attention to the embarrassment that might be caused to this

Government by the assertion by foreign nations of the right to collect by force of arms contract debts due by American republics to citizens of the collecting nation, and to the danger that the process of compulsory collection might result in the occupation of territory tending to become permanent. I then said:

“Our own Government has always refused to enforce such contractual obligations on behalf of its citizens by an appeal to arms. It is much to be wished that all foreign governments would take the same view.”

This subject was one of the topics of consideration at the conference at Rio and a resolution was adopted by that conference recommending to the respective governments represented “to consider the advisability of asking the Second Peace Conference at The Hague to examine the question of the compulsory collection of public debts, and in general, means tending to diminish among nations conflicts of purely pecuniary origin.”

This resolution was supported by the representatives of the United States in accordance with the following instructions:

“It has long been the established policy of the United States not to use its armed forces for the collection of ordinary contract debts due to its citizens by other governments. We have not considered the use of force for such a purpose consistent with that respect for the independent sovereignty of other members of the family of nations, which is the most important principle of international law and the chief protection of weak nations against the oppression of the strong. It seems to us that the practise is injurious in its general effect upon the relations of nations and upon the welfare of weak and disordered states, whose development ought to be encouraged in the interests of civilization; that it offers frequent temptation to bullying and oppression and to unnecessary and unjustifiable warfare. We regret that other powers, whose opinions and sense of justice we esteem highly, have at times taken a different view and have permitted themselves, tho we believe with reluctance, to collect such debts by force. It is doubtless true that the non-payment of public debts may be accompanied by such circumstances of fraud and wrongdoing or violation of treaties as to justify the use of force. This Government would be glad to see an international consideration of the subject which shall discriminate between such cases and the simple nonperformance of a contract with a private person, and a resolution in favor of reliance upon peaceful means in cases of the latter class.

“It is not felt, however, that the conference at Rio should undertake to make such a discrimination or to resolve upon such a rule. Most of the American countries are still debtor nations, while the countries of Europe are the creditors. If the Rio conference, therefore, were to take such action it would have the appearance of a meeting of debtors resolving how their creditors should act, and this would not inspire respect. The true course is indicated by the terms of the program, which proposes to request the Second Hague Conference, where both creditors and debtors will be assembled, to consider the subject.”

Last June trouble which had existed for some time between the Republics of Salvador, Guatemala, and Honduras culminated in war—a war which threatened to be ruinous to the countries involved and very destructive to the commercial interests of Americans, Mexicans, and other foreigners who are taking an important part in the development of these countries. The thoroly good understanding which exists between the United States and Mexico enabled this Government and that of Mexico to unite in effective mediation between the warring Republics; which mediation resulted, not without long-continued and patient effort, in bringing about a meeting of the representatives of the hostile powers on board a United States warship as neutral territory, and peace was there concluded; a peace which resulted in the saving of thousands of lives and in the prevention of an incalculable amount of misery and the destruction of property and of the means of livelihood. The Rio Conference past the following resolution in reference to this action:

“That the Third International American Conference shall address to the Presidents of the United States of America and of the United States of Mexico a note in which the conference which is being held at Rio expresses its satisfaction at the happy results of their mediation for the celebration of peace between the Republics of Guatemala, Honduras, and Salvador.”

This affords an excellent example of one way in which the influence of the United States can properly be exercised for the benefit of the peoples of the Western Hemisphere; that is, by action taken in concert with other American republics and therefore free from those suspicions and prejudices which might attach if the action were taken by one alone. In this way it is possible to exercise a powerful influence toward the substitution of considerate action in the spirit of justice for the insurrectionary or international violence

which has hitherto been so great a hindrance to the development of many of our neighbors. Repeated examples of united action by several or many American republics in favor of peace, by urging cool and reasonable, instead of excited and belligerent, treatment of international controversies, can not fail to promote the growth of a general public opinion among the American nations which will elevate the standards of international action, strengthen the sense of international duty among governments, and tell in favor of the peace of mankind.

I have just returned from a trip to Panama and shall report to you at length later on the whole subject of the Panama Trip. Panama Canal.

The Algeciras Convention, which was signed by the United States as well as by most of the powers of Europe, supersedes the previous convention of 1880, which was also signed both by the United States and a majority of the European powers. This treaty confers upon us equal commercial rights with all European countries and does not entail a single obligation of any kind upon us, and I earnestly hope it may be speedily ratified. To refuse to ratify it would merely mean that we forfeited our commercial rights in Morocco and would not achieve another object of any kind. In the event of such refusal we would be left for the first time in a hundred and twenty years without any commercial treaty with Morocco; and this at a time when we are everywhere seeking new markets and outlets for trade.

The destruction of the Pribilof Islands fur seals by pelagic sealing still continues. The herd which, according to the surveys made in 1874 by direction of the Congress, numbered 4,700,000, and which, according to the survey of both American and Canadian commissioners in 1891, amounted to 1,000,000, has now been reduced to about 180,000. This result has been brought about by Canadian and some other sealing vessels killing the female seals while in the water during their annual pilgrimage to and from the south, or in search of food. As a rule the female seal when killed is pregnant, and also has an unweaned pup on land, so that, for each skin taken by pelagic sealing, as a rule, three lives are destroyed—the mother, the unborn offspring, and the nursing pup, which is left to starve to death. No damage whatever is done to the herd by the carefully regulated killing on land; the custom of pelagic sealing is solely responsible for all of the present

evil, and is alike indefensible from the economic standpoint and from the standpoint of humanity.

In 1896 over 16,000 young seals were found dead from starvation on the Pribilof Islands. In 1897 it was estimated that since pelagic sealing began upward of 400,000 adult female seals had been killed at sea, and over 300,000 young seals had died of starvation as the result. The revolting barbarity of such a practise, as well as the wasteful destruction which it involves, needs no demonstration and is its own condemnation. The Bering Sea Tribunal, which sat in Paris in 1893, and which decided against the claims of the United States to exclusive jurisdiction in the waters of Bering Sea and to a property right in the fur seals when outside of the three mile limit, determined also upon certain regulations which the Tribunal considered sufficient for the proper protection and preservation of the fur seal in, or habitually resorting to, the Bering Sea. The Tribunal by its regulations established a close season, from the 1st of May to the 31st of July, and excluded all killing in the waters within 60 miles around the Pribilof Islands. They also provided that the regulations which they had determined upon, with a view to the protection and preservation of the seals, should be submitted every five years to new examination, so as to enable both interested Governments to consider whether, in the light of past experience, there was occasion for any modification thereof.

The regulations have proved plainly inadequate to accomplish the object of protection and preservation of the fur seals, and for a long time this Government has been trying in vain to secure from Great Britain such revision and modification of the regulations as were contemplated and provided for by the award of the Tribunal of Paris.

The process of destruction has been accelerated during recent years by the appearance of a number of Japanese vessels engaged in pelagic sealing. As these vessels have not been bound even by the inadequate limitations prescribed by the Tribunal of Paris, they have paid no attention either to the close season or to the sixty-mile limit imposed upon the Canadians, and have prosecuted their work up to the very islands themselves. On July 16 and 17, the crews from several Japanese vessels made raids upon the island of St. Paul, and before they were beaten off by the very meager and insufficiently armed guard, they succeeded in killing several hundred seals and carrying off the skins of most of them. Nearly all the seals killed were females and the work was done with frightful barbarity. Many of the seals appear to have been skinned

alive and many were found half skinned and still alive. The raids were repelled only by the use of firearms, and five of the raiders were killed, two were wounded, and twelve captured, including the two wounded. Those captured have since been tried and sentenced to imprisonment. An attack of this kind had been wholly unlookt for, but such provision of vessels, arms, and ammunition will now be made that its repetition will not be found profitable.

Suitable representations regarding the incident have been made to the Government of Japan, and we are assured that all practicable measures will be taken by that country to prevent any recurrence of the outrage. On our part, the guard on the island will be increased, and better equipped and organized, and a better revenue-cutter patrol service about the islands will be established; next season a United States war vessel will also be sent there.

We have not relaxed our efforts to secure an agreement with Great Britain for adequate protection of the seal herd, and negotiations with Japan for the same purpose are in progress.

The laws for the protection of the seals within the jurisdiction of the United States need revision and amendment. Only the islands of St. Paul and St. George are now, in terms, included in the Government reservation, and the other islands are also to be included. The landing of aliens as well as citizens upon the islands, without a permit from the Department of Commerce and Labor, for any purpose except in case of stress of weather or for water, should be prohibited under adequate penalties. The approach of vessels for the excepted purposes should be regulated. The authority of the Government agents on the islands should be enlarged, and the chief agent should have the powers of a committing magistrate. The entrance of a vessel into the territorial waters surrounding the islands with intent to take seals should be made a criminal offense and cause of forfeiture. Authority for seizures in such cases should be given and the presence on any such vessel of seals or sealskins, or the paraphernalia for taking them, should be made *prima facie* evidence of such intent. I recommend what legislation is needed to accomplish these ends; and I commend to your attention the report of Mr. Sims, of the Department of Commerce and Labor, on this subject.

In case we are compelled to abandon the hope of making arrangements with other governments to put an end to the hideous cruelty now incident to pelagic sealing, it will be a question for your serious consideration how far we should continue to protect and maintain

the seal herd on land with the result of continuing such a practise, and whether it is not better to end the practise by exterminating the herd ourselves in the most humane way possible.

In my last message I advised you that the Emperor of Russia had taken the initiative in bringing about a second peace conference at The Hague. Under the guidance of Russia the arrangement of the preliminaries for such a conference has been progressing during the past year. Progress has necessarily been slow, owing to the great number of countries to be consulted upon every question that has arisen. It is a matter of satisfaction that all of the American Republics have now, for the first time, been invited to join in the proposed conference.

The close connection between the subjects to be taken up by the Red Cross Conference held at Geneva last summer, and the subjects which naturally would come before The Hague Conference, made it apparent that it was desirable to have the work of the Red Cross Conference completed and considered by the different powers before the meeting at The Hague. The Red Cross Conference ended its labors on the 6th day of July, and the revised and amended convention, which was signed by the American delegates, will be promptly laid before the Senate.

By the special and highly appreciated courtesy of the Governments of Russia and the Netherlands, a proposal to call The Hague Conference together at a time which would conflict with the Conference of the American Republics at Rio de Janeiro in August was laid aside. No other date has yet been suggested. A tentative program for the conference has been proposed by the Government of Russia, and the subjects which it enumerates are undergoing careful examination and consideration in preparation for the conference.

It must ever be kept in mind that war is not merely justifiable, but imperative, upon honorable men, upon an honorable nation, where peace can only be obtained by the sacrifice of conscientious conviction or of national welfare. Peace is normally a great good, and normally it coincides with righteousness; but it is righteousness and not peace which should bind the conscience of a nation as it should bind the conscience of an individual; and neither a nation nor an individual can surrender conscience to another's keeping. Neither can a nation, which is an entity, and which does not die as individuals die, refrain from taking thought for the interest of the generations that are to come, no less than for the interest of the generation of to-day; and no

Peace and
Righteousness.

5455

6th day of July

Peace -

Cuba -

public men have a right, whether from shortsightedness, from selfish indifference, or from sentimentality, to sacrifice national interests which are vital in character. A just war is in the long run far better for a nation's soul than the most prosperous peace obtained by acquiescence in wrong or injustice. Moreover, tho it is criminal for a nation not to prepare for war, so that it may escape the dreadful consequences of being defeated in war, yet it must always be remembered that even to be defeated in war may be far better than not to have fought at all. As has been well and finely said, a beaten nation is not necessarily a disgraced nation; but the nation or man is disgraced if the obligation to defend right is shirked.

We should as a nation do everything in our power for the cause of honorable peace. It is morally as indefensible for a nation to commit a wrong upon another nation, strong or weak, as for an individual thus to wrong his fellows. We should do all in our power to hasten the day when there shall be peace among the nations—a peace based upon justice and not upon cowardly submission to wrong. We can accomplish a good deal in this direction, but we can not accomplish everything, and the penalty of attempting to do too much would almost inevitably be to do worse than nothing; for it must be remembered that fantastic extremists are not in reality leaders of the causes which they espouse, but are ordinarily those who do most to hamper the real leaders of the cause and to damage the cause itself. As yet there is no likelihood of establishing any kind of international power, of whatever sort, which can effectively check wrongdoing, and in these circumstances it would be both a foolish and an evil thing for a great and free nation to deprive itself of the power to protect its own rights and even in exceptional cases to stand up for the rights of others. Nothing would more promote iniquity, nothing would further defer the reign upon earth of peace and righteousness, than for the free and enlightened peoples which, tho with much stumbling and many shortcomings, nevertheless strive toward justice, deliberately to render themselves powerless while leaving every despotism and barbarism armed and able to work their wicked will. The chance for the settlement of disputes peacefully, by arbitration, now depends mainly upon the possession by the nations that mean to do right of sufficient armed strength to make their purpose effective.

The United States Navy is the surest guarantor of peace which this country possesses. It is earnestly to be wisht that we would profit by the teachings of history in this matter. A strong and wise

people will study its own failures no less than its triumphs, for there is wisdom to be learned from the study of both, of the mistake as well as of the success. For this purpose nothing could be more instructive than a rational study of the war of 1812, as it is told, for instance, by Captain Mahan. There was only one way in which that war could have been avoided. If during the preceding twelve years a navy relatively as strong as that which this country now has had been built up, and an army provided relatively as good as that which the country now has, there never would have been the slightest necessity of fighting the war; and if the necessity had arisen the war would under such circumstances have ended with our speedy and overwhelming triumph. But our people during those twelve years refused to make any preparations whatever, regarding either the Army or the Navy. They saved a million or two of dollars by so doing; and in mere money paid a hundredfold for each million they thus saved during the three years of war which followed—a war which brought untold suffering upon our people, which at one time threatened the gravest national disaster, and which, in spite of the necessity of waging it, resulted merely in what was in effect a drawn battle, while the balance of defeat and triumph was almost even.

I do not ask that we continue to increase our Navy. I ask merely that it be maintained at its present strength; and this can be done only if we replace the obsolete and outworn ships by new and good ones, the equals of any afloat in any navy. To stop building ships for one year means that for that year the Navy goes back instead of forward. The old battle ship Texas, for instance, would now be of little service in a stand-up fight with a powerful adversary. The old double-turret monitors have outworn their usefulness, while it was a waste of money to build the modern single-turret monitors. All these ships should be replaced by others; and this can be done by a well-settled program of providing for the building each year of at least one first-class battle ship equal in size and speed to any that any nation is at the same time building; the armament presumably to consist of as large a number as possible of very heavy guns of one caliber, together with smaller guns to repel torpedo attack; while there should be heavy armor, turbine engines, and in short, every modern device. Of course, from time to time, cruisers, colliers, torpedo-boat destroyers or torpedo boats, will have to be built also. All this, be it remembered, would not increase our Navy, but would merely keep it at its present strength. Equally of course, the ships will be absolutely useless if the men aboard them are not so trained that

they can get the best possible service out of the formidable but delicate and complicated mechanisms intrusted to their care. The marksmanship of our men has so improved during the last five years that I deem it within bounds to say that the Navy is more than twice as efficient, ship for ship, as half a decade ago. The Navy can only attain proper efficiency if enough officers and men are provided, and if these officers and men are given the chance (and required to take advantage of it) to stay continually at sea and to exercise the fleets singly and above all in squadron, the exercise to be of every kind and to include unceasing practise at the guns, conducted under conditions that will test marksmanship in time of war.

In both the Army and the Navy there is urgent need that everything possible should be done to maintain the highest standard for the personnel, alike as regards the officers and the enlisted men. I do not believe that in any service there is a finer body of enlisted men and of junior officers than we have in both the Army and the Navy, including the Marine Corps. All possible encouragement to the enlisted men should be given, in pay and otherwise, and everything practicable done to render the service attractive to men of the right type. They should be held to the strictest discharge of their duty, and in them a spirit should be encouraged which demands not the mere performance of duty, but the performance of far more than duty, if it conduces to the honor and the interest of the American nation; and in return the amplest consideration should be theirs.

West Point and Annapolis already turn out excellent officers. We do not need to have these schools made more scholastic. On the contrary we should never lose sight of the fact that the aim of each school is to turn out a man who shall be above everything else a fighting man. In the Army in particular it is not necessary that either the cavalry or infantry officer should have special mathematical ability. Probably in both schools the best part of the education is the high standard of character and of professional morale which it confers.

But in both services there is urgent need for the establishment of a principle of selection which will eliminate men after a certain age if they can not be promoted from the subordinate ranks, and which will bring into the higher ranks fewer men, and these at an earlier age. This principle of selection will be objected to by good men of mediocre capacity who are fitted to do well while young in the lower positions, but who are not fitted to do well when at an advanced age they come into positions of command and of great responsibility.

But the desire of these men to be promoted to positions which they are not competent to fill should not weigh against the interests of the Navy and the country. At present our men, especially in the Navy, are kept far too long in the junior grades, and then, at much too advanced an age, are put quickly thru the senior grades, often not attaining to these senior grades until they are too old to be of real use in them; and if they are of real use, being put thru them so quickly that little benefit to the Navy comes from their having been in them at all.

The Navy has one great advantage over the Army in the fact that the officers of high rank are actually trained in the continual performance of their duties; that is, in the management of the battle ships and armored cruisers gathered into fleets. This is not true of the army officers, who rarely have corresponding chances to exercise command over troops under service conditions. The conduct of the Spanish war showed the lamentable loss of life, the useless extravagance, and the inefficiency certain to result, if during peace the high officials of the War and Navy Departments are praised and rewarded only if they save money at no matter what cost to the efficiency of the service, and if the higher officers are given no chance whatever to exercise and practise command. For years prior to the Spanish war the Secretaries of War were praised chiefly if they practised economy; which economy, especially in connection with the quartermaster, commissary, and medical departments, was directly responsible for most of the mismanagement that occurred in the war itself—and parenthetically be it observed that the very people who clamored for the misdirected economy in the first place were foremost to denounce the mismanagement, loss, and suffering which were primarily due to this same misdirected economy and to the lack of preparation it involved. There should soon be an increase in the number of men for our coast defenses; these men should be of the right type and properly trained; and there should therefore be an increase of pay for certain skilled grades, especially in the coast artillery. Money should be appropriated to permit troops to be massed in body and exercised in maneuvers, particularly in marching. Such exercise during the summer just past has been of incalculable benefit to the Army and should under no circumstances be discontinued. If on these practise marches and in these maneuvers elderly officers prove unable to bear the strain, they should be retired at once, for the fact is conclusive as to their unfitness for war; that is, for the only purpose because of which they should be allowed to stay in the service. It is a real misfortune to have scores of small company or

regimental posts scattered thruout the country; the Army should be gathered in a few brigade or division posts; and the generals should be practised in handling the men in masses. Neglect to provide for all of this means to incur the risk of future disaster and disgrace.

The readiness and efficiency of both the Army and Navy in dealing with the recent sudden crisis in Cuba illustrate afresh their value to the Nation. This readiness and efficiency would have been very much less had it not been for the existence of the General Staff in the Army and the General Board in the Navy; both are essential to the proper development and use of our military forces afloat and ashore. The troops that were sent to Cuba were handled flawlessly. It was the swiftest mobilization and dispatch of troops over sea ever accomplished by our Government. The expedition landed completely equipped and ready for immediate service, several of its organizations hardly remaining in Havana over night before splitting up into detachments and going to their several posts. It was a fine demonstration of the value and efficiency of the General Staff. Similarly, it was owing in large part to the General Board that the Navy was able at the outset to meet the Cuban crisis with such instant efficiency; ship after ship appearing on the shortest notice at any threatened point, while the Marine Corps in particular performed indispensable service. The Army and Navy War Colleges are of incalculable value to the two services, and they cooperate with constantly increasing efficiency and importance.

The Congress has most wisely provided for a National Board for the promotion of rifle practise. Excellent results have already come from this law, but it does not go far enough. Our Regular Army is so small that in any great war we should have to trust mainly to volunteers; and in such event these volunteers should already know how to shoot; for if a soldier has the fighting edge, and ability to take care of himself in the open, his efficiency on the line of battle is almost directly proportionate to excellence in marksmanship. We should establish shooting galleries in all the large public and military schools, should maintain national target ranges in different parts of the country, and should in every way encourage the formation of rifle clubs thruout all parts of the land. The little Republic of Switzerland offers us an excellent example in all matters connected with building up an efficient citizen soldiery.

THEODORE ROOSEVELT.

THE WHITE HOUSE,
December 3, 1906.

EARTHQUAKE AND FIRE AT SAN FRANCISCO.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

To the Senate and House of Representatives:

Immediately after the disaster at San Francisco many offers of assistance in the shape of contributions were tendered by foreign individuals, corporations, governments, and municipalities. The Canadian government, with an instant generosity peculiarly pleasant as a proof of the close and friendly ties which knit us to our neighbors of the north, offered to pass a resolution appropriating \$100,000 for the relief of the sufferers by earthquake and fire. With a generosity equally marked and equally appreciated the Republic of Mexico, our nearest neighbor to the south, voted to appropriate \$30,000, and the Republic of Guatemala voted to appropriate \$10,000 for the same purpose. The Empress of China, in addition to sending money to be used for the Chinese who suffered in San Francisco, offered to send more than double as much to be used for the inhabitants generally. The Japanese Government immediately offered to send across the ocean one of their beautifully equipped hospital ships to be used in any way for the sufferers, and also offered 200,000 yen to the relief committee, in addition to more than 100,000 yen sent by Japanese subjects. The government of far-distant New Zealand voted \$25,000. The government of Martinique voted 1,000 francs; the municipality of Edmonton, Canada, \$1,000. Many municipalities, corporations, and individuals in England, Germany, France, Japan, Cuba, and other countries immediately proffered aid. Where these offers of aid are made to the private relief committees organized to deal with the distress in San Francisco, I have, of course, no official action to take concerning them. Where they were tendered to me in my official capacity, I did not feel warranted in accepting them. But I am certain I give utterance to the feelings of all our countrymen when I express my very lively appreciation of the warm-hearted generosity and eagerness to help us in the time of our affliction shown by the governments, the municipalities, the corporations, and the individuals mentioned above. We are deeply grateful to them and we are deeply grateful for the way in which they showed, in such practical fashion, the growth of the spirit of brotherhood among the nations.

Most kind and welcome messages of sympathy also were promptly sent to us by the Emperor of Austria, the King of Belgium, the

MESSAGE OF THE PRESIDENT.

President of Bolivia, the Prince of Bulgaria, the President of Brazil, the President of Chile, the President of Cuba, the King of Denmark, the President of the Dominican Republic, the Khedive of Egypt, the President of France, the German Emperor, the King of Great Britain, the King of Greece, the President of Guatemala, the King of Italy, the Emperor of Japan, the Emperor of Korea, the President of Mexico, the Prince of Monaco, the Queen of the Netherlands, the President of Nicaragua, the King of Norway, the President of Peru, the King of Portugal, the Czar of Russia, the King of Servia, the King of Spain, the President of the Swiss Confederation, the King of Sweden, the Sultan of Turkey, the President of Venezuela, the Governments of [Argentina], Austria-Hungary, Bavaria, Belgium, Brazil, Chile, [China], Costa Rica, Colombia, Cuba, Denmark, Ecuador, France, Great Britain, Guatemala, Greece, Haiti, Italy, Japan, Panama, Persia, Portugal, Paraguay, Peru, the Netherlands, Norway, Switzerland, Spain, Uruguay, Sweden, Russia, and Siam; by the ministers of foreign affairs of Chile, Greece, Nicaragua, Portugal Paraguay, Guatemala, and Russia; by the Viceroy of India and the Governor-General of Australia; by the governors of Ontario, Hongkong, Ceylon, the Bermudas, Natal, the Azores, the Iwate Prefecture of Japan; by the premiers of New South Wales, Victoria, South Australia, and New Zealand; by the National Assembly of Salvador, by the Cuban House of Representatives; by the National Assembly of Guatemala; by the mayor, senate, and house of Bremen; the mayor, president, and the senate of Hamburg; the mayors of Adelaide, Queensland, Hobart, Madrid, Osaka; by the chambers of commerce of Nagoya, Japan, and Calcutta, Bengal; by the Tea Traders and the Silk Fabric Guild of Yokohama and the Asahi Shimbun of Osaka; by the Canadian Manufacturers' Association of Toronto and the Latin Union of Habana; by the prime minister of England, the lord mayors of London, Liverpool, Bristol, Leicester, and Shrewsbury; by workmen's councils, religious associations, and by a multitude of other associations, organizations, and private individuals.

Appropriate expressions of gratitude to all these friends have been returned by the State Department or by myself, but it seems to me that the real depth of grateful feeling awakened in our people by all these evidences of genuine sympathy and friendship should be expressed also by formal action of the supreme legislative power of the Nation.

I recommend the passage by the Congress of an appropriate resolution to that end.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *May 3, 1906.*

LIST OF PAPERS, WITH SUBJECT OF CORRESPONDENCE.

CIRCULARS.

No.	From and to whom.	Date.	Subject.	Page.
	Circulars	1905. Nov. 7	Jamestown celebration. Exposition and naval review to commemorate the tricentenary of Jamestown. Invitation to foreign governments to participate in the.	1
	.....do.....	1906. Oct. 9	Same subject. Refers to circular of Nov. 7 and incloses for delivery invitation to be represented by suitable exhibits.	2
	.....do.....	Jan. 8	Admission of officers of American Republics to military schools of the United States. Admission of military officers of American Republics to the Fort Leavenworth and Fort Riley schools and the Army Medical School at Washington will be granted by the War Department to a limited number.	2
	.....do.....	Feb. 2	Exequaturs for Panaman consuls. Exequaturs for Panaman consuls shall be applied for by the consul-general of Panama, or in the absence of such an officer, by the American diplomatic representative or by the direct request of the consul.	3
	.....do.....	Mar. 23	Louisiana Purchase Exposition. Refers to joint resolution of Congress of Mar. 3, 1905, and instructs to convey expression of grateful appreciation of the Government and people of the United States for the invaluable aid contributed by the respective participating countries.	3
	.....do.....	July 9	Citizenship and naturalization. Quotes order of the Secretary of State constituting a board to inquire into questions of citizenship and naturalization, and gives list of questions, answers to which are desired, for the use of the board.	4
	.....do.....	July 10	Shanghaiing. Incloses act of June 28, to prohibit in the United States.	5
	.....do.....	Aug. 24	Recognition of consuls-general at large. Directs that steps be taken to secure the recognition of consuls-general at large so that they may be enabled to take charge of a consular office when it is found such action is necessary, under the act of Apr. 5, 1906. Incloses list and record of present consuls-general at large together with copy of commission issued to them.	6

ARGENTINE REPUBLIC.

312	Mr. Beaupré to Mr. Root.....	1906. Feb. 16	Laws regulating the practice of the professions. Argentine graduates of United States colleges will not be subject to requirements reported in dispatch No. 274.	11
	Mr. Portela to Mr. Root.....	Mar. 2	Visit of Secretary Root to South American Republics. Extends invitation to Secretary Root to visit the Argentine Republic.	19
6	Mr. Root to Mr. Portela.....	Mar. 8	Same subject. Accepts, with great pleasure, invitation in note of Mar. 2.	20
	Mr. Beaupré to Mr. Root (telegram).	Mar. 12	Death of President Quintana and succession of Vice-President Alcorca to the Presidency. Reports death of President Quintana.	11
	Mr. Root to Mr. Beaupré (telegram).	...do.....	Same subject. Directs him to suitably express in the President's name sincere condolence with family of the late President and his sympathy with the Argentine Government and people in the loss they have sustained.	11
	Mr. Portela to Mr. Root.....	Mar. 13	Same subject. Announces death of President Quintana and states that Vice-President Alcorca has assumed the executive power.	12

ARGENTINE REPUBLIC—Continued.

No.	From and to whom.	Date.	Subject.	Page.
7	Mr. Root to Mr. Portela.....	1906. Mar. 15	Same subject. Acknowledges, with expressions of sorrow, note of 13th instant.	12
	Mr. Bacon to Mr. Portelo...	Apr. 7	The Second Peace Conference. Incloses copy of correspondence between the Russian Ambassador and the Secretary of State in regard to the convoking of the conference.	1629
356	Mr. White to Mr. Root.....	May 17	Message of the President of the Argentine Republic to the Argentine Congress. Incloses text and discusses.	12
395	Mr. White to Mr. Bacon.....	July 27	Visit of Secretary Root to South American Republics. Incloses a decree appointing a reception committee.	20
	Mr. Root to Mr. Bacon (telegram).	Aug. 19	Same subject. States that he is leaving Buenos Aires after a most hospitable and friendly reception and entertainment; and that, owing to recent terrible calamity in Chile, he will limit visit to that country to a simple call of condolence, he having already expressed his sympathy.	42
411	Mr. Beaupré to Mr. Root....	Sept. 6	Same subject. Full account of the visit.....	21
428	Same to same.....	Oct. 8	Treaty between Argentina and Spain dispensing with authentication of signatures of letters rogatory. Incloses text.	14
96	Mr. Bacon to Mr. Beaupré ..	Nov. 14	Same subject. Acknowledges No. 428, inclosing copy of convention between Spain and the Argentine Republic, and incloses declaration signed Nov. 7, 1901, for a similar arrangement between the United States and Spain.	16

AUSTRIA-HUNGARY.

294	Mr. Storer to Mr. Root.....	1905. Dec. 19	Restrictions against the importation of beef from non-European countries. Incloses complaint of Abeles Brothers that the Austrian authorities have refused to admit sample of salted beef from the United States. Transmits copy of note to foreign office.	43
196	Mr. Root to Mr. Storer.....	1906. Jan. 5	Same subject. Approves action reported in No. 294 and states that further report is awaited.	44
199	Mr. Root to Mr. Rives.....	Feb. 12	Transportation of emigrants from Hungary. Incloses complaint of Mrs. Nic Roman, transmitted in letter of Jan. 31, from M. E. Martin, growing out of the seizure of her ticket and her arrest, and states that in view of assurances of the Hungarian Government of noninterference in such cases, the case calls for rebuke of the minor authorities and reparation to Mrs. Roman.	49
311	Mr. Rives to Mr. Root.....	Feb. 28	Autonomous customs tariff and commercial treaties with Germany, Italy, Belgium, Russia, Servia, and Switzerland. Reports going into effect of, on Mar. 1, with Germany.	46
314	Same to same.....	Mar. 17	Same subject. Reports signing of, with Switzerland, on Mar. 9, effective Mar. 12, under a provisional agreement pending ratification.	47
1002	Mr. Hengelmüller to Mr. Root.	June 10	Transportation of emigrants from Hungary. Statement of the grounds on which the Hungarian Government rejected the claim of Marie Hornyak presented in 1904.	50
186	Mr. Bacon to Mr. Hengelmüller.	July 19	Same subject. States that copy of his note No. 1002 of the 10th ultimo has been transmitted to the interested parties.	51
45	Mr. Rives to Mr. Root.....	Aug. 27	Restrictions against the importation of beef from non-European countries. Importation of meat and cattle from non-European countries permitted only by special permit from the minister of the interior. Incloses note from foreign office.	44
40	Mr. Root to Mr. Francis.....	Oct. 20	Same subject. Incloses for presentation to the Austrian Government copy of letter of Oct. 10 from the Department of Agriculture.	46
	Mr. Bacon to Mr. Hengelmüller.	Oct. 22	Death of the Minister of Guatemala to the United States. Requests that he, as dean of the diplomatic corps, name the honorary pallbearers.	867
97	Mr. Francis to Mr. Root.....	Nov. 20	Transportation of emigrants from Hungary. Incloses memorandum from the foreign office setting forth facts in the case of Mrs. Roman.	49
133	Same to same.....	Dec. 28	Franchise reform in Austria. Reports in regard to..	48

BELGIUM.

No.	From and to whom.	Date.	Subject.	Page.
50	Baron Moncheur to Mr. Root.	1903. Feb. 2	Arrangement for the unification of formulas for heroic medicines. Submits draft for approval of United States.	79
	Memorandum from the Belgian legation.	1905. May 27	Claim of "El Oriente" to money captured from Filipino insurgents. Urges consideration of the claim.	57
54	Mr. Wilson to Mr. Root.....	Dec. 30	Emigration agents of South Carolina in Europe. Gives reasons why agent's request for assistance of legation was refused.	62
	Memorandum from the Belgian legation.	1906. Jan. 4	International maritime convention in regard to collisions and salvage at sea. States that the Belgian Government is ready to sign the Brussels conventions and hopes that the United States will take similar action.	72
	Memorandum to the Belgian legation.	Jan. 12	Same subject. Copy of memorandum of the 4th instant has been sent to Department of Commerce and Labor, which is considering the subject.	73
43	Mr. Bacon to Mr. Wilson...	Jan. 15	Emigration agents of South Carolina in Europe. Approves action taken, in absence of a request to the department from the governor of the State.	63
45	Mr. Root to Mr. Wilson.....	Jan. 19	Same subject. Incloses copy of letter from governor of South Carolina and instructs him to request all proper facilities for the agent.	63
	Baron Moncheur to Mr. Root.	...do....	Arrangement for the unification of formulas for heroic medicines. Submits new draft and calls attention to changes made in the draft submitted on Feb. 2, 1903.	80
57	Mr. Root to Mr. Wilson.....	Jan. 29	International maritime convention in regard to collisions and salvage at sea. Instructs to ascertain whether there is to be a third session and what governments have already accepted the conventions submitted by the October conference.	73
	Memorandum to the Belgian legation.	Feb. 15	Claim of "El Oriente" to money captured from Filipino insurgents. States that the claim is inadmissible and that the department concurs in the findings of the four different claims boards that have examined it.	57
66	Mr. Wilson to Mr. Root.....	Feb. 25	Emigration agents of South Carolina in Europe. Incloses copy of correspondence with foreign office.	64
67	Same to same.....	Feb. 27	International maritime convention in regard to collisions and salvage at sea. In reply to No. 47, incloses copies of correspondence had with the Belgian minister for foreign affairs.	73
55	Mr. Bacon to Mr. Wilson ...	Mar. 2	Investigation of affairs in the Kongo Free State. Acknowledges No. 64 and incloses copy of letter addressed to Hon. Edwin Denby.	88
70	Mr. Wilson to Mr. Root.....	Mar. 5	Same subject. Charges of maladministration published in book by Félicien Cattier have created a profound sensation and were made the occasion of a debate in the Chamber of Deputies. The Government evaded the issue and accepted the resolution recommending a prompt execution of reforms. Incloses official account of the debate.	89
	Baron Moncheur to Mr. Root.	Mar. 6	Same subject. States that a summary of Secretary Root's letter to Mr. Denby has been telegraphed to his Government.	93
	Memorandum from the Belgian legation.	Mar. 8	Claim of "El Oriente" to money captured from Filipino insurgents. Acknowledges memorandum of Feb. 15. Refers to additional evidence filed in the case, and requests a reexamination of the claim.	58
	...do.....	...do....	Same subject. Incloses additional documents for consideration in the case.	59
74	Mr. Wilson to Mr. Root.....	Mar. 15	Investigation of affairs in the Kongo Free State. Acknowledges No. 55, and reports that Secretary Root's letter to Mr. Denby has been widely published in Belgium and that it has created a most favorable impression.	94
	Memorandum to the Belgian legation.	Mar. 19	Claim of "El Oriente" to money captured from Filipino insurgents. States that after careful reexamination the department declines to assume any responsibility in the premises.	60
79	Mr. Wilson to Mr. Root.....	Mar. 20	Investigation of affairs in the Kongo Free State. Incloses copy of speech of minister for foreign affairs replying to interpellation reported in No. 70.	94
	Baron Moncheur to Mr. Root.	Mar. 26	International Maritime Convention in regard to collisions and salvage at sea. Asks whether the United States will accept the conventions signed at Brussels without the calling of a third conference.	74

No.	From and to whom.	Date.	Subject.	Page.
51	Mr. Wilson to Mr. Root.....	1906. Mar. 26	Taxation of corporations in Belgium. Incloses copy of reply of minister for foreign affairs to protest by Anglo-American Chamber of Commerce at Brussels, in which the allegation that the law would be discriminatory in its effects is refuted.	71
362	Mr. Root to Baron Moncheur.	Apr. 2	International Maritime Convention in regard to collisions and salvage at sea. Owing to the very small number of adhesions, it is not deemed opportune to submit the conventions to the Senate at this time.	75
85	Mr. Wilson to Mr. Root.....	Apr. 24	Investigation of affairs in the Kongo Free State. States that the annexation of the Kongo Free State to Belgium is advocated by the opposition in Parliament and is favored by the King, and that a definite and authoritative movement toward a solution of the difficulties may be looked for shortly.	98
61	Mr. Bacon to Mr. Wilson ...	Apr. 28	Same subject. Incloses, for inquiry and report, copy of letter of Apr. 16 from Mr. A. McLean.	99
	Baron Moncheur to Mr. Root.	May 2	Conference for the revision of the rules relative to spirits in Africa. States that a conference will be called at Brussels in the near future for the purpose of revising the tariff on spirits, under the convention of 1899.	52
	Same to same.....	May 5	International Maritime Convention in regard to collisions and salvage at sea. Informs department of the adhesion of Brazil, the Dominican Republic, and Roumania.	75
	Same to same.....	June 4	Investigation of affairs in the Kongo Free State. Gives names of some of reform commission members, and calls attention to the fact that only two members of the commission may be considered as having financial interests in some of the Kongo companies.	99
	Mr. Wilson to Mr. Root.....	June 6	International Maritime Convention in regard to collisions and salvage at sea. Incloses copies of proceedings of the two sittings of the conference.	76
99	Same to same	June 14	Investigation of affairs in the Kongo Free State. Incloses report of reform commission and copy of decrees for carrying into effect its recommendations.	100
100	Same to same.....	June 17	Same subject. Acknowledges No. 61 and incloses copy of correspondence with foreign office in regard to complaint of Mr. A. McLean.	105
379	Baron Moncheur to Mr. Root.	June 26	Arrangement for the unification of formulas for heroic medicines. Names states that have declared readiness to sign, quotes reservations made by Germany and Great Britain and text of general reservation to be inserted in the draft, and urges adhesion of the United States.	81
	Same to same.....	July 8	International Maritime Convention in regard to collisions and salvage at sea. Inquires whether the United States is of the opinion that a third session of the conference should be held, and informs of the adhesion of Chile.	76
378	Mr. Bacon to Baron Moncheur.	Aug. 1	Arrangement for the unification of formulas for heroic medicines. Will be signed with the reservations adverted to in legation's note of June 26.	82
380	Same to same.....	Aug. 2	International Maritime Convention in regard to collisions and salvage at sea. States that it is not thought that a third session is necessary.	76
453	Baron Moncheur to Mr. Root.	Aug. 6	Exclusion of Louis Wythouck from the United States. Reviews case and requests favorable consideration.	61
	Circular.....	Aug. 11	Emigration agents of South Carolina in Europe. Instructs to request all proper facilities for Mr. E. J. Watson in the prosecution of his work.	64
386	Mr. Bacon to Baron Moncheur.	Aug. 22	Exclusion of Louis Wythouck from the United States. States that no appeal having been taken from the decision it can not be reviewed, but Wythouck is at liberty to return and appeal should he be excluded again.	62
474	Mr. Havenith to Mr. Root...	Aug. 29	International Maritime Convention in regard to collisions and salvage at sea. Germany does not propose to suggest any change in the text of resolutions passed in October, but will withhold its final answer until all States concerned shall have made their intentions known.	77

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477	Mr. Havenith to Mr. Root..	Sept. 2	Conference for the revision of the rules relative to spirits in Africa. Postponed to Oct. 16.	53
	Mr. Wilson to Mr. Root (telegram).	Sept. 8	Emigration agents of South Carolina in Europe. Requests instructions in regard to lending assistance at foreign office to agent desiring to advance passage money to emigrants.	65
	Mr. Bacon to Mr. Wilson (telegram).	Sept. 10	Same subject. Payment of passage money will not necessarily bring about rejection of aliens. Must show they are not likely to become public charges, and are subject to laws and provisions applicable.	65
	Mr. Adee to Mr. Wilson (telegram).	Sept. 17	Same subject. Advance of passage money does not conflict with contract-labor law, but alien must affirmatively show that he will not become a public charge, and be examined as to all other legal requirements.	65
114	Mr. Wilson to Mr. Root.....	Sept. 21	Same subject. Quotes telegrams and states that matter has been satisfactorily settled at foreign office.	66
119	Mr. Boutell to Mr. Root.....	do.....	Same subject. Acknowledges circular of Aug. 11. States that Mr. E. J. Watson has appointed S. Davidsee as special delegate for Holland, and requests further instructions.	67
45	Mr. Root to Mr. Boutell.....	Oct. 4	Same subject. Acknowledges No. 119, which crossed department's No. 43, which instructed him to facilitate mission of special agent.	68
	Mr. Root to Mr. Wilson (telegram).	Oct. 8	Conference for the revision of the rules relative to spirits in Africa. Quotes message from the President and instructs him to bring it before the conference, after consultation with minister for foreign affairs.	53
80	Same to same.....	Oct. 9	Same subject. Refers to the department's telegram of the 8th instant and transmits copies of the documents referred to therein.	54
119	Mr. Wilson to Mr. Root.....	Oct. 22	Same subject. Reports action taken on telegram of the 8th instant and incloses copy of letter addressed to the president of the conference.	54
	Mr. Root to Mr. Wilson.....	Oct. 23	Emigration agents of South Carolina in Europe. Incloses letter from Department of Commerce and Labor relative to classification of immigrants whose passage money is paid by State's emigration agent.	70
555	Baron Moncheur to Mr. Root.	Oct. 28	International Maritime Convention in regard to collisions and salvage at sea. Suggests postponement of the final conference until next spring.	77
567	Same to same.....	Nov. 3	Arrangement for the unification of formulas for heroic medicines. Incloses modified prints of, and discusses.	83
125	Mr. Wilson to Mr. Root.....	do.....	Conference for the revision of the rules relative to spirits in Africa. Acknowledges No. 80 and states that he had already practically carried out the department's wishes.	56
	Mr. Bacon to Mr. Wilson.....	Nov. 13	Same subject. Commends way in which the President's message was brought before the conference and expresses appreciation of its reception by that body.	56
400	Mr. Root to Baron Moncheur.	Nov. 15	International Maritime Convention in regard to collisions and salvage at sea. Proposal in note of Oct. 28 will receive consideration at the Department of Commerce and Labor, which states that it has no knowledge of the draft conventions having been approved by the Government of the United States.	78
646	Baron Moncheur to Mr. Root.	Dec. 17	Same subject. Explains sentence in note of Oct. 28 regarding approval by United States of the two draft conventions.	78
142	Mr. Wilson to Mr. Root.....	Dec. 20	Arrangement for the unification of formulas for heroic medicines. Reports signing of, and transmits certified copies of the agreement and of the procès verbal.	84
	Mr. Root to Baron Moncheur.	Dec. 21	International Maritime Convention in regard to collisions and salvage at sea. States that note of the 17th instant had been communicated to the Department of Commerce and Labor.	79

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226	Mr. Sorsby to Mr. Root.....	1906. Feb. 22	Parcels-post arrangement between Bolivia and the United States. Transit through Peru. Reports steps taken to facilitate.	107
230	Same to same.....	Mar. 15	Same subject. Peru has withdrawn refusal to allow transit through that country.	107
	Same to same (telegram)....	May 8	Visit of Secretary Root to South America. Communicates invitation on behalf of Bolivia to visit that country.	108
	Mr. Root to Mr. Calderon...	May 12	Same subject. Expresses regret that plans will not allow of a visit to Bolivia.	108
252	Mr. Sorsby to Mr. Root.....	July 14	Boundary dispute between Bolivia and Peru—retirement of both parties from the Heath territory. Protest of Peru against military occupation of the territory in dispute along the Heath River. Bolivia would agree to simultaneously withdraw forces.	106
260	Same to same.....	Sept. 12	Law granting religious liberty in Bolivia. Incloses copy of decrees establishing.	106

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153	Mr. Richardson to Mr. Root.	1906. Mar. 3	Election and inauguration of Dr. Affonso Penna as President. Reports the election.	112
	Mr. Nabuco to Mr. Root....	Apr. 25	Third International Conference of American States at Rio de Janeiro. Extends invitation to send delegates.	1565
17	Mr. Root to Mr. Nabuco....	Apr. 28	Same subject. Accepts invitation and names delegates.	1565
166	Mr. Richardson to Mr. Root.	May 17	Message of the Brazilian President to the Congress of Brazil. Incloses translation of.	136
18	Mr. Bacon to Mr. Nabuco...	May 23	Third International Conference of American States at Rio de Janeiro. Names delegates and personnel of American commission.	1566
	Mr. Griscom to Mr. Root (telegram).	July 4	Preferential tariff concessions in favor of American products. Reports tariff reduction of 20 per cent on certain articles enumerated.	113
13	Same to same.....	July 14	Same subject. Incloses note to foreign office urging reply to previous inquiry on subject, also copy of decree announcing reduction.	114
15	Same to same.....	Aug. 17	Same subject. Paints are included in the reduction reported in No. 13.	115
16	Same to same.....	...do....	Coffee valorization and export tax on coffee. Incloses copies of decree and convention in regard to.	109
19	Same to same.....	Aug. 27	The Monroe doctrine, and the relations between the United States and Brazil. Historical review by a Brazilian author. Incloses copy of paper on.	116
23	Same to same.....	Aug. 31	Visit of Secretary Root. Details of visit to Rio de Janeiro and São Paulo.	124
24	Same to same.....	...do....	Same subject. Political and commercial results discussed.	134
	Mr. Griscom to Mr. Root (telegram).	Oct. 23	Preferential tariff concessions in favor of American products. Reports that Brazilian tariff law will not be altered during the present Congress, and that it is intended to postpone for a year the consideration of the tariff already begun.	115
	Mr. Bacon to American embassy at Petropolis.	Nov. 14	Same subject. Refers to apprehension that heavy increase on flour is contemplated. Inquires as to chances for renewal for next year of existing preferential rates.	115
	Mr. Griscom to Mr. Root (telegram).	Nov. 15	Same subject. Present tariff, including duty on flour, will not be altered by present Congress. Existing preferential list almost certain to be continued for next year.	116
	Same to same (telegram)....	...do....	Election and inauguration of Dr. Affonso Penna as President. Reports the inauguration.	112
	Mr. Root to Mr. Penna (telegram).	Nov. 16	Same subject. Expresses congratulations and good wishes on the occasion of his inauguration.	112
	Mr. Penna to Mr. Root (telegram).	...do....	Same subject. Expresses thanks for telegram.....	112
	Mr. Griscom to Mr. Root (telegram).	...do....	Same subject. Quotes part of inaugural address relating to visit of Secretary Root, and relations with the United States.	112
	Mr. Root to Mr. Griscom (telegram).	Nov. 17	Same subject. Expresses thanks for sentiments expressed in inaugural address.	113

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101	Mr. Jackson to Mr. Root....	1906. Feb. 2	Commercial treaties with Germany, Great Britain, Russia, France, and Italy. Reports going into effect of.	140
105	Same to same.....	Feb. 12	Same subject. Reports further relative to.....	140
121	Same to same.....	June 6	Reciprocity arrangement between Bulgaria and the United States. Arrangement virtually made for reciprocal most-favored-nation treatment on lines of the arrangement with Germany.	141
130	Same to same.....	June 25	Same subject. Incloses note from minister for foreign affairs accepting proposition of reciprocal most-favored-nation treatment.	142
	Proclamation by the President.	Sept. 15	Same subject. Text of proclamation.....	142
	Mr. Jackson to Mr. Root (telegram).	Sept. 18	Same subject. States that Bulgarian Government wishes to confirm the reciprocal arrangement in force since last June by exchange of formal notes. Requests instructions.	143
150	Same to same.....	do.....	Same subject. Explains telegram of this date.....	143
	Mr. Root to Mr. Jackson (telegram).	Sept. 24	Same subject. Informs him of signing of President's proclamation, and states that a formal exchange of notes may be made reciting date, if practicable.	144
35	Same to same.....	Oct. 6	Same subject. Exchange of notes referred to in 150 may serve as an international record of the agreement.	144

CHILE.

	The Chilean foreign office to the Chilean minister.	1906. Mar. 14	Visit of Secretary Root. Invitation extended to the Secretary to visit Chile.	147
	Mr. Root to Mr. Martinez....	Mar. 31	Same subject. Accepts invitation to visit Chile....	148
	Mr. Martinez to Mr. Root....	Apr 4	Same subject. States that note of acceptance has been communicated to his Government.	148
	Mr. Hicks to Mr. Root (telegram).	June 27	Election and inauguration of Pedro Montt as President. States that election of Pedro Montt is conceded by all parties.	145
	Same to same.....	Aug. 18	Earthquake in Chile. Reports earthquake occurred on night of 16th.	155
	President Roosevelt to President Riesco (telegram).	Aug. 19	Same subject. Expresses sympathy.....	155
	Mr. Adee to Mr. Hicks (telegram).	do.....	Same subject. The people of the United States share in grief of Chile. President telegraphs condolences.	155
	Mr. Hicks to Mr. Root (telegram).	do.....	Same subject. Reports details.....	155
	President Roosevelt to President Riesco (telegram).	Aug. 20	Same subject. Repeat expression of sympathy and expresses horror of people at the appalling disaster that has befallen Chile.	156
	Mr. Adee to Mr. Hicks (telegram).	do.....	Same subject. Informs him of the sending of telegram of this date from the President, and directs him to make appropriate representations at the foreign office.	156
	Mr. Hicks to Mr. Root (telegram).	Aug. 21	Same subject. Reports delivery of messages to the foreign office, and gives further details of disaster.	156
	Mr. Vega to Mr. Adee.....	do.....	Same subject. Communicates his Government's appreciation of expressions of sympathy made on behalf of the United States.	156
	Mr. Hicks to Mr. Root (telegram).	Aug. 22	Same subject. Reports that anxiety over earthquake decreases, that financial and business situation quite serious, and that destruction of Valparaiso produces fears of panic. Adds that relief subscriptions are being raised.	157
	President Riesco to President Roosevelt (telegram).	Aug. 23	Same subject. Expresses appreciation of telegram of sympathy.	157
	Mr. Hicks to Mr. Root (telegram).	do.....	Same subject. Reports in regard to number of casualties, financial losses, and business conditions. Suggests American subscriptions for sufferers.	157
	Same to same (telegram).....	do.....	Same subject. Reports delivery to the President of \$10,000, gift of people of San Francisco, Cal.	157
	Proclamation of President Roosevelt.	Aug. 25	Same subject. Text of, requesting assistance for earthquake sufferers.	158
	Mr. Adee to Mr. Hicks (telegram).	Sept. 4	Same subject. Informs him that he is named special representative of the American Red Cross to receive funds raised in the United States for earthquake sufferers. Directs him to consult with Chilean Government as to the disposition of funds.	158

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	President Roosevelt to President Riesco (telegram).	Sept. 12	Same subject. Reciprocates sentiments expressed in telegram of the 5th instant.	155
82	Mr. Hicks to Mr. Root.....	...do	Same subject. Gives brief account of arrival, entertainment, and departure. Incloses clippings and correspondence.	148
84	Same to same.....	Sept. 20	Election and inauguration of Pedro Montt as President. Reports in regard to inauguration of.	145
117	Mr. Hicks to Mr. Root.....	Dec. 31	Earthquake in Chile. Transmits report in regard to earthquake and disposition of funds.	158

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382	Mr. Hill to Mr. Conger.....	1901. Sept. 23	Revision of the rules of the mixed court at Shanghai and resulting riots. States that department would be glad to examine proposed code after it has been agreed upon by the consuls.	369
938	Mr. Conger to Mr. Hay.....	1902. Mar. 7	Same subject. Incloses copy of suggested amendments for the department's approval. Also incloses copy of dispatch from Consul-General Goodnow, transmitting the amendments.	369
	Mr. Hay to Mr. Conger (telegram).	Apr. 15	Same subject. Informs him that the department approves the proposed amendments, sent him by Consul-General Goodnow, and instructs him to urge the adoption of them.	371
518	Same to same.....	May 14	Same subject. Acknowledges No. 938 and states that the department's telegram of Apr. 15 informed him that the proposed amendments were approved and instructed him to urge their adoption.	371
1553	Mr. Conger to Mr. Hay.....	1904. Mar. 28	Protection of trade-marks in China. Incloses copy of correspondence with the foreign office concerning the putting into force of the provisions of our treaty in regard to copyrights, trade-marks, and patents.	234
797	Mr. Loomis to Mr. Conger...	May 19	Same subject. Approves action recorded in No. 1553. Directs him to insist upon some provisional rules for the protection of copyrights, trade-marks, and patents and to have a date fixed for the coming into force of the treaty regulations. States that regulations should be submitted to him for approval before promulgation.	236
1643	Mr. Conger to Mr. Hay.....	June 24	Same subject. Incloses copy of trade-mark regulations furnished by the foreign office and copy of his reply thereto.	236
1681	Same to same.....	Aug. 15	Same subject. Incloses copy of the trade-mark regulations which have received imperial approval and will be put tentatively in force on the 23d of October next. Incloses correspondence thereto.	237
833	Mr. Adee to Mr. Conger.....	Aug. 23	Same subject. Incloses copy of letter from the Acting Secretary of the Interior and instructs him to endeavor to secure the adoption of certain changes suggested therein.	240
843	Mr. Hay to Mr. Conger.....	Oct. 12	Same subject. Incloses copy of note from the German ambassador suggesting postponement for a few months of the date on which the new Chinese trade-mark regulations are to go into effect, together with copy of the department's reply thereto.	240
	Mr. Conger to Mr. Hay (telegram).	...do	Same subject. Reports that the merchants of all nationalities request postponement for six months of enforcement of trade-mark regulations. German and French ministers, in accordance with instructions, strongly demand postponement. The British minister will not object. The majority of the merchants wish no regulations whatever.	241
	Mr. Hay to Mr. Conger (telegram).	...do.....	Same subject. States that for reasons given in dispatch No. 1681, he sees no necessity for postponing the enforcement of the regulations so far as this Government is concerned. The objecting powers can ask amendments at any time. An official declaration from Chinese Government that regulations are tentative and subject to revision might be required.	241

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No.	From and to whom.	Date.	Subject.	Page.
1724	Mr. Conger to Mr. Hay.....	1904. Oct. 13	Same subject. Confirms his telegram of the 12th and more fully explains the general objections to the regulations and the position of the American merchants. States that he will for the present take no part in the question of postponement.	242
855	Mr. Hay to Mr. Conger.....	Nov. 18	Same subject. Acknowledges No. 1724, states that the department sees no reason for changing the views previously expressed, and approves attitude assumed by him.	242
1762	Mr. Conger to Mr. Hay.....	Dec. 8	Same subject. Acknowledges No. 843, states that the efforts of several of the ministers to have the regulations postponed have so far been unsuccessful and incloses certain alterations in the regulations proposed by the Wai Wu Pu.	243
1777	Same to same.....	Dec. 29	Revision of the rules of the mixed court at Shanghai, and resulting riots. Reports that the representatives of all the powers, except the French and the Mexican, who have no objections but can not join, have sent the proposed amendments, with a joint note, to the Chinese Government, requesting agreement thereto. Incloses copy of joint note, together with copy of amendments, noting changes.	371
1788	Mr. Coolidge to Mr. Hay....	1905. Jan. 7	Protection of trade-marks in China. States that postponement of time for registration until an agreement with the foreign representatives shall have been reached has been officially announced. Incloses memorandum, prepared by Mr. Williams, the Chinese secretary of legation, in regard to the present situation as to trade-mark regulations.	245
879	Mr. Hay to Mr. Coolidge....	Feb. 13	Revision of the rules of the mixed court at Shanghai, and resulting riots. Approves action reported in No. 1777.	373
1843	Mr. Conger to Mr. Hay.....	Mar. 29	Floating mines in the Gulf of Pechili. Reports in regard to danger from, and suggests that naval vessels be detailed to destroy the mines.	300
1888	Mr. Coolidge to Mr. Hay....	May 19	Protection of trade-marks in China. Incloses copy of memorandum filed in the foreign office in accordance with instructions No. 886.	246
22	Mr. Adee to Mr. Rockhill....	July 10	Same subject. Approves action reported in No. 1888.	247
42	Same to same.....	Aug. 17	Same subject. Acknowledges Nos. 1842 and 1877, refers to letters of July 20 from the Secretary of the Interior, and states that the project in 1877 is acceptable and that no objection should be made thereto except as to probable effect of section 25, as pointed out.	247
95	Mr. Rockhill to Mr. Root..	Sept. 15	Reciprocal protection of trade-marks in China. Reports that the German minister wishes to include protégés in the arrangement. Incloses copies of notes exchanged with German minister and requests instructions as to the use of the term "punishment," which he assumes covers both civil and criminal suits.	228
	Same to same (telegram)....	Nov. 3	Lienchou riots and resulting claims. Reports that he has just been informed by the foreign office that the American Presbyterian Mission station at Lienchou was attacked and destroyed by a mob on Oct. 28 and that 5 missionaries were killed. States that Emperor has issued an edict directing punishment of criminals and guilty officials and ordering compensation and adequate protection. Says cause of attack is said to have been refusal of missionaries to allow village people to fire a cannon during a festival.	308
	Mr. Root to Mr. Rockhill (telegram).	...do....	Same subject. States that the American consul at Shanghai has reported further particulars. Instructs him to urge a vigorous execution of the edict by the viceroy and to impress the Chinese Government with the importance of adequate punishment, redress, and protection. Efficient action by Chinese Government necessary.	308
	Mr. Rockhill to Mr. Root (telegram).	Nov. 4	Same subject. States that the minister for foreign affairs has informed him that his Government is profoundly humiliated and distressed and has promised prompt and vigorous action.	308
138	Same to same.....	...do....	Same subject. Quotes telegram from consul at Canton giving details, names of missionaries, and reporting action taken by him and the authorities. Quotes telegram to the consul advising that some one representing the United States attend the investigation. Incloses note from the foreign office.	309

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No.	From and to whom.	Date.	Subject.	Page.
	Mr. Root to Mr. Rockhill (telegram).	1905. Nov. 4	Same subject. Communicates a telegram received this day from the consul-general at Canton to the following effect: Mr. Lay says that he will go to Lienchou in a few days with the viceroy's secretary as a commission to investigate, and requests two naval officers from the <i>Raleigh</i> or <i>Monadnock</i> be directed to accompany him. Mr. Lay also informs the department of a report by missionaries of an immature attempt made to burn their residence at Ying-tak and of the fact that no adequate steps were taken by the officials to guard against a further attempt of this kind.	311
	Mr. Rockhill to Mr. Root (telegram).	Nov. 5	Same subject. In reply to the department's telegram of Nov. 4, Mr. Rockhill reports that he has just communicated its substance in regard to the Ying-tak matter to the foreign office, and that the latter promised to telegraph the viceroy immediately. Mr. Rockhill is informed by the minister for foreign affairs that the viceroy at Canton has telegraphed to him that he has issued a proclamation warning the people against the boycott and ordering all officials to post it everywhere; that he commands obedience to previous orders for the protection of Chinese-American employment, and prescribes direct reports to him of the steps taken for execution of the same. The minister for foreign affairs immediately sent a telegram to the viceroy, in which vigorous and effective action was enjoined.	311
140	Same to same.....	Nov. 6	Same subject. Reports at length interview at the foreign office, and incloses note from the minister for foreign affairs, giving reply of viceroy at Canton.	311
70	Mr. Root to Mr. Rockhill....	Nov. 8	Reciprocal protection of trade-marks in China. Confirms telegram of Nov. 6, discusses the law and treaty, and incloses text of agreement with Great Britain in Morocco.	230
148	Mr. Rockhill to Mr. Root...	Nov. 10	Protection of trade-marks in China. Reports that foreign representatives object to proposition in instruction No. 42, that all registrations proposed by them should antedate the said regulations. Incloses notes to and from German minister on the subject.	248
74	Mr. Root to Mr. Rockhill...	Nov. 25	Lienchou riots and resulting claims. Gives an account of a conversation had with the Chinese minister.	314
160	Mr. Rockhill to Mr. Root...	Dec. 1	Protection of trade-marks in China. Refers to No. 148 and incloses reports from consular officers at Shanghai and Tientsin, showing that such American trade-marks as were registered under the temporary regulations of 1904 were given but provisional record numbers with the understanding that final registration would be granted later, thus meeting the objection presented in instruction No. 42.	250
	Same to same (telegram)...	Dec. 3	Lienchou riots and resulting claims. Gives summary of the result of the joint investigation as reported by Consul-General Lay. States that Mr. Lay asks permission to remain and witness punishments. Says he has already instructed the consul-general that the question of indemnification is reserved until the department's order and demands of the Presbyterian board are known, and that for the present he must see that full justice is administered by the Chinese authorities.	314
	Mr. Root to Mr. Rockhill (telegram).	Dec. 4	Same subject. Directs that, unless he sees reasons to the contrary, Consul-General Lay be instructed according to the wishes expressed by him.	314
76	Mr. Bacon to Mr. Rockhill..	Dec. 9	Mining regulations in China. Incloses protest of the American-Chinese Company and instructs him to request that the regulations be amended in accordance with the treaty.	261
172	Mr. Rockhill to Mr. Root....	Dec. 18	Floating mines in the Gulf of Pechili. Reports measures taken at the request of the consular corps in Shanghai and diplomatic corps to discover and destroy; incloses correspondence.	300

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No.	From and to whom.	Date.	Subject.	Page.
178	Mr. Rockhill to Mr. Root...	1905. Dec. 23	Revision of the rules of the mixed court at Shanghai, and resulting riots. Rectifies efforts made during 1905 toward securing revision. Cites incident brought about by an arbitrary decision of the consular body regarding imprisonment of Chinese females, which led to serious results. Viceroy ordered to Shanghai to effect settlement. Incloses correspondence.	373
	Same to same (telegram)...	Dec. 29	Lienchou riots and resulting claims. Reports the receipt of a note from the foreign office containing a report from the viceroy of Canton on the investigation of the Lienchou massacre and findings of the joint commission. The viceroy approves the findings and asks the foreign office to request Mr. Rockhill to instruct Consul-General Lay to close the case on the basis of them. Accordingly the foreign office requests him to instruct the consul-general to settle the case at Canton with the deputies of the viceroy. Mr. Rockhill says that he has received also a report from the consul-general substantially agreeing with the Chinese version and determining the responsibility. Little is added by it to the telegram sent by him to the department and to the legation on the 16th instant. He makes no recommendations in regard to punishment of officials, but Mr. Rockhill is asking him to do so. The imperial edict reported in legation's No. 138 orders punishment of officials directly responsible and indemnification in principle. The minister asks to be instructed concerning indemnity and other reparation, including punishment of officials responsible in any degree; also whether the case should be settled by the consul-general or at the legation.	315
196	Same to same.....	1906. Jan. 13	Rights of missionaries to acquire property in the interior of China. Requests instructions in regard to the right of missionaries, belonging to no particular church or missionary society, to acquire property in the interior of China under the provisions of Article XIV of our treaty with China of 1903.	276
197	Same to same.....	Jan. 15	Floating mines in the Gulf of Pechili. Incloses note from foreign office to the dean of the diplomatic corps to remedy danger.	303
89	Mr. Root to Mr. Rockhill...	Jan. 16	Payment of the Chinese indemnity. Incloses copy of letter from Treasury Department stating its understanding of the situation created by the acceptance of Chinese proposal reported in his No. 113.	273
198	Mr. Rockhill to Mr. Root...	Jan. 17	The open-door policy in Manchuria—Establishment of custom-houses and opening of ports to international trade. States that port of Chi-nan-fu was opened to foreign trade and residence on Jan. 10. Incloses note from foreign office transmitting the regulations for the leasing of land and the building of houses, also copy of police regulations.	162
200	Same to same.....	Jan. 18	Mining regulations in China. Incloses reply of foreign office to his protest, in which it is explained that regulation 7 is intended to prevent private sales among Chinese, and that American citizens can obtain permits to open mines through the Chinese officials.	262
206	Same to same.....	Jan. 21	Same subject. Requests instructions as to what other points it is desirable to ask amendment. States that the British and German ministers are endeavoring to induce the Chinese Government to recast the regulations in the spirit of the British and American treaties.	263
91	Mr. Root to Mr. Rockhill...	Jan. 22	Lienchou riots and resulting claims. States that the demand for the immediate dismissal of the viceroy of Canton does not seem advisable, but the Chinese Government may be informed that it will be held under consideration pending the results of his promised efforts.	315

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No.	From and to whom.	Date.	Subject.	Page.
209	Mr. Rockhill to Mr. Root....	1906. Jan. 25	Reciprocal protection of trade-marks in China. Acknowledges No. 70 and incloses copy of note to foreign ministers advising them that the word "punishment" must be understood to refer to a civil action only. States that consuls have been similarly informed.	231
213	Same to same.....	Feb. 5	Revision of the rules of the mixed court at Shanghai, and resulting riots. Incloses correspondence with Consul-General Rodgers and articles from Shanghai newspapers indicating the purpose of the municipal council to achieve virtual independence.	385
95	Mr. Root to Mr. Rockhill....	Feb. 7	Mining regulations in China. Approves note in No. 177, transmitted to foreign office.	264
225	Mr. Rockhill to Mr. Root....	Feb. 13	Same subject. Incloses note to foreign office insisting that article 7 be amended so as not to conflict with treaty of 1903.	264
101	Mr. Root to Mr. Rockhill....	Feb. 14	Patents and copyright in China. Requests information as to the present regulations regarding patents and copyrights in China and as to what may be proposed for the future.	260
228	Mr. Rockhill to Mr. Root....	...do....	Riots at Changpu and Nanchang. Reports the, and incloses copy of note to foreign office, together with copies of replies thereto stating action taken by the authorities.	324
105	Mr. Bacon to Mr. Rockhill..	Feb. 20	Protection of trade-marks in China. Incloses text of note sent Feb. 17 to the French, German, and British embassies.	250
110	Same to same.....	Mar. 2	Mining regulations in China. Incloses letter from American-Chinese Company.	265
114	Same to same.....	...do....	Same subject. States that explanation in No. 200 concerning article 7 is satisfactory if carried out in good faith, but if not actually amended public announcement of its import should be made so as to remove any conflict of the regulations with American treaty and difficulty arising out of differences of local interpretation.	266
251	Mr. Rockhill to Mr. Root....	Mar. 7	Riots at Changpu and Nanchang. States cause of disturbance and incloses copies of notes to the foreign office urging measures to prevent or suppress disturbances, and replies stating action taken. Only three cases in which missionaries of the United States are interested are pending before the legation, all of which relate to ownership of land.	326
254	Same to same.....	Mar. 9	Revision of the rules of the mixed court at Shanghai and resulting riots. Incloses reply of diplomatic corps to counter amendments proposed by the Chinese Government in No. 178 and set of rules likely to be agreed to. Also incloses letter to consul-general at Shanghai advising him as to the powers and duties of the consular corps as a body.	394
117	Mr. Root to Mr. Rockhill....	Mar. 10	Mining regulations in China. Instructs him to consult with his British and German colleagues and to achieve the desired end of securing equal, just, and nondiscriminatory treatment for Americans.	266
258	Mr. Rockhill to Mr. Root....	Mar. 14	Payment of the Chinese indemnity. Requests instructions in regard to the new bond to be signed by China in accordance with the agreement of July 2, 1905.	274
260	Same to same.....	Mar. 17	Riots at Changpu and Nanchang. Incloses newspaper accounts of the, comments on the bitter animosity prevailing among the Catholic and Protestant missionaries and converts.	329
262	Same to same.....	Mar. 20	Reforms, governmental, judicial, and educational. Reports efforts to secure for graduates of missionary schools the same advantages as those enjoyed by the pupils of government institutions. Incloses correspondence with the Soochow University.	341
123	Mr. Root to Mr. Rockhill ...	Mar. 22	Rights of missionaries to acquire property in the interior of China. Acknowledges No. 196 and states that the individual right of a missionary to acquire and hold property is legally nonexistent, but in equity and with the support of numerous precedents would be considered as valid in meritorious cases.	277

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No.	From and to whom.	Date.	Subject.	Page.
269	Mr. Rockhill to Mr. Root....	1906. Mar. 27	Patents and copyrights in China. States legislation will be taken up by the Chinese Government as soon as an agreement has been reached by foreign powers on the trade-mark regulations and that protection is, as heretofore, extended by local authorities to patents and copyrights registered at consulates.	260
127	Mr. Bacon to Mr. Rockhill..	Mar. 28	Mining regulations in China. Approves protest inclosed in No. 225.	267
272	Mr. Rockhill to Mr. Root....	Apr. 2	Riots at Changpu and Nanchang. Incloses copy of dispatch from the American consul-general at Hankow.	334
274	Same to same.....	Apr. 3	Payment of the Chinese indemnity. Reports in regard to patriotic and successful efforts to pay the indemnity from a fund furnished by popular subscriptions. While it has official sanction, the officials take no part in directing it.	274
276	Same to same.....	Apr. 5	Riots at Changpu and Nanchang. Incloses report from consul at Amoy.	336
131	Mr. Bacon to Mr. Rockhill..	Apr. 13	Mining regulations in China. Incloses letter from Secretary of the Interior as reply to his No. 206.	267
	Same to same (telegram)....	Apr. 14	The open-door policy in Manchuria; establishment of custom-houses and opening of ports to international trade. Informs him of the purport of memorandum of Apr. 12 from the Japanese legation.	182
135	Same to same.....	Apr. 16	Rights of missionaries to acquire property in the interior of China. Incloses No. 44 from Hankow relative to the refusal of a magistrate at Siang-tan to register a deed unless reference to the nationality of the United Evangelical Church be omitted. States this appears to be a denial of treaty right; instructs him to call the matter to the attention of the Chinese Government.	278
	President Roosevelt to the Empress and Emperor of China (telegram).	...do....	Opening of the cable between San Francisco and Shanghai. Expresses congratulations and sentiments of good will.	409
	The Emperor of China to President Roosevelt (telegram).	Apr. 17	Same subject. Acknowledges telegram and offers congratulations.	409
136	Mr. Root to Mr. Rockhill....	Apr. 18	Revision of the rules of the mixed court at Shanghai and resulting riots. Acknowledges No. 178, refers to previous correspondence, and states that while the department is not disposed to support the extreme pretensions, as advanced by the local British press, it can not sympathize with aggressive tendencies on the part of the Chinese authorities.	398
140	Mr. Bacon to Mr. Rockhill..	Apr. 20	The open-door policy in Manchuria. Establishment of custom-houses and opening of ports to international trade. Complaint of British-American Tobacco Co. of discrimination against. Incloses correspondence relative to, and instructs him to impress upon his Japanese colleague the serious problems confronting the United States if Japanese assurances are disregarded.	186
	Mr. Rockhill to Mr. Root (telegram).	Apr. 23	Riots at Changpu and Nan-ch'ang. Reports that edict provides for the removal of the governor of Kiangsi from office and the punishment of the provincial judge and treasurer on account of the riot at Nan-ch'ang.	338
295	Same to same.....	Apr. 26	Same subject. Incloses copy of edict referred to in telegram of the 23d. Pecuniary claims are to be promptly and satisfactorily settled.	338
297	Same to same.....	Apr. 27	Mining regulations in China. States that objectionable regulations will soon be withdrawn and a new set submitted to the throne for approval. Incloses correspondence with foreign office.	269
	Mr. Root to the American legation (telegram).	Apr. 28	Payment of the Chinese indemnity. Directs that the Chinese Government be asked to sign bond identical to those given other powers on account of indemnity. If thought advisable, form for verification of financial calculations before signing is to be submitted.	275
144	Mr. Bacon to Mr. Rockhill..	May 1	Revision of the rules of the mixed court at Shanghai and resulting riots. Draft of rules made by diplomatic body commends itself to the department.	399
	Same to same (telegram)....	May 2	Lienchou riots and resulting claims. The minister is instructed to report any information he has relative to indemnities on account of death or losses by the Lienchou massacre and to state whether any American citizens have filed claims for indemnity on account thereof.	315

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No.	From and to whom.	Date.	Subject.	Page.
	Mr. Rockhill to Mr. Root (telegram).	1906. May 3	The open-door policy in Manchuria—Establishment of custom-houses and opening of ports to international trade. Reports that the Chinese Government will be ready in a few days to select suitable locality for international settlement at Antung and otherwise comply with article 12 of treaty of 1903. Japanese minister authorized by his Government to cooperate. Settlement of these questions at Mukden will take place about June 1.	187
	Same to same (telegram)....	May 5	Lienchou riots and resulting claims. States that the American consul-general at Canton reports the filing by the Presbyterian mission of two claims for losses in Lienchou, one of fifty-two thousand and odd Mexican dollars for their losses, another of nine thousand and odd Mexican dollars for those of their converts; indemnity for deaths is not sought by the mission. The consul-general states that the Chinese authorities are willing to pay the claim of the converts if presented by the American officials.	316
302	Same to same.....	...do....	Same subject. Acknowledges telegram of the 3d and incloses statement of loss of life and property.	316
	Mr. Root to Mr. Rockhill (telegram).	May 8	The open-door policy in Manchuria. Establishment of custom-houses and opening of ports to international trade. States that in discussing regulations for the international settlements at Antung and Mukden it is expected that the American agent will, as far as possible, insist on rights of foreign residence free from irksome Chinese supervision, and will object to arbitrary regulations by which trade may be hampered.	190
	Same to same (telegram)....	May 9	Same subject. States that the discussion and agreement with Japan in the matter should be only what is necessary for the acquiescence of Japan as in temporary military occupation, and that beyond that it is considered to be a matter between America and China exclusively.	190
	Mr. Rockhill to Mr. Root (telegram).	...do....	Changes in the customs service. Reports that by an imperial edict issued this day all the customs of China and all the foreigners employed therein are placed under the control of T'ieh Liang, who is appointed minister superintendent of customs affairs, with Vice-Minister T'ang Shao-yi.	280
	Mr. Root to Mr. Rockhill (telegram).	...do....	Same subject. Inquires whether the imperial edict constitutes a practical nullification of the declaration of 1898 that an Englishman shall be inspector-general.	281
	Mr. Rockhill to Mr. Root (telegram).	May 10	Same subject. Has seen T'ang Shao-yi. The latter says that the customs revenue is already hypothecated and will not be touched; treaties and pledges will be observed; the inspector-general will be an Englishman, but China will have a right to control him, being a servant of that country.	281
307	Same to same.....	May 14	Payment of the Chinese indemnity. Reports compliance with the department's telegram of May 28.	275
311	Same to same.....	May 15	Changes in the customs service. Reports interview with inspector-general and new associate minister T'ang Shao-yi. Incloses decree referred to in telegram of May 9 and memorandum concerning T'ieh-liang's antecedents and tendencies.	281
	Same to same (telegram)....	May 21	Same subject. States that the German and British diplomatic representatives have received replies to their inquiries concerning the customs edict, which are indefinite and generally considered unsatisfactory. The British sent a second note on Saturday. Mr. Rockhill, in reply to his inquiry, has received a note from the minister for foreign affairs which is absolutely noncommittal. Most of the diplomatic representatives in Peking are instructed to support Great Britain in insisting on a satisfactory promise for the future. Asks whether he shall join with them.	283
	Mr. Root to Mr. Rockhill (telegram).	...do....	Same subject. Instructs him to concur with other powers in supporting the position which Great Britain has taken.	283
	Mr. Rockhill to Mr. Root (telegram).	...do....	The open-door policy in Manchuria—Establishment of custom-houses and opening of ports to international trade. Reports that Consul-General Sammons started for Antung and Mukden on May 19.	190

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No.	From and to whom.	Date.	Subject.	Page.
313	Mr. Rockhill to Mr. Root ...	1906. May 24	Rights of missionaries to acquire property in the interior of China. Acknowledges No. 135 and incloses correspondence had with the foreign office, from which it appears that the deeds in question have been duly stamped.	279
315	Same to same.....	May 25	Revision of the rules of the mixed court at Shanghai and resulting riots. Incloses copy of note to foreign office urging early reply to joint note transmitting draft.	400
317	Same to same.....	May 29	The open-door policy in Manchuria. Establishment of custom-houses and opening of ports to international trade. Reports that Japanese are in possession of all desirable sites at Antung, but it is not thought this will raise objections on part of other treaty powers, who are not likely to establish themselves for trade at that place.	191
	Same to same (telegram)....	June 7	Changes in the customs service. The chargé d'affaires of Great Britain informs Mr. Rockhill that the Chinese Government declares that the decree appointing the high commissioners makes no change in the administration of the maritime customs, which, it is stipulated, shall remain as at present constituted during the currency of the loans of 1896 and 1898. The Government of Great Britain has declared its satisfaction.	283
	Mr. Root to Mr. Rockhill (telegram).	June 8	Lienchou riots and resulting claims. Directs, unless he sees good reasons to the contrary, that the consul-general at Canton be informed that the Lienchou case rests in his handling for final adjustment; that adequacy of punishment must be determined by him and that this Government has under favorable consideration claims for indemnity for relatives of victims of massacre and will present these claims to China for payment when formulated. Make no financial settlement of case which will preclude these claims. Directs the minister to communicate the above to the Chinese Government and to state that payment of these demands will be insisted on as a necessary part of the settlement of the Lienchou case, this payment being regarded as exemplary damages to which China by failure of her officials to prevent this outrage has made herself liable.	319
324	Mr. Rockhill to Mr. Root....	June 12	Same subject. Reports action taken on telegram of 9th instant.	319
325	Same to same.....	do	Patents and copyright in China. Points out that there is no existing copyright convention in China, and that the treaty of 1903 declares that the protection of trade-marks must first be provided for.	261
326	Same to same.....	June 13	Reforms, governmental, judicial and educational. Incloses memorial prepared by Wu Ting Fang and Shen Chia-fen, commissioners for the revision of the codes, recommending the establishment of trial by jury and the recognition of a legal profession.	345
327	Same to same.....	do	Changes in the customs service. Incloses note from the British chargé, and his own correspondence with the foreign office. Expresses opinion as to Chinese assurances.	284
332	Same to same.....	June 26	The open-door policy in Manchuria—Establishment of custom-houses and opening of ports to international trade. Reports action taken on department's telegrams of May 5, 9, and 10, regarding the opening of Antung and Mukden. Incloses copy correspondence with foreign office and copy of instruction to Consul-General Sammons. Describes objections to proposition made by the Chinese Government.	198
333	Same to same.....	June 28	Reciprocal protection of trade-marks in China. Incloses copies of notes exchanged with the Russian minister.	233
157	Mr. Root to Mr. Rockhill....	June 30	Threatened restriction of the boundaries of the international settlement at Shanghai. Incloses No. 160 from the American consul-general at Shanghai making protest, together with copy of the department's reply approving the consul-general's course. Instructs him to support the request of the consular corps if no objection is seen thereto.	297

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No.	From and to whom.	Date.	Subject.	Page.
159	Mr. Root to Mr. Rockhill...	1906. June 30	Protection of trade-marks in China. Incloses note of May 12 from German ambassador, together with letter from the Secretary of Interior, in regard to opposition of this Government to section 25 of proposed regulations, reviews matter, and instructs him to consult with the American commercial community and to inform the department as soon as practicable whether or not rights are held to have been acquired by the registration heretofore effected, and whether or not the German ambassador's proposal would, if accepted, adversely affect them.	252
342	Mr. Rockhill to Mr. Root....	July 6	Riots at Changpu and Nanchang. Reports in regard to settlements agreed to by French and British legations, and incloses text of French agreement and proclamation.	339
161	Mr. Bacon to Mr. Rockhill..	July 11	Restrictions upon the importation, growth, and use of opium. Transmits request of the Rev. Hampden C. Du Bose, that he be introduced at the Chinese foreign office in order that he may confer with it with regard to the suppression of the opium traffic. Directs him to grant request if no objection is seen thereto. Requests report on opium trade.	352
	Same to same (telegram) ...	July 13	Lienchou riots and resulting claims. Informs Mr. Rockhill that Consul-General Lay has wired that the viceroy has paid compensation for the losses at Lienchou, as claimed, and states that the department assumes that this settlement will not preclude claims as stated in its telegram to Mr. Rockhill of June 8. These claims are about to be presented, being now in a final form. Mr. Bacon requests an immediate reply.	319
	Mr. Rockhill to Mr. Root (telegram).	July 14	Same subject. States that he has already instructed Consul-General Lay in accordance with the department's telegram this day, but that he is again telegraphing him.	320
	Same to same (telegram).....	do	The open-door policy in Manchuria—Establishment of custom-houses and opening of ports to international trade. Gives substance of reports from Consul-General Sammons in regard to the opening of international settlements at Mukden and Antung, and states that he (Rockhill) is pressing foreign office for immediate establishment of maritime custom-houses at Antung, near Dalny, and in the north near the Russian lines, so that all foreign trade with Manchuria may have identical customs treatment.	202
352	Same to same.....	July 16	Same subject. Reports that promise has been made by foreign office immediately to establish custom-house at Antung and to press negotiations regarding the opening of Mukden and Antung.	202
353	Same to same.....	July 18	Same subject. Incloses draft of regulations for the opening of settlement at Chang-te-fu. Calls attention to certain clauses to which he has made objection.	204
354	Same to same.....	do.....	Same subject. Incloses correspondence relating to investigation made by Shanghai commercial interests of conditions hampering foreign trade in Manchuria to advantage of Japan. Newspaper articles inclosed.	208
	Mr. Bacon to Mr. Rockhill (telegram).	July 24	Same subject. Approves action reported in telegram of 14th instant. States that the department considers it important vigorously to urge settlement of the Mukden and Antung matters at the first favorable opportunity. Instructs him to endeavor to secure the cordial cooperation of Japan, which the United States should have promptly, but, if this is impossible, Japan's attitude should not be allowed to retard the settlements. The United States fully agrees that the open door in Manchurian ports should not be impeded, nor should trade be diverted into particular directions for the benefit of Japan alone by want of uniformity in customs treatment.	214
	Mr. Rockhill to Mr. Root (telegram).	July 30	Riots at Changpu and Nanchang. Reports that the British and French Governments did not ask exemplary damages on account of Nanchang riots.	341
359	Same to same.....	July 31	Changes in the customs service. Reports in regard to the organization and opening of the "council of customs affairs."	286

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
364	Mr. Rockhill to Mr. Root...	1906. July 31	The open-door policy in Manchuria—Establishment of custom-houses and opening of ports to international trade. Reports conversation with new Japanese minister to China, Hyashi, which revealed strong desire on the part of the minister to cooperate with the American legation in securing equal treatment in Manchuria.	215
365	Same to same.....	do.....	Changes in the customs service. Incloses newspaper clipping showing native methods of administration in the native customs of Santuao and result of honest foreign management of the same.	286
	Same to same (telegram)....	Aug. 4	Lienchou riots and resulting claims. Gives summary of terms which have been agreed upon between Consul-General Lay and the viceroy.	320
370	Same to same.....	Aug. 9	The open-door policy in Manchuria—Establishment of custom-houses and opening of ports to international trade. Incloses an abstract of an interview in regard to the economic policy of Japan in Manchuria given by the Japanese minister of foreign affairs to a representative of one of the leading Japanese papers.	216
371	Same to same.....	do.....	Threatened restriction of the boundaries of the international settlement at Shanghai. Incloses copy of note sent to the foreign office, protesting against restrictions referred to in instruction No. 157.	299
	Mr. Bacon to Mr. Rockhill (telegram).	Aug. 10	The open-door policy in Manchuria—Establishment of custom-houses and opening of ports to international trade. Communicates telegram of Aug. 9 from Ambassador Wright.	217
375	Mr. Rockhill to Mr. Root....	Aug. 15	Revision of the rules of the mixed court at Shanghai, and resulting riots. Incloses reply of foreign office to joint note referred to in No. 315, together with additional regulations proposed by Chinese Government. Also incloses copy of reply to the above-mentioned note transmitting counter draft approved by diplomatic representatives.	400
377	Same to same.....	do.....	The open-door policy in Manchuria—Establishment of custom-houses and opening of ports to international trade. Incloses copies of notes addressed to the foreign office urging the establishment of customs facilities at Antung.	218
	Mr. Bacon to Mr. Rockhill (telegram).	Aug. 16	Lienchou riots and resulting claims. States that in accordance with precedents set by other powers, and if not inconsistent with arrangements already made with Consul-General Lay, an indemnity of 50,000 taels will be demanded for the next of kin of the 5 American victims.	320
	Mr. Rockhill to Mr. Root (telegram).	Aug. 17	Protection of trade-marks in China. Reports substance of replies received from American consuls at Tientsin and Shanghai as to rights acquired under provisional regulations and advises acceptance of German proposals.	255
	Same to same (telegram)....	do.....	Lienchou riots and resulting claims. Asks whether he is to conclude an arrangement for a final settlement of the Lienchou matter, including terms already agreed upon by Consul-General Lay, and states that it seems to him most desirable to have the Government's formal assent.	321
	Mr. Adee to Mr. Rockhill (telegram).	Aug. 18	Same subject. Instructs him to conclude a final settlement of the Lienchou matter with the Peking Government, to recite therein the terms of settlement already arrived at at Canton, and to incorporate additional demands stated in the department's telegram of Aug. 16 when China accedes to them.	321
381	Mr. Rockhill to Mr. Root....	Aug. 28	Same subject. Incloses copy of draft agreement submitted to the foreign office on the 21st instant.	321
382	Same to same.....	Aug. 29	Restrictions upon the importation, growth, and use of opium. States that no objection is seen to granting the request of the Rev. Hampden C. Du Bose. A report including the present aspects of the opium trade is being prepared.	353
383	Same to same.....	do.....	Reforms, governmental, judicial, and educational. Incloses an edict creating a committee to consider the reports and recommendations of the high commissioners recently returned from investigating the methods of Japan and the western world. Gives names of members of the committee.	348

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
176	Mr. Adee to Mr. Rockhill...	1906. Aug. 29	The open-door policy in Manchuria—Establishment of custom-houses and opening of ports to international trade. Acknowledges and approves No. 352, of the 16th ultimo, and states that on perusal of Mr. Sammons's dispatch No. 255, of July 5, the conclusion is reached that compliance by China with the terms of her treaty with the United States is a matter of more importance than the overcoming of difficulties as to settlement sites and land titles and should not be made subordinate thereto.	219
177	Same to same.....	Aug. 30	Same subject. Acknowledges No. 353 and approves objections made by him to some of the regulations for the opening of Chang-te-fu.	220
	Mr. Rockhill to Mr. Root (telegram).	...do....	Same subject. Reports that notwithstanding constant pressure the Chinese Government will not fix date of opening of customs at Antung or take any action whatsoever looking to the establishment of customs anywhere in Manchuria. British chargé has asked that Newchwang be made a free port. Inquires if he shall take similar action. States that information has been received that the matter has not even been broached as yet to the Russian legation by the Chinese Government.	220
	Mr. Adee to Mr. Rockhill (telegram).	...do....	Same subject. Acknowledges telegram of this date and instructs him to make demand in accord with British, which is understood to be that until customs are established throughout Manchuria no duties be levied at Newchwang.	220
384	Mr. Rockhill to Mr. Root....	...do....	Protection of trade-marks in China. Offers additional reasons why the United States should yield.	258
385	Same to same.....	Sept. 3	The open-door policy in Manchuria—Establishment of custom-houses and opening of ports to international trade. Reports conversation had with T'ang Shao-yi in regard to the opening of customs-houses at Antung, Dalny, and on the Russian frontier of Manchuria.	221
	Same to same (telegram)....	...do....	Same subject. Reports that he is assured by the Chinese foreign office that it is doing everything in its power to settle the Manchurian customs question promptly.	222
386	Same to same.....	Sept. 4	Reforms, governmental, judicial, and educational. Incloses two edicts for the carrying into effect certain.	349
389	Same to same.....	Sept. 6	Citizenship and right of admission to the United States of a Chinese adopted by an American citizen. Submits inquiry and opinion given by himself on the subject.	288
393	Same to same.....	Sept. 8	Restrictions upon the importation, growth, and use of opium. Transmits exhaustive report prepared by Mr. Williams, Chinese secretary of the legation.	353
395	Same to same.....	Sept. 12	The open-door policy in Manchuria—Establishment of custom-houses and opening of ports to international trade. Incloses copies of two notes from the foreign office stating that Mukden, Antung, and four other ports in Manchuria have been opened to international trade.	222
400	Same to same.....	Sept. 21	Restrictions upon the importation, growth, and use of opium. Incloses edict ordering the abolishment within ten years of opium smoking, and providing for regulations for carrying the edict into effect.	359
	Mr. Adee to Mr. Rockhill (telegram).	Sept. 27	The open-door policy in Manchuria. Establishment of custom-houses and opening of ports to international trade. Asks what action has been taken on department's telegram of Aug. 30.	223
	Mr. Rockhill to Mr. Root (telegram).	Sept. 28	Same subject. Reports result of representations made concerning the suspension of customs at Newchwang. Foreign office replied that it was impossible to act as requested. States that representations by the British and himself have hastened the general settlement of Manchurian customs. Russian Government will agree shortly to proposals telegraphed to department on the 3d instant. The Japanese are hastening a settlement of the Tairen customs.	224
194	Mr. Adee to Mr. Rockhill....	...do....	Revision of the rules of the mixed court at Shanghai and resulting riots. Approves counterdraft transmitted with No. 375 and expresses the hope that it may be acceptable to the Chinese Government, so that the matter may be disposed of.	407

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Rockhill to Mr. Root (telegram).	1906. Oct. 3	The open-door policy in Manchuria. Establishment of custom-houses and opening of ports to international trade. Refers to his telegram of the 28th ultimo and states that he has been informed by the Russian minister that his Government has agreed to the opening of railroad frontier customs by the Chinese, and that he will now settle details with the Government of China.	226
195	Mr. Root to Mr. Rockhill....	Oct. 4	Same subject. Acknowledges telegram of the 28th ultimo and instructs him to continue pressure for custom-houses and to inform the Chinese Government that the demand as to Newchwang will be renewed with increased emphasis if present conditions continue.	224
419	Mr. Rockhill to Mr. Root....	Oct. 6	Same subject. Reports that China has failed to take shares in either the Southern Manchurian Railway Company or in the Timber Cutting Company of the Yalu, and that it is more than likely that nothing will be done by China to open Antung until after the complete evacuation of Manchuria by Japan in April of next year.	224
423	Same to same.....	Oct. 9	Same subject. Incloses copy of note from the foreign office stating that Hsin-min Fu is now opened to international trade.	225
427	Same to same.....	Oct. 11	Same subject. Reports that the falling off in American trade can not be charged to discrimination by Japanese against American interests, but rather to the undeniable lack of proper activity on the part of shippers and to the diversion of trade into other channels.	225
199	Mr. Root to Mr. Rockhill....	Oct. 15	Protection of trade-marks in China. Incloses notes of this date to German, French, and British ambassadors.	255
433	Mr. Rockhill to Mr. Root....	Oct. 17	Mining regulations in China. Incloses two notes to the foreign office, emphasizing the fact that the proposed new regulations must be submitted to this Government for consideration before they may properly be put into effect.	271
	Mr. Root to Mr. Rockhill....	Oct. 23	Restrictions upon the importation, growth, and use of opium. Acknowledges No. 393, and directs him to inform Mr. Williams that his report has been read with interest.	363
206	Mr. Bacon to Mr. Rockhill..	Oct. 25	The open-door policy in Manchuria. Establishment of custom-houses and opening of ports to international trade. Acknowledges No. 395, in regard to the opening of certain ports to international trade, and states that the department is gratified that some progress is being made toward the settlement of a long-standing question.	227
209	Same to same.....	Nov. 2	Citizenship and right of admission to the United States of a Chinese adopted by an American citizen. Incloses letter from the Department of Commerce and Labor concurring in views set forth in No. 389.	289
	Mr. Coolidge to Mr. Root (telegram).	Nov. 7	Reforms, governmental, judicial, and educational. Reports the issuance of edicts changing the structure of the Government and preparing the way for constitutional government, and enumerates reforms thus far made.	351
	Same to same (telegram)....	Nov. 8	Same subject. Reports further in regard to changes brought about by edicts referred to in his telegram of the 7th.	352
211	Mr. Adee to Mr. Rockhill...	Nov. 10	United States court for China. Incloses copies of act establishing the court, gives names of officers, and instructs him to inform the Chinese Government, the American consuls in China, and the foreign representatives in Peking.	407
80	Mr. Adee to Mr. Chentung...	do.....	Same subject. Incloses copies of act creating the court, gives names of officers, and bespeaks the good will of the Chinese Government for the new institution.	408
217	Mr. Bacon to Mr. Coolidge..	Nov. 23	The open-door policy in Manchuria. Establishment of custom-houses and opening of ports to international trade. Incloses copy of No. 683, Nov. 7, from Russia.	227
219	Mr. Adee to Mr. Moore.....	Dec. 1	Mining regulations in China. Approves course reported in No. 433.	273
469	Mr. Moore to Mr. Root.....	Dec. 6	Restrictions upon the importation, growth, and use of opium. Incloses copy of regulations for the suppression of opium growing and smoking in China. Outlines steps already taken by the authorities to bring about reform.	365

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Root to Mr. Rockhill (telegram).	1906. Dec. 13	Lienchou riots and resulting claims. States that he has agreed with the Chinese minister to reduce the Lienchou final indemnity to \$25,000 gold, and authorizes him to close, with this modification, the agreement set forth in his No. 381.	324
	Mr. Rodgers to Mr. Root (telegram).	Dec. 17	United States court for China. Reports opening of court and requests date of confirmation of court officials.	409
482	Mr. Rockhill to Mr. Root....	Dec. 18	Foreign settlements in China and Manchuria. Incloses memorandum prepared by Mr. Williams, Chinese secretary; also incloses copies of correspondence concerning the negotiations for the establishment of international settlements at Mukden and Antung, to which the memorandum refers.	290
	Same to same (telegram)....	...do ...	The open-door policy in Manchuria. Establishment of custom-houses and opening of ports to international trade. Reports that he has been informed by the foreign office that according to the agreement with the Russian minister the three cities, Kirin, Harbin, and Manchuria, will be opened to international residence and trade Jan. 14, 1907.	227
	Mr. Wilson to Mr. Rodgers (telegram).	Dec. 21	United States court for China. Informs him of the confirmation of court officials.	409
226	Mr. Root to Mr. Rockhill....	...do ...	Protection of trade-marks in China. Quotes note from French embassy in regard to an addition to article 7, and states that when the other powers shall have concurred therein the German proposal may be accepted and the Chinese Government urged to put the regulations into effect.	259
227	Same to same.....	Dec. 22	Lienchou riots and resulting claims. Acknowledges the receipt of dispatch No. 381, and states that the matter has been under negotiation with the Chinese minister at this capital, and has just come to a satisfactory conclusion.	324
	Mr. Rockhill to Mr. Root (telegram).	1907. Jan. 5	Same subject. Reports that the consul-general at Canton telegraphs him that the Lienchou indemnity has been paid by the viceroy, that he is directing the consul-general to remit it directly to the department, and that he hopes to sign, at an early date, a legitimated settlement.	324

COLOMBIA.

	Mr. Mendoza to Mr. Root...	1905. Oct. 21	Relations of the United States with Colombia. Presents a long statement of the grounds on which Colombia contends that the United States has failed to observe the treaty of 1846 and its duties under international law and asks that if the question can not be settled by direct diplomatic negotiations it be referred to arbitration.	412
26	Mr. Barrett to Mr. Root.....	1906. Jan. 6	Political and business conditions in Colombia. Reports that on Jan. 1 the National Assembly met in extraordinary session, and gives synopsis of President Reyes's message and translation of part relating to relations with the United States.	442
38	Same to same.....	Feb. 7	Increase of duty on flour. Reports that Colombian Government has, without previous notice, placed an additional duty of 8 cents gold a kilogram on foreign flour. States this will almost stop the importation of flour from the United States.	450
10	Mr. Root to Mr. Mendoza....	Feb. 10	Relations of the United States with Colombia. Acknowledges note of Oct. 21 last, reviews the case; affirms the conclusions reached by Secretary Hay in Jan., 1904, and states that the ratification of the treaty between the United States and Panama by the United States Senate is a binding guarantee of the independence of Panama and repels all charges made against the United States in connection with the uprising on the Isthmus.	419

COLOMBIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Barrett to Mr. Root (telegram).	1906. Feb. 11	Attempt on President Reyes's life. Reports that three mounted men attempted to assassinate the President of Colombia while he was riding in his carriage in the suburbs yesterday morning by firing 8 shots, 5 striking the carriage. He says the President was uninjured and the assailants escaped. The city is quiet, although there was much excitement and indignation at the cowardly attempt.	410
41	Same to same.....	Feb. 13	Increase of duty on flour. Incloses decree imposing duty. Calls attention to its provisions and states that it was prompted purely by local conditions.	451
42	Same to same.....	...do....	Attempt on President Reyes's life. Reports details and transmits copy of proclamation issued by the President.	410
	Mr. Root to Mr. Barrett (telegram).	Feb. 19	Same subject. Directs him to convey congratulations on President's fortunate escape.	412
48	Mr. Barrett to Mr. Root....	Feb. 24	Increase of duty on flour. Reports that in response to representations made by the legation modification has been made in the application of the tax, and that this will prove beneficial to American trade.	452
16	Mr. Root to Mr. Barrett....	Mar. 19	Same subject. States that figures given in his No. 41 appear to state duty in Colombian currency and suggests that equivalent in American gold might be given.	452
	Mr. Mendoza to Mr. Root...	Apr. 6	Relations of the United States with Colombia. Replies at length to note of Feb. 10; disclaims any intention to cast any aspersions on the honor and good faith of the United States; reviews the question of the Panama Canal construction, with special reference to the treaty of 1869 rejected by the Senate of the United States; throws on the Spooner Act the blame for the rejection of the treaty of 1903 by Colombia; insists that by the action of the United States the independence of Panama was made possible, and a great wrong committed, for which Colombia should be compensated, and offers to name the amount or to submit to arbitration the question whether the said action of the United States was in violation of the treaty of 1846 and of the principles of international law. Repudiates the charge that Colombia's rule over Panama was unlawful and tyrannical.	421
69	Mr. Barrett to Mr. Root....	Apr. 14	Political and business conditions in Colombia. Reports general improvement.	443
73	Same to same.....	Apr. 19	Increase of duty on flour. Acknowledges No. 16 and states that duty is given in gold valuation and not what might be termed ordinary Colombian currency. All customs duties in Colombia are stated practically in gold.	453
	Same to same (telegram)...	May 26	Relations of the United States with Colombia. States that the President of Colombia, inviting him in a private conference, submitted the following, recognizing impracticability any further discussion of arbitration and indemnity over the Panama question, and desiring to take practical steps to settle difference. He proposes: (Here follow suggestions which are still the subject of pending negotiations.)	434
	Mr. Root to Mr. Barrett (telegram).	June 2	Same subject. "Say to President Reyes that I am most favorably impressed by his proposals and shall be glad to undertake negotiations on general lines suggested by him."	434
	Mr. Barrett to Mr. Root (telegram).	June 7	Same subject. The President of Colombia in a private conference says the following: "First, he is much pleased with your answer, and says that now begins a new era in friendly relations. Second, to-day has telegraphed to minister of Colombia at Washington, 'return at once ostensibly on leave of absence, and will send, on your return, a new minister in sympathy with proposed negotiations.' Third, Valencia, Pan-American delegate, on arriving at New York, will be instructed to call upon and confer with you. Fourth, desires to know what (date) do you expect (to) arrive at Panama en route home."	434

COLOMBIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
98	Mr. Barrett to Mr. Root	1906. June 7	Political and business conditions in Colombia. Incloses report entitled "Colombia a land of great possibilities."	443
	Same to same (telegram).....	June 17	Visit of Secretary Root. Asks if Secretary Root will accept invitation of Colombia to stop a day at Cartagena en route Panama-New York. The minister of foreign affairs will be sent to meet the Secretary on his arrival.	439
	Mr. Root to Mr. Barrett (telegram).	June 21	Same subject. States that he expects to sail from Panama on or about 24th September. He will call at Cartagena and hopes to see minister for foreign affairs and Mr. Barrett. Will give further information later.	440
	Mr. Barrett to Mr. Root (telegram).	June 24	Same subject. Reports that the President of Colombia is much pleased with Secretary Root's willingness to stop at Cartagena.	440
	Same to same (telegram).....	June 30	Relations of the United States to Colombia. Transmits a request of the President of Colombia that public announcement be made in the United States of the preliminary negotiations initiated in Colombia, and of the contemplated appointment of Señor Enrique Cortes as minister of Colombia on Secretary Root's return from his visit to South American republics.	435
119	Mr. Barrett to Mr. Bacon.....	July 13	Same subject. Incloses text of resolution adopted by the National Commercial Congress, holding sessions in Bogota, urging a prompt settlement of all questions pending between Colombia on the one hand and the United States and Panama on the other, along the lines of negotiations begun by President Reyes and himself.	435
729	Mr. Barrett to Mr. Bacon.....	Aug. 1	Visit of Secretary Root. Gives itinerary of his proposed trip to Guayaquil, and states that he is to meet Mr. Root at that place and accompany him to Panama and thence to Cartagena.	440
1	Mr. Koppel to Mr. Root.....	Aug. 20	Relations of the United States with Colombia. Incloses resolution of the council of ministers declaring Diego Mendoza Perez, late Colombian minister at Washington, a traitor to his country, on account of letters signed by him and published in New York on July 2, and states that if he does not return to answer the charge his extradition will be requested.	436
	Mr. MacMaster to Mr. Root..	Sept. 26	Visit of Secretary Root. Incloses newspaper articles containing speech made by the minister of foreign affairs and Mr. Root's reply thereto. Speaks of good effects thereof.	440

CUBA.

1321	Mr. Squiers to Mr. Root.....	1905. Sept. 1	Trade-mark registration law of Cuba. Incloses copy of note from foreign office in reply to representations made by him in which it is suggested that the United States join in the Pan-American convention of 1902 to which Cuba proposes to adhere.	494
556	Mr. Root to Mr. Squiers.....	Oct. 30	Same subject. Incloses copy of letter from the Secretary of the Interior, stating that the Commissioner of Patents recommends that this country shall not join in treaty as proposed in his No. 1321.	495
1438	Mr. Sleeper to Mr. Root.....	1906. Jan. 13	Sanitation of Cuban cities. Incloses copy of note to foreign office urging early beginning of work, together with copy of reply thereto.	503
1441	Same to same.....	Jan. 16	Same subject. Reports the publication of a presidential decree providing a sanitary organization for the whole island and regulating in minute detail all matters pertaining to sanitation.	506
580	Mr. Root to Mr. Sleeper.....	Jan. 20	Same subject. Refers to unsatisfactory reply of the secretary of state of Cuba, transmitted in his No. 1438, and directs him to inform the Cuban Government that this Government thinks the time has come when there should be action.	506
	Same to same (telegram).....	Jan. 30	Foreign rice milled in the United States denied the benefit of the reciprocity treaty. Instructs legation to urge upon Cuban Government the granting of benefit of reciprocity treaty rate to certain foreign rice milled in this country and shipped to Cuba by Seaboard Rice Milling Company.	515

CUBA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1906.		
	Mr. Sleeper to Mr. Root (telegram)	Jan. 30	Same subject. Reports compliance with the department's telegram and adds that answer of foreign office will be made known as soon as received.	515
1453	Same to same.....	Feb. 1	Trade-mark registration law of Cuba. Transmits translation of ruling defining the steps necessary to be taken to secure protection of trade-marks in those countries subscribing to the Convention of Berne. States that the ruling reaffirms the Madrid arrangement of April 14, 1891, which effected the adherence of the Spanish Government to the Berne convention.	496
1457	Same to same.....	Feb. 2	Foreign rice milled in the United States denied the benefit of the reciprocity treaty. Incloses copy of note to foreign office.	516
1461	Same to same.....	Feb. 3	Sanitation of Cuban cities. Incloses translation of decree referred to in No. 1441.	507
1465	Same to same.....	Feb. 6	Same subject. Incloses translation of note from Cuban secretary of state showing that the work in Habana, which is most urgent, will be taken up during the present year and the expense met by a joint loan of the Government and the municipality.	508
1474	Same to same.....	Feb. 20	Foreign rice milled in the United States denied the benefit of the reciprocity treaty. Incloses copy of note from foreign office, with inclosures, from the Cuban treasury department, in which the advantages of the reciprocity treaty are refused to the rice in question.	516
7	Mr. Bacon to Mr. Morgan...	Mar. 3	Same subject. Acknowledges No. 1474 and states that the refusal by the Cuban Government to apply benefit of the existing reciprocity treaty to the rice in question is regarded as ill founded and is unsatisfactory. Instructs him to recur on convenient occasion to the subject at the foreign office, with a view to ultimately securing for the rice the benefit of the treaty.	518
23	Mr. Morgan to Mr. Root....	Mar. 29	Sanitation of Cuban cities. Reports that sanitary measures against yellow fever are being carried out in accordance with the Ludlow regulations of 1899.	510
32	Same to same.....	Apr. 10	Foreign rice milled in the United States denied the benefit of the reciprocity treaty. Acknowledges No. 7 and states that he proposes to address the new Cuban secretary of the treasury in regard to the matter, and that he will report in immediate future.	518
59	Same to same.....	May 5	Trade-mark convention between Cuba and France. Incloses translation of text.	521
29	Mr. Bacon to Mr. Morgan...	May 19	Trade-mark registration law of Cuba. Incloses for investigation and proper representation correspondence relative to the unjust appropriation by Cuban citizens of American trade-marks; states that the department considers it expedient to have the matter righted by an administrative and legislative action rather than by a provision in the proposed new treaty, and informs him that when redress is given it should include the restoration of trade-marks to American citizens who have been deprived of them.	498
88	Mr. Morgan to Mr. Root.....	June 11	Sanitation of Cuban cities. Incloses translation of presidential decree assigning certain sums of money to the use of the sanitary authorities at Bolondron, Union de Reyes, and Alacranes.	509
98	Same to same.....	June 15	Trade-mark registration law of Cuba. Reports action taken on instruction No. 29, and outlines measures which the Cuban Government proposes to take with a view to remedying, at least in part, the present injustice suffered by proprietors of American trade-marks in Cuba.	498
116	Same to same.....	July 6	Foreign rice milled in the United States denied the benefit of the reciprocity treaty. Incloses memorandum received from the Cuban treasury department declining to give to foreign rice cleaned in the United States the benefit of the reciprocity treaty, the contention being that the mere hulling or cleaning of rice is not sufficient to make it a product of the soil or industry of the United States.	519
47	Mr. Bacon to Mr. Morgan...	July 14	Same subject. States that in view of his No. 116 the matter may be allowed to rest, subject to be taken up again in any future negotiations for the recasting of the reciprocal commercial arrangement between the two countries.	520

CUBA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
135	Mr. Sleeper to Mr. Root.....	1906. July 19	Alleged outrage on American residents of the Isle of Pines. Reports the arrest of Miss Millie Brown, L. C. Giltner, and H. L. Augustine for violation of military order No. 50, copy of which is inclosed. States that parties admit guilt and a minimum punishment has been imposed. Reports interview with secretary of state and justice.	510
	Mr. Bacon to Mr. Sleeper (telegram).	July 20	Same subject. Instructs the legation to make immediate inquiry into and send a full report of an outrage which, as represented to President, has been committed in the arrest of Miss Millie Brown, Lou Giltner, and young Augustine, Isle of Pines.	512
	Mr. Sleeper to Mr. Root (telegram).	July 21	Same subject. Says the matter is fully reported in dispatch 135, mailed this day, and that the alleged outrage is not apparent.	512
	Same to same (telegram)....	July 24	Same subject. Reports that considering their declaration of ignorance of the law and promise to not again transgress, he has received from the secretary of state assurances that his request for the pardon of Miss Millie Brown and associates will be favorably considered at the cabinet meeting to-morrow.	513
144	Same to same.....	July 26	Same subject. Reports conversation with Cuban secretary of state; incloses letter from Miss Brown, together with copy of his note to the secretary of state and the latter's reply thereto, granting pardon of Miss Brown and Messrs. Giltner and Augustine.	513
156	Same to same.....	Aug. 20	Trade-mark registration law of Cuba. Incloses correspondence with foreign office from which it appears that in the opinion of the Cuban Government the present regulations, founded not only on the Spanish law, but also on the orders of the American military government, afford ample protection to American owners, if they will only have their marks registered in accordance therewith.	499
157	Same to same.....	Aug. 21	Insurrection and intervention of the United States in Cuba. Reports that an armed uprising against the Government exists in certain provinces. Incloses decree increasing the force of the rural guard.	454
	Same to same (telegram)....	Aug. 24	Same subject. States that the insurgents are in possession of the towns of San Juan y Martinez and San Luis, province of Pinar del Rio. He says they have threatened to blow up bridges and burn property of Western Railway (English) if company continues to transport government troops.	455
	Same to same (telegram)....	Aug. 25	Same subject. Reports that the President has prevailed upon Secretary O'Farrill to retain the portfolio of state and justice; that Montalvo is acting secretary of the Government until the return of Ruis Rivera from Central America, who has been cabled for; and that the insurgents have evacuated San Juan y Martinez and San Luis. States that the general situation is unchanged.	456
160	Same to same.....	...do....	Same subject. Reports situation unchanged and both parties busily engaged in perfecting organization. States that in interviews with the secretary of state and the secretary of the treasury he urged upon them the necessity of energetic action.	456
	Same to same (telegram)....	Aug. 28	Same subject. Asks to be advised if the following is satisfactory reply and advice to send to Americans requesting protection of property: "In all cases of damage, destruction, or seizure of property against the will of the owner by agents of the Government or other parties, a complaint stating the facts and containing a list of the property so damaged, destroyed, or seized should be made to the court having jurisdiction, a copy of said complaint being forwarded at the same time to this legation. Wherever possible a statement in case property is damaged or destroyed and a receipt in case property is appropriated, subscribed to by the person or persons responsible for such damage or destruction or making such appropriation, should be procured."	457
162	Same to same.....	...do....	Same subject. Reports general improvement in situation and incloses copy of President's amnesty proclamation.	457

CUBA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Sleeper to Mr. Root (telegram).	1906. Aug. 29	Same subject. Reports that insurrectionists, under Campos Marquetti, colored member of congress, yesterday entered town of Cabanas, estate Mercedita Sugar Company, taking horses, saddles, etc., property of company. States that he has advised manager along lines of cable yesterday to the department, has presented request protection to Cuban Government, and has acted in like manner in similar cases elsewhere.	460
	Mr. Adee to Mr. Sleeper (telegram).	...do....	Same subject. Informs the legation that the proposed advice to parties despoiled by insurgents has the department's approval. Action Mercedita case also approved.	460
	Mr. Sleeper to Mr. Root (telegram).	...do....	Same subject. Reports that Asbert, the rebel leader, Habana Province, is quoted in La Discussion as threatening to burn foreign properties after 15th proximo, unless Government grants demands of revolutionists.	460
164	Same to same.....	Aug. 30	Same subject. Incloses copy of a note to the foreign office requesting the necessary protection for certain American companies.	460
165	Same to same.....	...do....	Same subject. Reports amnesty order has not yet had anticipated effect. Incloses newspaper clippings.	461
	Same to same (telegram).....	...do....	Same subject. Quotes a telegram received from the Santiago consulate, which says that there is reliable private information that General Rabi and other prominent generals of the liberating army left that morning for Habana at the request of the Government for the purpose of conferring with insurgent leaders with a view to the effecting a compromise of existing troubles. He also says that the legation has been privately informed that these generals were requested by the Government to take the field against the revolutionists, and that they offered in lieu thereof to appoint a committee to endeavor to effect amicable settlement.	463
59	Mr. Adee to Mr. Sleeper.....	Aug. 31	Same subject. Approves action reported in No. 160 and directs him to urge upon the Cuban Government the necessity for the protection of American interests.	463
167	Mr. Sleeper to Mr. Root.....	Sept. 1	Same subject. Gives detailed account of progress of affairs since amnesty proclamation. Incloses a note from foreign office and newspaper clippings.	464
172	Same to same.....	Sept. 4	Same subject. Reports apparent tendency toward peace and compromise on the part of President Palma and his party. Incloses report from the American consul at Santiago.	467
178	Same to same.....	Sept. 6	Same subject. Reports further on the situation with regard to rumors of negotiations for peace.	469
	Same to same (telegram).....	Sept. 7	Same subject. Reports that insurgents have destroyed two culverts of Western Railway between towns of Pinar del Rio and San Luis and interrupted traffic. He also says that emissary left for Pinar del Rio on behalf of veterans to induce Pino Guerra to suspend hostilities pending the discussion of peace negotiations.	470
181	Same to same.....	Sept. 8	Same subject. Reports situation in various provinces; also the destruction of railroad bridges and other hostile demonstrations by General Guerra, which are likely to put an end to the peace negotiations. States that the situation is unquestionably becoming more serious day by day.	470
	Mr. Steinhart to Mr. Root (telegram).	...do....	Same subject. Reports that the secretary of state has requested him, in the name of President Palma, to ask President Roosevelt to send immediately two vessels—one to Habana, other to Cienfuegos. They must come at once. The Government forces are unable to quell the rebellion. The Government is unable to protect life and property. States that President Palma will convene Congress next Friday, and Congress will ask for our forcible intervention. It must be kept secret and confidential that Palma has asked for vessels. No one here except President, secretary of state, and myself knows about it. Very anxiously awaiting reply.	473
	Same to same (telegram).....	Sept. 10	Same subject. "President here worried because no reply received my message, and asks war vessels be sent immediately."	473

CUBA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Bacon to Mr. Steinhart (telegram).	1906. Sept. 10	Same subject. States that two ships are due to arrive Wednesday. Calls attention to the reluctance with which this Government approaches the question of intervention and informs him that it is assumed that the Cuban Government is making every effort to come to a working agreement which will secure peace with the insurgents, provided that they are unable to hold their own with them in the field. Until such efforts have been made this Government is not prepared to consider the question of intervention at all.	474
	Mr. Steinhart to Mr. Root (telegram).	...do....	Same subject. Reports that telegram has been communicated to the President, who asks that ships remain for a considerable time to give security to foreigners in the island. The President says that he will do as much as possible with his forces to put down insurrection, but if unable to conquer or compromise, Cuban Congress will indicate kind of intervention desirable.	474
	Mr. Bacon to Mr. Steinhart (telegram).	Sept. 11	Same subject. States that the President believes actual and immediate intervention to be out of the question. Requests opinion as to the sending of a word of emphatic warning as to the certainty that intervention will come unless the people of Cuba find some way to settle their difficulties. Directs him to urge President Palma to use in the most effective manner all the resources at his command to quell the revolt.	474
184	Mr. Sleeper to Mr. Root.....	...do....	Same subject. Incloses proclamation calling for an extra session of Congress.	475
	Mr. Steinhart to Mr. Root (telegram).	Sept. 12	Same subject. Suggests that the following be communicated to President Palma: "The President of the United States directs me to communicate to you that he regrets present state of affairs in Cuba, and directs me to further say that you must use in the most effective manner all the resources at your command to quell the present revolt, or else in the end intervention on the part of the United States of America will become a necessity, which, for the sake of your country, must be avoided."	475
	Mr. Steinhart to Mr. Bacon (telegram).	...do....	Same subject. Acknowledges the receipt of cable instructions and states that message in question, together with presence of war vessels, will have greatest influence with Cuban Congress and insurgents in the field. It is reported that President Palma consents to appoint a congressional commission composed of men of both parties, who will modify the electoral and municipal laws as demanded by the insurgents.	476
	Same to same (telegram).....	...do....	Same subject. Quotes memorandum received from the Cuban secretary of state saying that the rebellion has increased in certain provinces; that the Cuban Government has no elements to contend it, and stating that President Palma asks for American intervention.	476
	Mr. Sleeper to Mr. Root (telegram).	...do....	Same subject. Reports that in a short conversation with the President that afternoon he urged American citizens and interests be furnished all protection possible, and says that many Americans have complained to legation that the protection already requested has not been afforded. In reply to an inquiry as to ability of Government to crush rebellion he replied evasively. Announces arrival of the cruiser <i>Denver</i> , and asks full instructions.	476
	Same to same (telegram)....	Sept. 13	Same subject. Quotes telegram received from the consul at Santiago reporting the situation at that place.	477
	Same to same (telegram)....	...do....	Same subject. Reports that the British consul called at the legation and stated that he considers British interests in jeopardy. States damage claimed to have been done by insurgents.	477
	Mr. Steinhart to Mr. Bacon (telegram).	...do....	Same subject. States that President Palma, through him, officially asks for American intervention. The President has irrevocably resolved to resign and deliver the Government of Cuba to the representative whom the President of the United States may designate. States that it may be necessary to land force of <i>Denver</i> to protect American property.	477

CUBA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Bacon to Mr. Sleeper (telegram).	1906. Sept. 13	Same subject. Acknowledges telegram of 12th, and says that vessels sent to Cuban waters are under orders of the President, who will determine when and how they shall be used for protection of American life and property. Directs that while he may request asylum on board for Americans in case of danger he will not under any circumstances request landing of marines or any armed force except under orders from the Department of State; also desires him to continue to report promptly all developments or indications in the Cuban situation.	478
	Mr. Sleeper to Mr. Root (telegram).	...do....	Same subject. Reports that at an interview with the President in the presence of Captain Colwell it was decided to land a battalion of 100 men with 3 field pieces for use in case of disorders within the city menacing American life and property.	478
	Same to same (telegram)....	Sept. 14	Same subject. States that immediately upon the receipt of cable instructions he requested Captain Colwell, who had already landed force, to withdraw it.	479
	Same to same (telegram)....	...do....	Same subject. Corrects and amplifies telegram of the 13th and reports meeting of Cuban Congress in extraordinary session, and passage of bills for increase of government forces.	479
	Mr. Steinhart to Mr. Root (telegram.)	...do....	Same subject. Reports that President Palma is ready to present resignation, even though present disturbances should cease at once. Vice-president has resolved not to accept the office. Cabinet ministers have declared intention to resign; thus prevailing state of anarchy will continue unless the United States will adopt measures necessary to avoid this danger.	479
	President Roosevelt to Mr. Bacon.	...do....	Same subject. States that in view of present situation and repeated requests of President Palma it is evident that the United States must act at once in such a way as to protect American interests by fulfilling American obligations to Cuba. Incloses letter for transmission to the Cuban minister.	480
	President Roosevelt to Mr. de Quesada.	...do....	Same subject. Refers to the steady growth of prosperity existing in Cuba up to the time of the present disturbances, and to the rights of the United States under the treaty with Cuba, and states that the internal affairs of that country now seem to have reached a stage of disorder which call for an immediate cessation of hostilities and some arrangement which will secure the permanent pacification of the island. Informs him of the sending of Secretary of War Taft and Assistant Secretary of State Bacon to Habana with a view to rendering such aid as is possible toward the desired ends.	480
	Mr. Sleeper to Mr. Root (telegram.)	Sept. 15	Same subject. Reports encounter between rural guard and rebels at Habana and Santo Domingo. States that the <i>Des Moines</i> and <i>Dirie</i> have arrived. Says there is a more hopeful tone since publication of President's letter.	482
188	Same to same.....	...do....	Same subject. Recites circumstances which led him, after conversation with President Palma, to ask for the landing of the United States marines. Incloses copy of President Palma's message to Congress, and states that a copy of President Roosevelt's letter to Señor Quesada has been communicated to President Palma.	482
189	Same to same.....	Sept. 17	Same subject. Incloses copy of law approving President Palma's administration; also copy of notice of the adjournment of Congress.	485
190	Same to same.....	...do....	Same subject. Incloses translation of presidential decree, directing the government forces to suspend all operations in the field and to remain on the defensive.	486
321	Mr. Almeida to Mr. Adee....	...do....	Same subject. States that he has received a message saying that his Government has issued a decree for the suspension of hostilities on the island on the part of the loyal forces in the expectation that the revolutionists would do likewise.	486
	Mr. Root to Mr. de Quesada.	Oct. 1	Same subject. Quotes message received from Mr. Bacon in Habana, stating that Secretary Taft expresses the hope that Mr. Quesada will not resign his post as Cuban minister. Adds his personal request to that of Secretary Taft.	487

CUBA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. de Quesada to Mr. Root.	1906. Oct. 3	Same subject. Expresses appreciation of sentiments conveyed in letter of the 1st and states that he will remain at his post.	487
	Mr. Root to Mr. Taft.....	Oct. 6	Same subject. Transmits copy of note of the 3d instant from Minister Quesada.	488
217	Mr. Morgan to Mr. Root.....	Oct. 13	Same subject. Transmits epitome of events attendant upon the establishment of the provisional government in Cuba.	489
	Executive order by President Roosevelt.	Oct. 23	Same subject. It is hereby ordered that the temporary administration of the government of the Republic of Cuba in virtue of the requirements of article 3 of the treaty of May 22, 1903, shall be conducted in Habana by the provisional governor, subject to the supervision of the Secretary of War; and all business in relation thereto in this country will be transacted in the Bureau of Insular Affairs of the War Department, where it will be made a matter of official record.	494
259	Mr. Morgan to Mr. Root.....	Nov. 9	Trade-mark registration law of Cuba. Incloses newspaper clipping regarding the recent decision of the supreme court of Cuba, by which the owner of a foreign patent is confirmed in the enjoyment of his patent rights in Cuba. States that it is not known whether this decision by implication may be interpreted as protecting foreign trade-marks as well as patent rights.	502
91	Mr. Bacon to Mr. Morgan...	Nov. 23	Same subject. States that copies of his No. 259 have been forwarded to the Interior Department and the Merchants' Association of New York and that it has been suggested to the latter body that steps might be taken to bring a test case of piracy of a trade-mark before the supreme court of Cuba.	503

DENMARK.

	Mr. O'Brien to Mr. Root (telegram).	1906. Jan. 29	Death of King Christian. "King Christian died this afternoon at 3.40; had worked until 1, feeling well; at luncheon felt weak, and shortly afterwards died without pain. Dowager Empress of Russia and Crown Prince of Denmark present when he died."	523
	Mr. Root to Mr. O'Brien (telegram).	...do....	Same subject. "Convey through appropriate channel the sincere condolences of the President and of your countrymen upon the death of His Majesty King Christian."	523
	Mr. Brun to Mr. Root.....	...do....	Same subject. Requests that the President be informed of the death of the King, which occurred at 3.20 p. m. this day.	524
	President Roosevelt to the King of Denmark (telegram).	Jan. 30	Same subject. "I desire to express to you my profound sympathy in the grief that you and your people feel in the loss of the late King, who during his long reign has been in very truth a father to his people."	523
	Mr. O'Brien to Mr. Root (telegram).	...do....	Same subject. "At noon late crown prince proclaimed King Frederick VIII by prime minister in presence of large concourse. Announcement received with enthusiasm."	523
68	Mr. O'Brien to Mr. Root....	Jan. 31	Same subject. Gives particulars of death and incloses copies of notes to and from the foreign office.	524
602	Mr. Root to Mr. Brun.....	Feb. 1	Same subject. Acknowledges note of Jan. 29; refers to telegraphic instruction to the American legation; quotes telegram of the President to the King and requests that expression of his personal sorrow be conveyed to the minister for foreign affairs.	526
	Mr. Root to Mr. O'Brien (telegram).	Feb. 8	Same subject. Notifies him that he is to be the President's representative at the King's funeral. Instructs him to notify the foreign office accordingly.	526
74	Mr. O'Brien to Mr. Root....	Feb. 9	Arbitration treaty between Denmark and the Netherlands. Text.	530
	Supplementary treaty between the United States and Denmark.	Feb. 19	For the extradition of criminals. Text.....	531
77	Mr. O'Brien to Mr. Root....	Feb. 20	Diplomatic uniforms. Represents the advisability of adopting uniforms for the United States diplomatic service.	527

DENMARK—Continued.

No.	From and to whom.	Date.	Subject.	Page.
23	Mr. Bacon to Mr. O'Brien....	1906. Mar. 9	Same subject. Acknowledges No. 77 and incloses copy of No. 87, Sept. 15, 1899, to Russia.	527
624	Mr. Bacon to Mr. Brun.....	May 7	Consular officers of the United States can not receive foreign appointments. Acknowledges note of the 30th ultimo and informs him that the department has always held that no one could be appointed to a position in the American consular service who is already holding office under some other government, and that acceptance of office from another government vacated the appointment of this Government.	534
101	Mr. O'Brien to Mr. Root....	May 14	Arbitration treaty between Denmark and Italy. Text.	528
629	Mr. Bacon to Mr. Brun.....	June 22	Agreement by exchange of notes on June 22 and June 26, 1906, with respect to the protection of industrial designs or models. Makes declaration requested in note of the 8th instant, that, under the laws of the United States, it is not necessary, in order to secure the protection of Danish industrial designs or models, that the articles they represent shall be manufactured in the United States.	533
	Mr. Brun to Mr. Bacon.....	June 26	Same subject. Acknowledges No. 629 and makes similar declaration on the part of Denmark. Will transmit text of royal ordinance immediately upon its promulgation.	533
42	Royal ordinance..... Mr. Adee to Mr. O'Brien....	Aug. 14 Sept. 26	Same subject. Text..... Emigration agents of South Carolina in Europe. Instructs him to facilitate the mission of Geo. E. C. Bahneke, emigration agent.	534 67
121	Mr. O'Brien to Mr. Root....	Oct. 8	Same subject. Reports action taken on No. 42 and incloses copy of Danish law on the subject.	68

DOMINICAN REPUBLIC.

202	Mr. Dawson to Mr. Root....	1906. Jan. 2	Revolutionary disturbances in Santo Domingo. Reports events already cabled with fuller details and incloses correspondence with the Dominican Government and with United States naval and consular officers.	536
203	Same to same.....	Jan. 16	Same subject. Full account of events reported by cable since Jan. 2, and incloses copy of letter from President Morales, together with copies of notes to and from the minister for foreign affairs relative to Morales' resignation and the assumption of executive power by Vice-President Ramon Caceres.	543
205	Same to same.....	Jan. 17	Enforcement of the sugar production tax. Reports conference with the minister for foreign affairs and sugar planters, and states that the tax will probably be abolished by the next Congress, but the important point is to determine the formal security to be given by the planters pending the decision of the supreme court. Incloses note from minister for foreign affairs.	609
208	Same to same.....	Jan. 29	Same subject. States that the Dominican Government desires assurance that other sugar planters will abide by the decision of the court in the suit now pending against W. L. Bass. Incloses correspondence with minister for foreign affairs.	611
210	Same to same.....	Feb. 2	Revolutionary disturbances in Santo Domingo. Incloses note from French chargé d'affaires expressing thanks for assistance given French citizens during recent revolutionary disturbances at Sanchez by the commanders of the U. S. S. <i>Eagle</i> and <i>Paducah</i> and the acting American consular agent. Incloses correspondence.	549
211	Same to same.....	do.....	Same subject. Reports further in regard to the situation and incloses dispatch from the consular agent at Sanchez, together with agreements relative to the surrender of the <i>Independencia</i> .	551
213	Same to same.....	Feb. 3	Enforcement of the sugar production tax. Reports action of the legation; quotes memorandum from the minister for foreign affairs, stating the position of the Dominican Government, and reviews court proceedings.	612

DOMINICAN REPUBLIC—Continued.

No.	From and to whom.	Date.	Subject.	Page.
219	Mr. Dawson to Mr. Root...	1906. Feb. 21	Revolutionary disturbances in Santo Domingo. Transmits letter from the government physician in charge of the Red Cross at Sanchez, expressing his gratitude for assistance given by United States naval officers in attending the Dominican wounded in the recent disorders. Incloses copy of his reply thereto.	556
229	Same to same.....	Mar. 7	Enforcement of the sugar production tax. Reports in regard to proposed settlement between the sugar planters and Dominican Government looking to twenty years' exemption from taxation on immediate payment of \$100,000 and outlines present status of Bass case.	614
231	Same to same.....	do	Message of President Caceres. Summary of most salient parts.	568
105	Mr. Bacon to Mr. Dawson...	Mar. 31	American concessions in the Dominican Republic. Approves filing of protest as reported in No. 222.	557
247	Mr. Dawson to Mr. Root....	May 10	Control of Dominican customs. Incloses act appropriating 30 per cent of the export duties for the construction of railways. States that a contract has been made with ex-President Horatio Vasquez for the construction of a railroad from Santiago to Moca. Points out advantages of railway and submits his views as to the law and contract being admissible under the requirements of the <i>modus vivendi</i> .	559
248	Same to same.....	do	American concessions in the Dominican Republic. Reports interview with agent of the Clyde Steamship Company, in which the agent raised objections to the reduction of the port dues as proposed to the Dominican Congress by the minister of foreign affairs. Also reports interview with President, during which he intimated to the President that it was not advisable to take aggressively adverse action against established American enterprises, as seems to have been the case in several recent instances.	558
250	Same to same.....	May 21	Enforcement of the sugar-production tax. Reports that the Bass case has been decided in the supreme court in favor of the Government. Outlines the effect of decision.	615
111	Mr. Root to Mr. Dawson....	May 24	Control of Dominican customs. States that the Government does not regard the putting into force of the act of the Dominican Congress of June 27, 1905, as a violation of the <i>modus vivendi</i> , but that none of the money should be withdrawn from deposit in New York banks for such purposes.	563
112	Same to same.....	May 31	American concessions in the Dominican Republic. While regretting vexatious restrictions on commerce caused by such concessions, and hoping that the whole question will be eventually adjusted, approves his course in maintaining the observance of agreements made with American interests.	559
253	Mr. Dawson to Mr. Root....	June 2	Enforcement of the sugar-production tax. Reviews decision and incloses copy thereof, with copies of requests made by the resident manager for Mr. Bass, that he intervene to prevent the execution of the judgment of the supreme court and of his reply thereto.	616
255	Same to same.....	June 9	Same subject. States that minister of finance, after conference with himself and attorney-general, agrees to suspend sale of all but a small quantity, but insists that the decision of the court must be enforced and that he has no power to accept less than the whole amount of tax, which may be paid in installments if desired. Incloses copy of letter to manager of Bass estate.	621
256	Same to same.....	do	Control of Dominican customs. Reports arrangements made for mission of minister of finance to the United States.	563
261	Same to same.....	June 16	Boundary question between the Dominican Republic and Haiti. Incloses memorandum.	600
120	Mr. Bacon to Mr. Dawson....	July 11	Same subject. Commends memorandum transmitted with No. 261.	609

DOMINICAN REPUBLIC—Continued.

No.	From and to whom.	Date.	Subject.	Page.
271	Mr. Dawson to Mr. Root....	1906. Aug. 1	Withdrawal of Portuguese consul's exequatur. Reports that the Dominican Government has withdrawn the exequatur of the Portuguese consul, who is a native Dominican, on the ground of his complicity in the conspiracy which resulted in the attack upon Macoris, and states that the consul has appealed to him as acting dean of the diplomatic corps to intervene, but that he declined.	570
130	Mr. Bacon to Mr. Dawson...	Aug. 21	Same subject. Approves action reported in No. 271 and states that the granting and withdrawal of exequaturs are sovereign prerogatives.	571
286	Mr. Dawson to Mr. Root....	Aug. 29	Same subject. Incloses copy of letter from dean of the diplomatic corps, stating that he thinks that the corps ought to take no action under the circumstances.	571
298	Same to same.....	Sept. 10	Laborers of the Dominican Congress during the session of 1906. Gives detailed report.	564
309	Same to same.....	Oct. 18	Chronology of political events in Santo Domingo. Transmits chronological statement embracing political events since 1844.	572
	Mr. Bacon to Mr. Pollock...	Oct. 31	Same subject. Acknowledges No. 309 and commends care and labor bestowed thereon.	600

ECUADOR.

7	Mr. Lee to Mr. Root.....	1906. Jan. 13	Revolution. Reports outbreak of revolution on Jan. 1.	623
10	Same to same.....	Jan. 20	Same subject. Reports that revolutionists under General Alfaro entered Quito on Jan. 17, and that before taking refuge in the legation of Colombia President Garcia issued a decree removing the capital to Guayaquil and transferring the executive power to the vice-president. Steps are being taken for the recapture of Quito.	623
13	Same to same.....	Feb. 16	Same subject. Reports his call upon General Alfaro, who is in control of the Government, and states that calls will shortly be made by other members of the diplomatic corps.	624
23B	Mr. Lee to Mr. Root.....	Apr. 30	Sanitation of Guayaquil. States that General Alfaro has written to Colonel Gorgas at Panama, asking his assistance to combat yellow fever at Guayaquil. Expresses hope that request may be favorably received.	627
	Mr. Carbo to Mr. Root.....	May 25	Visit of Secretary Root to South America. Refers to previous conversation, extends invitation on behalf of Ecuador, and mentions arrangements made for his reception at Guayaquil.	624
3	Mr. Root to Mr. Carbo.....	May 28	Sanitation of Guayaquil. Refers to conversation of this date and states that it will give the authorities of the United States great pleasure to unite in friendly cooperation with the authorities of Ecuador for the more perfect protection of Ecuador, Panama, and the Canal Zone against contagious and epidemic diseases.	627
4	Same to same.....	June 20	Visit of Secretary Root to South America. Expresses his appreciation of invitation, but states that previous arrangements will necessarily limit his stay at Guayaquil to a few hours.	625
	Mr. Lee to Mr. Root.....	July 19	Official encouragement to industrial, agricultural, and other enterprises. Incloses résumé of decree issued by the Government.	627
36	Same to same.....	July 23	Railway building in Ecuador. Transmits detailed report.	629
	Mr. Carbo to Mr. Root.....	Oct. 26	Visit of Secretary Root to South America. Expresses regret that previous arrangements prevent visit to Guayaquil.	626
15	Mr. Root to Mr. Carbo.....	Oct. 31	Same subject. Asks that an expression of his sincere appreciation of its courtesy and his deep regret that circumstances render it impossible for him to visit Ecuador and to meet its distinguished statesmen be conveyed to the Ecuadorian Government.	626

FRANCE.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Jusserand to Mr. Root..	1906. Feb. 1	Election of the President of the French Republic. Announces the election on Jan. 17 of Mr. Armand Fallières as President of the French Republic for the term of seven years.	631
	Mr. Root to Mr. Vignaud (telegram).	Feb. 7	Protection of French interests in Venezuela and of Venezuelan interests in France. Directs him to ascertain if it is agreeable to French Government that our consuls take charge of archives of Venezuelan consulates in France and at Port de France as requested by the Venezuelan Government, and if so, to instruct consuls at Paris, Bordeaux, Havre, Nice, Marseille, and Nantes for St. Nazaire, where the agent, a Frenchman, could probably not assume custody.	1434
	Mr. Root to Mr. Jusserand..	Feb. 9	Election of the President of the French Republic. Acknowledges note of the 1st instant and joins in the wish expressed therein for the continued strengthening of the ties of friendship and sympathy that bind the two countries.	631
103	Mr. Vignaud to Mr. Root....	Feb. 16	Protection of French interests in Venezuela and of Venezuelan interests in France. Reports that the French Government has no objection to American consuls taking charge of the archives of the Venezuelan consulates, provided they confine themselves simply to the custody of the archives and exercise no consular function for the Venezuelan Government. Incloses note from the minister for foreign affairs, together with circular instruction addressed to American consular officers in France.	1435
125	Mr. Bacon to Mr. McCormick.	Mar. 5	Removal of the remains of Admiral John Paul Jones. Informs him in regard to the arrangements made for the formal removal of the remains of John Paul Jones at the United States Naval Academy, and directs him to communicate the facts to the French Government and request the participation of French naval forces.	636
	President Roosevelt to President Fallières (telegram).	Mar. 12	Disaster in French mines. Expresses sympathy of the Government and people of the United States.	639
	President Fallières to President Roosevelt (telegram).	Mar. 13	Same subject. Expresses gratitude for telegram of 12th.	639
	Mr. Jusserand to Mr. Root..	Apr. 1	Removal of the remains of Admiral John Paul Jones. States that ceremonies at Annapolis will be attended by 3 French cruisers, which will arrive at Annapolis by Apr. 20.	638
117	Mr. McCormick to Mr. Root.	Apr. 6	Same subject. Incloses copy of note from the French Government, accepting invitation to participate and giving information in regard to the vessels to be sent to Annapolis.	637
296	Mr. Bacon to Mr. Jusserand..	Apr. 7	Same subject. Informs him that purport of his note of the 1st instant has been communicated to the Secretary of the Navy.	638
	President Roosevelt to President Fallières (telegram).	Apr. 24	Same subject. Expresses thanks to President Fallières and the French nation for distinct courtesy in connection with the Annapolis ceremonies. Extends wishes for success, prosperity, and happiness to the French Republic.	638
131	Mr. McCormick to Mr. Root.	May 4	Franklin celebration in Paris. Reports in regard to the celebration and the unveiling of the statue of Franklin.	632
	Mr. Des Portes to Mr. Root.	Aug. 18	Floating mines in the Gulf of Pechili. Requests views of this Government in regard to an international agreement to prevent danger from floating mines.	304
342	Mr. Root to Mr. Des Portes..	Oct. 15	Protection of trade-marks in China. See note of this date to British embassy.	257
343	Same to same.....	Oct. 16	Floating mines in the Gulf of Pechili. Discusses the question and states that the United States will favor an international agreement to restrict and regulate the employment of mines in the open seas.	304
	Mr. Jusserand to Mr. Root..	Dec. 15	Protection of trade-marks in China. States that his Government sees no objection to the addition to article 7 proposed in note of Oct. 15.	239
	Same to same.....	.....do.....	Presentation of the Benjamin Franklin gold medal to the French Government. Acknowledges receipt of the medal and shows disposition made thereof by the French Government.	635

FRANCE—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Root to President Roosevelt.	1906. Dec. 20	Same subject. Reports presentation of the medal and incloses copy of his remarks made on that occasion, a copy of the reply of the French ambassador, and a translation of a note from the ambassador showing the disposition which the French Government had made of the medal.	633
	Mr. Root to Mr. Jusserand.	do	Same subject. Acknowledges note of the 15th instant, informs him of the purport of letter of this date to the President, and expresses thanks for the framed facsimile of the print of speeches.	636

GERMANY.

	Baron Sternburg to Mr. Hay.	1904. Sept. 29	Protection of trade-marks in China. Suggests postponement for a few months of the date on which the new Chinese trade-mark regulations are to go into effect.	240
	Mr. Hay to Baron Sternburg.	Oct. 10	Same subject. Acknowledges note of Sept. 29 and states that as the regulations in their present shape will be put in temporary operation only, the department does not see its way to comply with his request for a postponement.	241
	Baron Sternburg to Mr. Root.	1905. Nov. 29	Reciprocity agreement between the United States and Germany. Makes formal notice of the intention of the German Government to terminate, on Mar. 1, 1906, the commercial agreement of July 10, 1900.	640
297	Mr. Bacon to Baron Sternburg.	Dec. 2	Same subject. Acknowledges note 29th ultimo in regard to the termination of the commercial agreement July 10, 1900.	640
874	Mr. Tower to Mr. Root.	1906. Jan. 17	Commercial treaty between Germany and Bulgaria. Incloses text.	655
	Memorandum from the German embassy.	Jan. 18	Protection of trade-marks in China. Refers to objections of Minister Rockhill to the 25th article of the regulations proposed by the powers and gives reasons why the article should not be omitted.	251
876	Mr. Tower to Mr. Root.	do	Military service case of Maurice Kahn. Incloses copy of note addressed to the foreign office in accordance with instruction No. 438.	648
465	Mr. Root to Mr. Tower.	Feb. 15	Same subject. Approves note transmitted with No. 876, in which it is made clear that the United States Government does not acquiesce in the contention of the German Government as to the nonapplicability of the Bancroft naturalization treaties to Alsace and Lorraine.	650
	Mr. Root to Baron Sternburg.	Feb. 16	Reciprocity agreement between the United States and Germany. Indicates and discusses modifications that will be made in the customs laws and regulations, confirming as far as practicable or permissible the desires set forth in embassy's note of Nov. 21.	640
	Memorandum to the German embassy.	Feb. 17	Protection of trade-marks in China. Points out injury that might result to the American firms that have already entered their trade-marks in China if section 25 is kept as now drafted and states that no danger is seen in the omission of that article. Proposes an amendment by which the same right of priority will be conceded to marks registered in China as that secured by section 7 to marks registered abroad.	251
	Baron Sternburg to Mr. Root.	Feb. 18	Reciprocity agreement between the United States and Germany. States that a bill will be introduced this day in the Reichstag, extending to the United States until June 30, 1907, the rates granted by treaty to other countries on the understanding that the German products will continue to enjoy the advantages of the former reciprocity arrangement and that the customs regulations will be made less severe.	643
	Mr. Root to Baron Sternburg.	Feb. 19	Same subject. States that upon assurance of the United States being granted the reduced rates of duty under the German treaties with other countries until June 30, 1907, the President will issue the proclamation, securing to Germany the reduced duties of section 3 of the Dingley tariff. Refers to No. 331, and expresses hope and belief that a mutually satisfactory and permanent convention will be perfected.	643

GERMANY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
896	Mr. Tower to Mr. Root.....	1906. Feb. 19	Exemption from the payment of church taxes in Germany. Incloses note from foreign office, inquiring as to whether German subjects residing in the United States are exempt from church tax, and states that under a new regulation exemption from the payment of this tax will be granted to foreign residents in Germany only on condition of reciprocity. States that as it is his understanding that there is no church tax levied in the United States Prussian subjects residing in the United States must necessarily be exempt from the payment of such tax.	658
	Mr. Root to Baron Sternburg.	Feb. 21	Reciprocity agreement between the United States and Germany. Quotes regulation marked "C" after being amended as suggested by him and states that he hopes to be able to inform him relative to the inclusion of the first general appraiser in the provision relating to open hearings to-morrow.	644
	Same to same.....	Feb. 23	Same subject. States that the inclusion of the first general appraiser in the provision authorized in open hearings in reappraisement cases can be done if especially urged, but that in the opinion of the Treasury Department this would serve little or no purpose.	644
	Baron Sternburg to Mr. Root.	Feb. 24	Same subject. Requests that the first general appraiser be included in the provision authorizing open hearing in reappraisement cases.	645
	Same to same.....	Feb. 26	Same subject. States that the Bundesrath decided on Saturday last to grant minimum rates to American imports until further notice, and that as soon as the bill which has passed the Reichstag receives the Emperor's signature it will be published. Asks when the President's proclamation will issue.	645
	Proclamation by the President.	Feb. 27	Same subject. Continues from 1st proximo the benefits of section 3 of the Dingley Act to German products specified in commercial agreement of July 10, 1900.	646
	Executive order.....	Mar. 1	Same subject. Strikes out paragraph 678 of the Consular Regulations, entitled "Purchased goods, where certified," and substitutes new paragraph.	647
	.....do.....	.....do.....	Same subject. Strikes out paragraph 680 of the Consular Regulations, entitled "Invoice and declaration to be verified," and substitutes new paragraph.	648
	Mr. Tower to Mr. Root.....	.....do.....	Same subject. States that he has this day given notice of the President's proclamation by letter addressed to each of the American consular officers accredited to the German Empire.	648
	347	Mr. Root to Baron Sternburg.	Mar. 17	Algeciras Conference. Recites objections of the United States to the Austrian proposal regarding police control. States that the proposal is regarded "as an essential departure from the principle declared by Germany and adhered to by the United States, that all commercial nations are entitled to have the door of equal commercial opportunity kept open in Morocco."	1481
Mr. Root to Mr. Tower.....		Mar. 22	Exemption from the payment of church taxes in Germany. States that his understanding as to the nonexistence of church taxes in the United States is correct.	659
Baron Sternburg to Mr. Root.		Apr. 7	International wireless telegraph convention. States that the date of meeting has been fixed on June 28 next, and that the conference will be purely technical. Gives text of the title and preamble of the eventual convention, which will follow the lines of the universal postal conventions.	1513
Memorandum from the German embassy.		May 12	Protection of trade-marks in China. Discusses memorandum of February 17, and states that the German Government has no objection to having the provisions of article 7 supplemented by a clause to the effect that "the right of priority shall extend only to such trade-marks as have been registered in a foreign country after the going into effect of the law."	253

GERMANY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
972	Mr. Tower to Mr. Root.....	1906. May 30	Military service case of Maurice Kahn. States that the German Government adheres to the position announced to and acquiesced in by the United States in 1881 that a new treaty concerning Alsace-Lorraine is necessary, and until this is done will hold naturalized citizens from those provinces responsible for military service, fines, and penalties. Incloses note from foreign office and note of December 29, 1881, addressed by the American chargé to the foreign office.	650
513	Mr. Bacon to Mr. Tower....	June 25	International wireless telegraph convention. Names delegates, incloses copy of instructions issued to them, and states that the President desires that he attend the conference as the head of the American delegation.	1515
514	Same to same.....	do	Prohibition of potatoes. Quotes from letter received from Mr. Hugo Malmedie, protesting against the inclusion of sweet potatoes under the law prohibiting the importation of white potatoes, claiming that the law is against the potato bug, with which the sweet potato has nothing to do. Quotes from letter from Agricultural Department affirming this contention and instructs him to investigate the matter, and if the facts shall warrant to make suitable representations with a view to securing the removal of restrictions on American sweet potatoes.	654
1014	Mr. Tower to Mr. Root.....	Aug. 31	Exemption from the payment of church taxes in Germany. Incloses copy of note from foreign office stating that as no church taxes are levied in the United States American citizens resident in Germany will be exempt from the payment of such tax in that country.	660
1016	Same to same.....	do	Prohibition of potatoes. Incloses note from foreign office indicating that it has been decided that the sweet potato bears no relation to potatoes prohibited from import and stating that the appropriate officials have been so notified.	654
555	Mr. Adee to Mr. Tower.....	Sept. 21	Military service case of Maurice Kahn. Refers to the intimation of the German Government that it is willing to enter into a convention or negotiate a new treaty covering the point in dispute; expresses gratification and states that it is hoped that the proposed regulation of the difficulty may be carried into effect at as early a period as is practicable.	653
444	Mr. Root to Baron Sternburg.	Oct. 15	Protection of trade-marks in China. States that objection of the United States will be withdrawn immediately upon acceptance by all the other powers of addition to article 7, suggested in note of May 12.	256
	Baron Sternburg to Mr. Root.	Oct. 25	Citizenship of persons born in the United States of German parents and living in Germany. Gives facts in the case of Jacob Bohn, who was born in the United States and has resided in Germany since 1892, and asks whether he is considered to be a citizen of the United States.	655
	Memorandum from the German embassy.	Nov. 2	Protection of trade-marks in China. Gives reasons for hoping that the United States may waive their objections to section 25 and assent to the principle of delayed priority as provided for by that article.	257
1058	Mr. Tower to Mr. Root.....	Nov. 17	International wireless telegraph convention. Summarizes work of the conference and transmits text of the convention.	1515
457	Mr. Bacon to Baron Sternburg.	Nov. 20	Citizenship of persons born in the United States of German parents and living in Germany. Incloses memorandum of the Solicitor, covering the principles upon which the department has acted in similar cases.	656

GREAT BRITAIN.

No.	From and to whom.	Date.	Subject.	Page.
1317	Mr. Hay to Mr. Choate.....	1903. Nov. 23	Bonds of the South African Republic. Incloses correspondence, and requests full report upon the subject.	791
36	Mr. Peirce to Mr. Proffit....	Dec. 18	Same subject. Incloses correspondence, and requests full report upon the subject.	792
1272	Mr. Choate to Mr. Hay.....	1904. Jan. 4	Same subject. Incloses note from foreign office, from which it appears that notes issued under law No. 1, of 1900, of the late South African Republic are not legal tender or negotiable or good for any purpose except as evidence of losses sustained by the person to whom they were originally given.	792
1276	Same to same.....	Jan. 11	Same subject. Incloses correspondence from foreign office, from which it appears that the central judicial commission, now sitting at Pretoria, has called in all claims by notice, and that it intended to assess those which have not yet been assessed.	794
66	Mr. Proffit to Mr. Peirce.....	Jan. 20	Same subject. States that the British Government has refused to entertain claims of this nature in all cases in which the holders of the bonds or notes were rebels or foreigners.	796
68	Same to same.....	Jan. 28	Same subject. Reports steps taken by him and outlines grounds upon which rejection of claims is based.	796
47	Mr. Adee to Mr. Proffit.....	Mar. 16	Same subject. Requests copy decision of the commission by which payment was denied.	798
92	Mr. Proffit to Mr. Adee.....	May 16	Same subject. Reports that decision was verbally delivered by the chairman of the commission and quotes from letter addressed to him by that officer.	798
111	Mr. Carter to Mr. Root.....	1905. Dec. 21	Newfoundland fishery question. Confirms telegram of the 20th, and incloses note from foreign office, together with report from inspector of Newfoundland customs.	661
116	Mr. Root to Mr. Carter.....	1906. Jan. 2	Boycott of American goods at Singapore. Acknowledges No. 103 and expresses appreciation of action of the foreign office as reported therein.	803
118	Same to same.....	Jan. 3	Newfoundland fishery question. Calls attention to error in the British memorandum inclosed with his No. 107, from which it appears that American fishermen have no right to take fish except on the southern coast of Newfoundland.	663
120	Same to same.....	Jan. 4	Same subject. States that Mr. Alexander, United States fisheries agent, will be called upon for a statement in regard to the unlawful shipment of native fishermen. Incloses copy of letter from the Department of Commerce and Labor bearing on the matter.	664
126	Mr. Bacon to Mr. Carter.....	Jan. 15	Same subject. Incloses report of United States Fisheries Agent Alexander, denying reports of unlawful shipment of native fishermen.	665
	Mr. Root to Sir H. M. Durand.	Jan. 20	Same subject. Incloses copy of letter from Representative Gardner, which indicates the kindly feeling existing between American fishermen and the Newfoundland officials.	667
	Sir H. M. Durand to Mr. Root.	Jan. 24	Same subject. States that copy of his letter of the 20th has been sent to the governor of Newfoundland.	668
134	Mr. Reid to Mr. Root.....	Jan. 31	Same subject. Incloses copy of report of Inspector O'Reilly stating that the complaint in regard to damage to American fishing nets and tackle by Newfoundland fishermen is unfounded.	668
142	Same to same.....	Feb. 6	Same subject. Incloses copy of note from foreign office, together with memorandum referred to therein, also copy of the foreign fishing vessels act of 1893.	669
146	Mr. Reid to Mr. Root.....	Feb. 7	Boycott of American goods at Singapore. The governor of the Straits Settlements reports that the movement has not taken a serious turn, but that the headmen of the Chinese have been warned not to do or instigate any act that would justify their banishment. Incloses note from foreign office.	804
	Mr. Root to Sir H. M. Durand.	Feb. 13	Newfoundland fishery question. Incloses extracts from letters written by British and Newfoundland officers to United States Fisheries Agent Alexander, showing that the officials on both sides seem to have conducted themselves with great good sense and good temper.	676

GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
153	Mr. Reid to Mr. Root.....	1906. Feb. 15	Same subject. Incloses copy of note from foreign office, transmitting copies of six declarations made before Inspector O'Reilly by masters or agents of United States vessels, from which it appears that a large number of the masters were well satisfied with the conduct of the local officials, and that they did not believe any willful damage to American fishing nets and tackle was due to their action. Incloses declarations showing that complaints of loss of gear were made by British as well as American fishermen.	677
154	Same to same.....	do.....	Same subject. States that error in British memorandum noted in instruction No. 118 has been corrected. Incloses copy of note from foreign office and copy of amended memorandum.	683
189	Mr. Bacon to Mr. Reid.....	Apr. 5	Murder of Rev. Benjamin W. Labaree. Instructs him to express to the British Government this Government's warm appreciation of the good offices of the British chargé d'affaires at Teheran, and of the British consul-general at Tabriz.	1214
	Memorandum from the British embassy.	May 24	Imprisonment for a nonextraditable offense of a fugitive surrendered by Great Britain. Reviews the proceedings in the case of the extradition of Arthur McIntire, setting forth means used to extradite him, and states that he is now undergoing imprisonment for a nonextraditable offense.	784
205	Mr. Reid to Mr. Root.....	May 26	Murder of American Vice-Consul Stuart. Incloses copy of letter from R. E. Stuart, brother of the murdered man, asking that murderers be found and punished and suggesting demand for indemnity. States that the British Government will take up the demand when presented.	1292
	Memorandum to the British embassy.	June 4	Imprisonment for a nonextraditable offense of a fugitive surrendered by Great Britain. Refers to correspondence had with the German embassy in 1895 as establishing the principle that a court may act on the voluntary waiver of treaty rights by the extradited criminal, which appears to have been the case in this instance; the matter, however, is one for judicial, not executive, action. Incloses copy of circular of this date addressed to the governors of States with a view to preventing, as far as possible, a recurrence of abuses of extradition process.	785
232	Mr. Root to Mr. Reid.....	June 15	Murder of American Vice-Consul Stuart. Acknowledges No. 205 and acquaints him with action taken by the American embassy and the Russian Government.	1295
114	Sir H. M. Durand to Mr. Root.	June 22	Imprisonment for a nonextraditable offense of a fugitive surrendered by Great Britain. States that he will refrain from arguing the point that the remedy in the case is a judicial and not an executive function until he receives instructions from his Government, to which the memorandum of June 4 has been referred. Remarks that the arrest of McIntire was not by order of a court, but by order of the United States district attorney. Incloses McIntire's statement, showing that his agreement to the trial was voluntary only in a limited sense.	786
468	Mr. Bacon to Sir H. M. Durand.	do.....	Same subject. Incloses letters from Attorney-General giving history of the case.	788
239	Mr. Root to Mr. Reid.....	June 30	Newfoundland fishery question. Discusses memorandum of the foreign office in dispatch of Feb. 6, which in the main coincides with the department's note of Oct. 19 to the British embassy; disputes and denies proposition that American vessels must produce evidence that their crews are of American nationality; and further that the colony of Newfoundland or the British Government has the right to determine or limit the fishing rights guaranteed by treaty to American fishermen, whether in a "reasonable" or "unreasonable" degree, and insists that all fishery regulations, to be binding on American fishermen, must be drawn up with the advice and consent of the American Government.	685

GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
225	Mr. Reid to Mr. Root.....	1906. July 13	Food-inspection law of the United States. Incloses message to the President from the Federation of Grocers' Association, and the President's response thereto.	798
	Sir H. M. Durand to Mr. Bacon (telegram).	July 30	Extradition procedure in Canada. Asks whether the extradition of Harry L. Holmes is desired.	805
156	Sir H. M. Durand to Mr. Adee.	July 31	Same subject. Confirms and explains telegram of the 30th instant.	805
496	Mr. Bacon to Sir H. M. Durand.	Aug. 3	Same subject. States there is no record of any request for the extradition of Harry L. Holmes. Inquires as to extradition procedure in Canada, and asks whether requests may be presented without the intervention of the department and a consul of the United States.	806
250	Mr. Bacon to Mr. Reid.....	Aug. 7	Newfoundland fishery question. Incloses letter of July 21, from the Department of Commerce and Labor, in regard to the seizure of the seine and some dories belonging to the <i>Edna Wallace Hopper</i> by the Newfoundland authorities, and while admitting that in the opinion of the department the schooner had no right to erect scaffolding in the Bay of Islands, presents the matter as one in which the good faith of the master deserves liberal and gracious treatment.	692
241	Mr. Reid to Mr. Root.....	Aug. 16	Same subject. Refers to instruction No. 239, and incloses note from foreign office stating that the divergence in the views of the two Governments makes an immediate settlement impossible, and that the British Government is accordingly prepared to confer upon a <i>modus vivendi</i> for this season and will shortly submit proposals to that end.	695
	Proclamation by the President.	Aug. 21	Alaskan boundary—convention between the United States and Great Britain providing for the surveying and marking out upon the ground of the one hundred and forty-first degree of west longitude where said meridian forms the boundary line between Alaska and the British possessions in North America.	801
249	Mr. Reid to Mr. Root.....	Aug. 30	Newfoundland fishery question. Reports interview with minister of foreign affairs in regard to the seizure of the seine and dories of the <i>Edna Wallace Hopper</i> .	696
	Same to same (telegram)....	Sept. 6	Same subject. Communicates summary of <i>modus vivendi</i> as proposed by British Government.	697
250	Same to same.....	Sept. 7	Same subject. Incloses copy of note from foreign office submitting proposals outlined in telegram of the 6th.	698
170	Sir H. M. Durand to Mr. Bacon.	...do....	Extradition procedure in Canada. Incloses letter from the under secretary of state of Canada, in which it appears that under the Canadian extradition act the magistrate may issue his warrant on information or complaint laid before him without restriction as to the informant or complainant.	807
173	Same to same.....	Sept. 11	Imprisonment for a nonextraditable offense of a fugitive surrendered by Great Britain. Calls attention to certain irregularities, and inquires whether action of a disciplinary nature should be taken in regard to the matter.	790
530	Mr. Bacon to Sir H. M. Durand.	Sept. 24	Same subject. Incloses copy of letter from Department of Justice, from which it appears that McIntire was cautioned by the United States attorney that the offense of which he had been convicted was not extraditable, and that he was at liberty to return to London, and that he did not avail himself of the privilege.	790
297	Mr. Adee to Mr. Reid.....	Sept. 27	Restrictions upon the importation, growth, and use of opium. Discusses the question, referring to the new interest the United States now has in the subject. Incloses correspondence with Bishop Brent, and directs him to ascertain the views of the British Government on the subject of a joint investigation by the powers having possessions in the Far East.	360
	Mr. Reid to Mr. Root (telegram).	Sept. 29	Newfoundland fishery question. "Referring to department's No. 250, Aug. 7, foreign office reports confiscated property sold some months ago, but proceeds of sale will be handed over to the master of vessel, and he will not be subject to further proceedings."	699
258	Same to same.....	Oct. 1	Same subject. Confirms telegram of 29th ultimo and incloses copy of note from foreign office on the subject.	700

GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
267	Mr. Reid to Mr. Root.....	1906. Oct. 10	Same subject. Incloses text of the agreement between the two Governments in regard to inshore fisheries on the treaty coast of Newfoundland as effected by exchange of notes at London, Oct. 6-8, 1906.	700
315	Mr. Adee to Mr. Reid.....	Oct. 13	Restrictions upon the importation, growth, and use of opium. Incloses copy of letter from Bishop Brent in further relation to international action in the matter.	362
546	Mr. Root to Sir H. M. Durand.	Oct. 15	Protection of trade-marks in China. Incloses notes to and from German embassy.	256
	Mr. Cornelius to Mr. Wilson.	Nov. 3	Newfoundland fishery question. Incloses official copy of sections of the fish-bait act.	704
283	Mr. Reid to Mr. Root.....	Nov. 8	Restrictions upon the importation, growth, and use of opium. Reports that Great Britain is favorably inclined to proposition in No. 297, but makes certain conditions of acceptance.	363
	Mr. Root to Mr. Reid (telegram).	Nov. 13	Newfoundland fishery question. Quotes telegrams from and to United States Fisheries Agent Alexander in regard to threatened arrest of natives shipped by American fishing vessels, and expresses confidence that Great Britain will enforce respect of <i>modus vivendi</i> and hopes that prompt and vigorous action will be taken.	704
	Mr. Reid to Mr. Root (telegram).	Nov. 14	Same subject. Acknowledges telegram of 13th, and reports interview with minister of foreign affairs, who promises immediate attention.	705
	Same to same (telegram)....	Nov. 22	Same subject. States Sir Edward Grey writes that his information in matter has not gone beyond preparation of test case which Mr. Root anticipated. Two men convicted under bait act and appealed; third to be prosecuted for breach custom-house regulations. Sir Edward Grey was then making further inquiries of colonial office, but hopes there will be no practical interference with actual working <i>modus vivendi</i> .	706
342	Mr. Bacon to Mr. Reid.....	Nov. 24	Restrictions upon the importation, growth, and use of opium. Acknowledges, with gratification, his No. 283.	364
291	Mr. Reid to Mr. Root.....	Nov. 27	Same subject. Incloses note from foreign office expressing willingness of Great Britain to take part in inquiry if other powers named also participate, and if the inquiry as regards China extends to the production of opium in China as well as to the import of foreign opium.	365
	Mr. Root to Mr. Reid (telegram).	Dec. 4	Newfoundland fishery question. States that department is informed by Alexander that he has heard reports of one American vessel fishing on Sunday. Department will advise Mr. Reid if report is found to be true. In the meantime strictest injunction has been repeated against any such fishing.	706
354	Mr. Bacon to Mr. Carter....	Dec. 12	Same subject. Quotes telegram dated the 6th instant, from United States Fisheries Agent Alexander, as follows: "Fishermen fully aware importance complying with the requirements of <i>modus vivendi</i> . No further trouble expected on account fishing Sunday."	706
	Reprint of British Blue Book.	.....	Same subject. Table of contents and correspondence.	707

GREECE.

319	Mr. Wilson to Mr. Root.....	1905. Sept. 20	Change in extradition treaty between Greece and Italy. Incloses copy of Greek official paper indicating change in treaty.	815
360	Mr. Jackson to Mr. Root....	1906. Jan. 23	Liability of naturalized citizens of the United States under military and expatriation laws of their native country. Incloses opinion of legal adviser of the ministry of war setting forth that Panos Indares, having been born after his father became an American citizen, is not a Greek subject.	812
	Mr. Root to Mr. Jackson....	Feb. 21	Olympic games in Greece. States that the President has accepted the honorary presidency of the American committee on the Olympic games and designates him as the President's representative at the games.	813

No.	From and to whom.	Date.	Subject.	Page.
		1906.		
378	Mr. Jackson to Mr. Root.....	Mar. 5	Visit of the American squadron to Piraeus. Reports cordial reception of squadron under command of Rear-Admiral Charles Dwight Sigsbee.	815
392	Same to same.....	May 4	Olympic games in Greece. Reports in regard to the cordial reception and success of the American team.	813
402	Same to same.....	June 14	Greek immigration into the United States. States that the minister of foreign affairs wishes to know reasons for the exclusion of Greek emigrants, bound for St. Louis, so as to issue warning to intending emigrants.	808
403	Same to same.....	do	Relations between Roumania and Greece. Reports that relations were formally broken off on June 13 and that Greek interests are to be protected by Russia.	818
408	Same to same.....	June 20	Same subject. States that Italy has undertaken the protection of Roumanian interests in Greece and gives substance of statement made in the Chamber of Deputies by minister of foreign affairs.	818
409	Same to same.....	June 21	Greek immigration into the United States. States that the question presented in No. 402 was brought up in the Chamber of Deputies and that the minister for foreign affairs desires to have a reply by cable.	808
	Same to same (telegram).....	July 2	Same subject. Requests a cable answer to the inquiry in his dispatch No. 402.	809
413	Same to same.....	do	Same subject. Reports conversation with minister of foreign affairs and gives facts and figures concerning immigration from Greece to the United States which have led the Government and legislature to change their attitude from one of restriction to one of encouragement.	809
414	Same to same.....	July 3	Relations between Roumania and Greece. States that representations by the six powers signatories to the treaty of Berlin were made this afternoon urging the Greek Government to prevent the formation of Greek bands in Macedonia. The minister of foreign affairs is said to have made no promises.	819
	Mr. Bacon to Mr. Jackson (telegram).	July 13	Greek immigration into the United States. States that the Greeks referred to in Nos. 402 and 409 were specifically deported under alien-contract law. Adds that there is no objection to Greeks not of classes excluded by law emigrating anywhere in the United States.	810
417	Mr. Wilson to Mr. Root.....	July 15	Same subject. States that telegram of the 13th and copy of contract-labor law were handed to minister of foreign affairs, who states that nearly all complaints came from Greeks who were going to St. Louis, and that they all denied having made any contract before leaving.	810
112	Mr. Bacon to Mr. Jackson...	July 17	Same subject. Incloses copies of letters from the Department of Commerce and Labor pointing out the provisions of law applicable to the cases of deported Greek emigrants.	811
421	Mr. Wilson to Mr. Root.....	July 21	Relations between Roumania and Greece. Incloses reply of the Greek Government to the representations of the powers and states that conditions in Macedonia continue as before.	819
424	Same to same.....	July 24	Greek immigration into the United States. Gives substance of report of special commission appointed to study the question of emigration, recommending that the State supervise and protect Greek emigration. States that in 1906 the money orders sent by Greeks in the United States to relatives in their native country reached the sum of 6,000,000 francs.	812
425	Same to same.....	July 27	Conditions in the island of Crete. States that the constitutional assembly, after voting the union of Crete with Greece, adjourned on July 13 to await the reply of the protecting Powers. Incloses copy of reply of the Powers making certain concessions as to internal affairs, but refusing to consider the matter of changing the political status of Crete.	820
452	Mr. Jackson to Mr. Root....	Oct. 6	Visit of the American squadron to Piraeus. Reports cordial reception of squadron under command of Rear-Admiral Willard H. Brownson.	817

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No.	From and to whom.	Date.	Subject.	Page.
355	Mr. Combs to Mr. Root.	1906. Feb. 10	Protection of Chinese in Guatemala. Refers to the exclusion decree of 1897 and to the order of Jan. 24, 1906, requiring all Chinese to present their permits at 11 o'clock on Feb. 5. Reports action taken with a view to preventing undue hardship.	823
381	Same to same.	May 9	Impressment of laborers employed on American plantations. Incloses copy of note from foreign office promising that grounds for complaint shall not recur.	824
384	Same to same.	May 19	Same subject. Incloses correspondence had with Kensett Champney & Co. and with the minister for foreign affairs.	824
	Same to same (telegram).	June 1	War in Central America and mediation of the United States and Mexico. Reports that 12,000 soldiers on each side faced in close proximity to the Salvadorean frontier and adds that the present situation threatens war any day.	834
	Same to same (telegram). ...	June 2	Same subject. States that he has been requested by the Guatemalan minister for foreign affairs to report that 250 armed men, of whose character he is not sure, entered Guatemala from Salvador, but that no collision has yet taken place and that he has urged self-restraint in strong terms.	834
	Same to same (telegram).	July 5	Same subject. Reports that Secretary of Legation Brown has arrived and that he (Combs) has concluded to start Sunday for Washington. Thinks he can secure pledge from Guatemala to withdraw and disband troops if Salvador will pledge the same, each pledging also not to attack or permit attack pending negotiations.	834
	Mr. Adee to Mr. Combs (telegram).	July 6	Same subject. States that if Minister Merry is at Guatemala City he should be told to ascertain whether similar pledge can be obtained from Salvador, but if he has left he should be telegraphed at first available point.	835
	President Roosevelt to President Cabrera (telegram).	July 13	Same subject. Appeals to Guatemala to take immediate steps toward settling questions pending with Salvador, either by agreement to arbitrate or by direct negotiation for a definite agreement between the two countries. Offers use of the American ship of war <i>Marblehead</i> as a neutral place where representatives of Salvador and Guatemala may meet to consider terms of agreement, an armistice between the contestants being meanwhile effected. States that he is telegraphing in the same sense to the President of Salvador and that his action has the full concurrence of the President of Mexico.	837
	Mr. Bacon to Mr. Brown (telegram).	...do....	Same subject. Quotes telegrams sent to the President of Salvador and to the President of Guatemala, refers to the report that Guatemala is invading Honduras and Salvador and again makes known the President's earnest desire for peace among those countries.	838
	Mr. Brown to Mr. Root (telegram).	...do....	Same subject. Reports he has just had conference with President Estrada, who accepts in principle the proposal of peace, but doubts good faith of Salvador and insists the agreement to disarm and negotiate must be pledged satisfactorily to the United States Government. Requests instructions.	837
	Same to same (telegram). ....	...do....	Same subject. Reports that Salvador, through Minister Merry, proposes cessation of hostilities pending peace negotiations through our legations and that he has notified the Government of Guatemala urging prompt acceptance; adds that war spirit is strong in Guatemala.	837
	President Cabrera to President Roosevelt (telegram).	July 14	Same subject. Accepts proposition submitted in telegram of 13th and suggests that the ministers of the United States to Guatemala and Salvador and the Mexican minister to Central America take part in the conference.	839
	Mr. Bacon to Mr. Brown (telegram).	July 15	Same subject. States that peace negotiations now seem to be assured and that the President has sent, direct to President Estrada, a long telegram. The only thing left to accomplish is to bring the parties together. Directs Mr. Brown to act accordingly and to notify Mr. Merry and the commander of the <i>Marblehead</i> .	841

GUATEMALA AND HONDURAS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1906.		
	Mr. Bacon to Mr. Brown (telegram).	July 15	Same subject. Informs Mr. Brown that President Estrada's telegram of yesterday and his reports were received this morning and states that the President has sent direct to President Estrada a long telegram in reply. Says that it now only remains to bring both parties together and directs Mr. Brown to govern himself accordingly, notifying Merry and the commander of <i>Marblehead</i> .	841
	President Roosevelt to President Cabrera (telegram).	...do....	Same subject. Quotes telegram received from President Escalon, of Salvador, which seems to meet the conditions imposed by President Cabrera. Refers to the gratifying cooperation of Mexico in the interests of peace, and states he has directed that the respective American ministers and the commander of the <i>Marblehead</i> be instructed to do all that may be necessary to bring about an early meeting of the representatives of Guatemala and Salvador.	842
	Mr. Brown to Mr. Bacon (telegram).	July 16	Same subject. States that President Estrada received telegram from President Diaz indicating dawn of to-day for commencement of armistice, which is obviously impossible. President Estrada is ready for immediate armistice, but at feasible hour mutually agreed upon. Minister Merry will be notified as soon as hour is indicated. Reports that more Salvador troops entered to-day.	843
	President Cabrera to President Roosevelt (telegram).	...do....	Same subject. Expresses thanks for telegram and states that he will be glad to send delegation to the <i>Marblehead</i> . He has given the President of Mexico promise of armistice, but it was impossible to accept hour set. States he is ready to accept armistice when the day and hour on which it is to begin is fixed sufficiently in advance.	843
	Mr. Bacon to Mr. Brown (telegram).	...do....	Same subject. Instructs him to direct the consul at Tegucigalpa to communicate to the Government of Honduras the President's gratification at the desire expressed by Honduras to cooperate toward peace. Expresses hope for the neutrality of Honduras.	843
	Same to same (telegram)....	July 17	Same subject. "Merry cables armistice arranged for to-morrow. You will represent this Government's interests in Guatemala on board the <i>Marblehead</i> temporarily, until the arrival of Minister Combs, but it must be clearly understood that our ministers to Guatemala and Salvador, as well as the Mexican minister to Central America, will be present simply in a friendly advisory capacity. We understand that it is the purpose of the belligerents that negotiations shall be direct between themselves."	844
	Mr. Brown to Mr. Root (telegram).	July 18	Same subject. Reports that the consul at Tegucigalpa telegraphs that Honduras desires peace and will not trouble Guatemala. States that telegram in harmony with the instructions of the department have been sent him.	845
	Same to same (telegram)....	...do....	Same subject. Reports that President Estrada deeply appreciates effective cooperation of President Diaz, and has cordially invited Mexican minister to attend peace negotiations.	845
	Messrs. Combs and Merry to Mr. Root (telegram).	July 20	Same subject. Reports success of peace conference, and outlines articles agreed to by Guatemala, Salvador, and Honduras.	848
	President Bonilla to Mr. Merry (telegram).	July 21	Same subject. "Informed of the celebration of peace between El Salvador, Guatemala, and Honduras, I have the satisfaction of congratulating you very sincerely upon the part you have taken in the favorable result obtained. I also request you to present to President Roosevelt the gratitude of the Government and people of Honduras for his friendly and efficient mediation in this affair."	850
	Mr. Combs to Mr. Root....	July 25	Same subject. Incloses copy of note from the minister of foreign affairs expressing the gratitude of his Government.	850
	Mr. de Assis Brasil to Mr. Root.	July 26	Same subject. States that the Third International Conference has approved by acclamation a motion of the Argentine delegation that the conference manifest the gratitude with which it viewed the successful mediation of the Presidents of the United States and of Mexico toward the peace agreement between Guatemala, Honduras, and Salvador. Requests that the resolution be brought to the attention of the President.	852

GUATEMALA AND HONDURAS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Brown to Mr. Root.....	1906. Aug. 7	Same subject. Quotes telegrams exchanged between President Bonilla and Mr. Combs on the occasion of the signing of the treaty of peace.	853
435	Same to same	Aug. 16	Consular convention between Guatemala and Italy. Transmits text.	827
	Mr. Bacon to Mr. de Assis Brasil.	Aug. 24	War in Central America and mediation of the United States and Mexico. Expresses appreciation of his note of the 26th ultimo, which has been communicated to the President.	855
444	Mr. Brown to Mr. Root.....	Aug. 29	Same subject. States that the commissioners from Guatemala to the treaty conference of the Central American Republics leave to-day. Gives names.	855
	Mr. Bengoechea to Mr. Root.	Oct. 22	Death of the minister of Guatemala to the United States. Announces the death of Minister Muñoz.	866
16	Mr. Bacon to Mr. Bengoechea ..do.....	....do.....	Same subject. Expresses sorrow of the President and Government of the United States.	866
	Mr. Root to Mr. Barrios (telegram).	....do.....	Same subject. "Death of Minister Muñoz has occasioned deep sorrow and sympathy. Secretario Bengoechea received this morning as chargé ad interim."	867
	Mr. Bacon to Mr. Taft.....	....do.....	Same subject. Requests assignment of four officers of the army, the customary escort, and body bearers. Gives particulars as to funeral services and interment.	867
	Mr. Taft to Mr. Root.....	Oct. 23	Same subject. States that orders have been issued in compliance with request of the 22d instant.	868
	Mr. Barrios to Mr. Root (telegram).	....do.....	Same subject. "The President and Government of Guatemala sincerely thank you for expression of condolence and immediate acceptance of Chargé Bengoechea."	868
	President Roosevelt to President Cabrera (telegram).	Oct. 26	Same subject. "I thank you for your kind message. On behalf of this nation I paid sympathetic respects to the distinguished deceased."	868

CORRESPONDENCE.

CIRCULARS.

JAMESTOWN CELEBRATION.

DEPARTMENT OF STATE,
Washington, November 7, 1905.

To the diplomatic officers of the United States.

GENTLEMEN: I transmit herewith copies of the proclamation issued by the President on the 29th of March last, inviting, in the name of the Government and people of the United States, the Government to which you are accredited to take part in an international naval, marine, and military celebration in 1907, at and near the waters of Hampton Roads, in the State of Virginia, in commemoration of the birth of the American nation, the first permanent settlement of English-speaking people on the American continent, made at Jamestown, Va., on the 13th day of May, 1607.

I also inclose copies of the act of Congress in pursuance of which the proclamation was issued, by which you will see that the sum of \$125,000 is appropriated for the entertainment of foreign naval and military representatives.

While the event to be celebrated was one with which the people of England alone were connected, the President, the Congress, and the people of the United States are not unmindful of the recognition due to the courageous and hardy navigators and colonists of other nations who laid the foundations of permanent settlements in America; and it is most fitting that the act of Congress and the proclamation of the President should include all the nations of the earth who have yielded so many of their sons to make prosperity the destiny of the United States.

In communicating the invitation you will make known the great pleasure with which the President will learn of the intention of the Government to which you are accredited to participate in the celebration by the sending of its naval vessels and such representation of its military organizations as it may deem proper.

Contemporaneously with this celebration authorized by the Government of the United States there will be held an international exposition on the shores of the great harbor under the auspices of the Jamestown Exposition Company, the interests of which I shall be pleased to have you promote by lending your assistance in all proper

ways to its duly accredited representatives who may present themselves to you.

I inclose some literature which the company has supplied for your information.

I am, gentlemen, your obedient servant,

ELIHU ROOT.

Inclosures as stated.

JAMESTOWN EXPOSITION.

DEPARTMENT OF STATE,
Washington, October 9, 1906.

To the diplomatic officers of the United States in Mexico and Central and South America, and in Cuba, Haiti, and Dominican Republic.

GENTLEMEN: The department's circular instruction of November 7, 1905, to the diplomatic officers transmitted an invitation in the name of the Government and people of the United States to the nations of the world to participate in an international naval, marine, and military celebration in 1907 at Hampton Roads in commemoration of the birth of the American nation, and at the same time instructed the diplomatic officers to extend all proper assistance to the accredited agents of the international exposition which is to be held at Jamestown contemporaneously with the naval and military celebration.

The management of this exposition has sent to the department an invitation to the Government to which you are respectively accredited to be represented thereat by suitable exhibits. An English translation is herewith inclosed for your files.

In compliance with the wishes of the exposition company, you may in its behalf deliver the invitation to His Excellency the President in the manner most agreeable to him. In doing so you will state that while, unlike the first-mentioned celebration, the exposition is a private enterprise and will not be under the auspices of the United States, Congress has recognized its importance by appropriating a large sum for this Government's participation therein, and that an exhibit at the exposition of the industries and natural resources of the country of your residence would cause great pleasure to this Government as tending still further to promote the valued relations of friendship and commerce between the two countries.

I am, sir, your obedient servant,

ELIHU ROOT.

NOTE.—To be continued in Foreign Relations, 1907.

ADMISSION OF OFFICERS OF AMERICAN REPUBLICS TO MILITARY SCHOOLS OF THE UNITED STATES.

DEPARTMENT OF STATE,
Washington, January 8, 1906.

To the diplomatic representatives of the United States to Mexico and the Central and South American States.

GENTLEMEN: I have to inform you that the question whether it might be advisable for this Government to extend facilities for mili-

tary training to officers in the military service of the Governments of Mexico and the Central and South American States has been favorably considered by the War Department, which informs me that, although it is impossible without special legislation to provide quarters and subsistence, it will be pleased to furnish instruction to six foreign officers at the Infantry and Cavalry School, at Fort Leavenworth; to four at the School of Application for Cavalry and Field Artillery, at Fort Riley; and to four at the Army Medical School, at Washington, D. C.

You will communicate these facts to the Government to which you are accredited, and extend to it the invitation of this Government to avail itself of the opportunity thus afforded, stating that a limited number of officers can be furnished facilities for theoretical and practical training as indicated above. As the number of officers to whom these advantages can be offered is small, it may be well to intimate discreetly that the governments which first decide to avail themselves of them will be the ones most likely to secure them.

I am, gentlemen, your obedient servant,

ELIHU ROOT.

EXEQUATORS FOR PANAMAN CONSULS.

DEPARTMENT OF STATE,
Washington, February 2, 1906.

To the diplomatic officers of the United States.

GENTLEMEN: The department is informed through the American minister at Panama of the desire of the Government of Panama that in countries where there is a Panaman consul-general that official shall apply to the government concerned for the issuance of exequators to consuls of Panama and that in countries where there is no Panaman consul-general the consuls of Panama shall apply to the American minister to obtain their exequators without notification to the Department of State at Washington.

You will be governed accordingly.

I am, gentlemen, your obedient servant,

ROBERT BACON,
Acting Secretary.

LOUISIANA PURCHASE EXPOSITION.

DEPARTMENT OF STATE,
Washington, March 23, 1906.

SIR: In pursuance of the joint resolution of Congress approved March 3, 1905, you are instructed to convey in the President's name the expression of the grateful appreciation of the Government and people of the United States for the invaluable aid contributed by the Government and people of _____ to the success of the Louisiana Purchase Exposition at St. Louis in 1904 and for their friendly participation in the commemoration of the one hundredth anniversary

of the purchase of the Territory of Louisiana, one of the most important international events in the history of the United States.

I am, sir, your obedient servant,

ELIHU ROOT.

(Sent to American representatives in all countries which participated in the Exposition.)

CITIZENSHIP.

DEPARTMENT OF STATE,
Washington, July 9, 1906.

To the diplomatic and certain consular officers of the United States.

GENTLEMEN: I append hereto a copy of an order of the Department of State, dated July 3, constituting James B. Scott, esq., Solicitor for the Department of State, David Jayne Hill, esq., this Government's minister to the Netherlands, and Gaillard Hunt, esq., Chief of the Passport Bureau of this department, a board to inquire into the laws and practice regarding citizenship, expatriation, and protection abroad, and to report thereon before December next.

The board desires to ascertain:

1. The laws relating to citizenship in the country in which you reside.
2. The means by which citizenship in that country is lost.
3. Whether or not the law of that country authorizes the renunciation of citizenship, and if so, the conditions for the reacquisition of the citizenship thus renounced.
4. Whether, and how far, residence in foreign parts may affect the citizenship of origin.
5. And finally, the practice of the Government to which you are accredited in protecting its citizens permanently residing in other countries.

The law relating to naturalization and the acquisition of citizenship is also desired.

In answering this instruction you may furnish publications and appropriate references to them, together with transcripts from the laws and other recognized authorities.

You will reply to this instruction at the earliest practicable moment.^a

I am, etc.,

ROBERT BACON,
Acting Secretary.

[Appendix.]

DEPARTMENT OF STATE,
Washington, July 3, 1906.

It is ordered that a board be convened at the Department of State in the city of Washington on the 9th of July, 1906, to inquire into the laws and practice regarding citizenship of the United States, expatriation, and protection abroad and to report recommendations for legislation to be laid before Congress at the next session, pursuant to the recommendation of the Committee on Foreign Affairs of the House of Representatives contained in the report of the committee dated June 6, 1906, on Senate resolution 30, Fifty-ninth Congress, first session.

^a All the replies to this circular have been published and printed in H. Doc. 326, 59th Cong., 2d sess., pp. 271-538.

The board will be composed of James B. Scott, esq., Solicitor for the Department of State; David Jayne Hill, esq., minister to the Netherlands; and Gaillard Hunt, esq., Chief of the Passport Bureau, Department of State. Samuel B. Crandall, clerk in the library, Department of State, will act as secretary of the board.

The chief clerk of the department will furnish the necessary room, stationery, and messenger service.

The board will make its final report to the Assistant Secretary of State on or before the first Monday of December, 1906.

ROBERT BACON,
Acting Secretary.

AN ACT TO PROHIBIT SHANGHAIING.

The Secretary of State to the Argentine minister.

DEPARTMENT OF STATE,
Washington, July 10, 1906.

SIR: I have the honor to inclose for your information a copy of an act approved June 28, 1906, "to prohibit shanghaiing in the United States," which applies to the shanghaiing of seamen for foreign vessels as well as for vessels of the United States.

Accept, sir, etc.,

ROBERT BACON,
Acting Secretary.

[PUBLIC—No. 332.]

AN ACT To prohibit shanghaiing in the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever, with intent that any person shall perform service or labor of any kind on board of any vessel of any kind engaged in trade and commerce among the several States or with foreign nations, shall—

First. Procure or induce or attempt to procure or induce another by force, threats, or representations which the person making them knows or believes to be untrue, or while the person so induced or procured is intoxicated or under the influence of any drug, to go on board of any such vessel.

Second. Induce or procure or attempt to induce or procure another by force or threats, or by representations known or believed by the person making them to be untrue, or while the person so induced or procured is intoxicated or under the influence of any drug, to sign or in any wise enter into any agreement to go on board any such vessel to perform service or labor thereon, shall be fined not more than one thousand dollars or imprisonment for one year or both.

SEC. 2. That whoever shall knowingly detain on board any such vessel any person induced to go on board thereof or to enter into an agreement to go on board thereof by any of the means defined in section one hereof shall be punished as provided in section one.

SEC. 3. That whoever shall knowingly aid or abet in the doing of any of the things declared unlawful by sections one and two of this act shall be deemed a principal and punished accordingly.

SEC. 4. That sections four, six, and twenty-four of chapter twenty-eight of the acts of Congress approved December twenty-first, eighteen hundred and ninety-eight, shall apply to all vessels engaged in the taking of oysters, anything in section twenty-six of said last-mentioned act to the contrary notwithstanding.

Approved, June 28, 1906.

Same to all diplomatic representatives of maritime countries.

RECOGNITION OF CONSULS-GENERAL AT LARGE.

DEPARTMENT OF STATE,
Washington, August 24, 1906.

To the diplomatic officers of the United States.

GENTLEMEN: I transmit herewith copies of the act of April 5, 1906, providing for the reorganization of the consular service of the United States.

Among the various provisions of the act is one creating a corps of five inspectors of consulates, to be appointed by the President, with the advice and consent of the Senate, from the members of the consular force possessing the requisite qualifications of experience and ability and to be designated and commissioned as consuls-general at large.

These officers are to make such inspections of consular offices as the Secretary of State shall direct, an inspection of each consular office to be made at least once in every two years. Whenever the President shall have reason to believe that the business of a consulate-general or consulate is not being properly conducted, the act provides that he may authorize a consul-general at large to suspend the officer or officers in charge and administer the office for a period not exceeding ninety days. Consuls-general at large are bonded officers, and possess the rights and powers which are ordinarily enjoyed by other consular officers.

Each consul-general at large will be assigned to a territory embracing several political divisions, and it will not be practicable to make application in the usual way for an exequatur. It therefore becomes of the highest importance that an arrangement be effected whereby these officers may be so recognized by foreign governments that in case it should become necessary for one of them to take charge of any consular office and administer it the only formality necessary to complete recognition sufficiently broad to enable the officer to perform all the duties ordinarily devolving upon a consul-general shall be a formal notification to the government of the country in which the office is situated, through the diplomatic representative of the United States, and the usual notification to the local authorities by the consul-general at large.

As the title of consul-general at large was selected with special reference to bringing these officers within the scope of our consular treaties, and as the occasions upon which it will be necessary to take charge of consular offices will probably be of infrequent occurrence, it is hoped that the plan outlined will be agreeable to the government to which you are accredited.

You will lay the matter before the proper authority, together with the inclosed list of the members of the corps of consuls-general at large and copy of the commission that has been issued to each of them, and you will request that recognition be granted in such form that, in case it should be necessary hereafter for one of those officers to take charge of an American consular office in the country in which you reside, he may be enabled to enter upon his duties without delay and without further formalities than a notification given to the government through our diplomatic representative, together with an

announcement to the local authorities of the fact that he has taken charge of the consular office.

I am, etc.,

ROBERT BACON,
Acting Secretary.

NOTE.—Recognition was accorded by every government addressed.

List and records of the consuls-general at large.

Bartleman, Richard M.: Appointed secretary of the legation at Caracas June 14, 1890; appointed consul at Antigua November 14, 1895; appointed consul at Malaga June 11, 1896; retired April, 1898; reappointed consul at Malaga June 27, 1899; appointed consul at Geneva May 8, 1900; appointed consul at Valencia October 31, 1900, to take effect January 1, 1901; appointed consul at Cadiz February 12, 1903; appointed consul at Seville May 7, 1904; appointed consul-general at large May 14, 1906, to take effect July 1, 1906.

Cheshire, Fleming D.: Appointed acting interpreter to the consulate at Fuchau September, 1877; appointed vice-consul at Fuchau August 7, 1878; in charge of consulate at Fuchau from November 20, 1878, to June 8, 1879; in charge of the consulate at Canton from October 18, 1879, to April 19, 1880; appointed interpreter to the consulate at Fuchau March 17, 1880; appointed interpreter to the consulate-general at Shanghai June 19, 1880; appointed also vice-consul-general at Shanghai March 22, 1882; in charge of consulate-general at Shanghai from August 24, 1882, to May 10, 1883, and from December 15, 1883, to July, 1884; appointed acting interpreter to the legation at Peking August, 1884; appointed interpreter to the legation at Peking September 2, 1884; appointed Chinese secretary to the legation at Peking May 16, 1900, to take effect July 1, 1900; resigned February 21, 1901; served as Chinese secretary to the special plenipotentiary of the United States, April to September, 1901; appointed consul-general at Mukden January 22, 1904; appointed consul-general at large May 24, 1906, to take effect July 1, 1906.

Dickinson, Charles M.: Appointed consul-general at Constantinople September 17, 1897; appointed also agent at Sofia April 24, 1901, to take effect July 1, 1901; retired as agent at Sofia June 30, 1903; appointed consul-general at large May 14, 1906, to take effect July 1, 1906.

Murphy, George H.: Appointed consular clerk June 22, 1886; appointed vice and deputy consul at Chemnitz September 7, 1886; appointed deputy consul-general at Berlin March 7, 1889; appointed vice and deputy consul-general April 8, 1890; appointed consular agent at Hanover December 23, 1890; appointed vice-commercial agent at Luxemburg June 30, 1893; retired as vice-commercial agent February 13, 1896; appointed vice-consul at Colon January 17, 1898; designated to inspect consulates on the west coast of Colombia, Central America, and Mexico March 17, 1898; retired as vice-consul April 18, 1898; designated to inspect certain consulates in Mexico November 19, 1898; appointed vice and deputy consul at Bremen September 20, 1899; appointed vice and deputy consul at Magdeburg February 5, 1900; appointed vice and deputy consul-general at Frankfurt December 1, 1900; appointed consular agent at St. Catharines March 13, 1905; appointed consul-general at large May 23, 1906, to take effect July 1, 1906.

Washington, Horace Lee: Appointed confidential clerk to Third Assistant Secretary of State June 4, 1892; appointed vice and deputy consul-general at Cairo October 1, 1894; appointed consul at Alexandretta October 30, 1896; appointed consul at Valencia June 13, 1899; appointed consul at Geneva October 31, 1900, to take effect January 1, 1901; appointed consul-general at Cape Town March 18, 1905; appointed consul-general at large May 18, 1906, to take effect July 1, 1906.

Copy of commission of consul-general at large.

The President of the United States of America to all who shall see these presents, greeting:

Know ye, that reposing special trust and confidence in the abilities and integrity of _____, of _____, I have nominated and, by and with the advice and consent of the Senate, do appoint him consul-general at large of the

United States of America, to take effect ————; and do authorize and empower him to have and to hold the said office, and to exercise and enjoy all the rights, preeminences, privileges, and authorities to the same of right appertaining, during the pleasure of the President of the United States for the time being; the said ———— demanding and receiving no fees or perquisites of office whatever which shall not be expressly established by some law of the said United States; and I do hereby enjoin all captains, masters, and commanders of ships and other vessels, armed and unarmed, sailing under the flag of the said States, as well as all other of their citizens, to acknowledge and consider him the said ———— accordingly; and I do hereby pray and request all rulers, governors, and officers to permit the said ———— fully and peaceably to enjoy and exercise the said office, without giving, or suffering to be given unto him, any molestation or trouble, but, on the contrary, to afford him all proper countenance and assistance, I offering to do the same for all those who shall in like manner be recommended to me by the said rulers.

In testimony whereof I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

Given under my hand at the city of Washington, the ——— day of ———, in the year of our Lord one thousand nine hundred and ———, and [SEAL.] of the Independence of the United States of America the one hundred and ———.

By the President:

Secretary of State.

[PUBLIC—No. 83.]

An act to provide for the reorganization of the consular service of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consular system of the United States be reorganized in the manner hereinafter provided in this act.

SEC. 2. That the consuls-general and the consuls of the United States shall hereafter be classified and graded as hereinafter specified, with the salaries of each class herein affixed thereto.

CONSULS-GENERAL.

Class one, twelve thousand dollars.—London, Paris.

Class two, eight thousand dollars.—Berlin, Habana, Hongkong, Hamburg, Rio de Janeiro, Shanghai.

Class three, six thousand dollars.—Calcutta, Cape Town, Constantinople, Mexico City, Montreal, Ottawa, Vienna, Yokohama.

Class four, five thousand five hundred dollars.—Antwerp, Barcelona, Brussels, Canton, Frankfort, Marseilles, Melbourne, Panama, Saint Petersburg, Seoul, Tientsin.

Class five, four thousand five hundred dollars.—Auckland, Beirut, Buenos Ayres, Callao, Chefoo, Coburg, Dresden, Guayaquil, Halifax, Hankau, Mukden, Munich, Niuchwang, Rome, Rotterdam, Saint Gall, Singapore.

Class six, three thousand five hundred dollars.—Adis Ababa, Bogota, Budapest, Guatemala, Lisbon, Monterey, San Salvador, Stockholm, Tangier.

Class seven, three thousand dollars.—Athens, Christiania, Copenhagen.

CONSULS.

Class one, eight thousand dollars.—Liverpool.

Class two, six thousand dollars.—Manchester.

Class three, five thousand dollars.—Bremen, Dawson, Belfast, Havre, Kobe, Lourenço Marquez, Lyon, Pretoria.

Class four, four thousand five hundred dollars.—Amoy, Amsterdam, Birmingham, Cienfuegos, Fuchau, Glasgow, Kingston (Jamaica), Nottingham, Santiago, Southampton, Veracruz, Valparaiso.

Class five, four thousand dollars.—Bahia, Bombay, Bordeaux, Colon, Dublin, Dundee, Harbin, Leipzig, Nanking, Naples, Nuremberg, Para, Pernambuco, Plauen, Reichenberg, Santos, Stuttgart, Toronto, Tsingtau, Vancouver, Victoria.

Class six, three thousand five hundred dollars.—Apia, Barmen, Barranquilla, Basel, Berne, Bradford, Chemnitz, Chungking, Cologne, Dalny, Durban, Edinburgh, Geneva, Genoa, Georgetown, Lucerne, Mannheim, Montevideo, Nagasaki, Odessa, Palermo, Port Elizabeth, Prague, Quebec, Rimouski, San Juan del Norte, Sherbrooke, Smyrna, Three Rivers (Quebec), Vladivostok, Winnipeg, Zurich.

Class seven, three thousand dollars.—Aix la Chapelle, Annaberg, Barbados, Batavia, Burslem, Calais, Carlsbad, Colombo, Dunfermline, Dusseldorf, Florence, Freiburg, Ghent, Hamilton (Ontario), Hanover, Harput, Huddersfield, Iquitos, Jerusalem, Kehl, La Guaira, Leghorn, Liege, Mainz, Malaga, Managua, Nantes, Nassau, Newcastle (New South Wales), Newcastle (England), Port Antonio, Port au Prince, Sandakan, Seville, Saint John (New Brunswick), Saint Michaels, Saint Thomas (West Indies), San Jose, Sheffield, Swansea, Sydney (Nova Scotia), Sydney (New South Wales), Tabriz, Tampico, Tamsul, Trieste, Trinidad.

Class eight, two thousand five hundred dollars.—Acapulco, Aden, Algiers, Alexandretta, Bamberg, Batum, Belize, Bergen, Breslau, Brunswick, Cardiff, Chihuahua, Ciudad Juarez, Ciudad Porfirio Diaz, Collingwood, Cork, Crefeld, Curaçao, Eibenstock, Gothenburg, Hamilton (Bermuda), Hull, Jerez de la Frontera, La Rochelle, Leeds, Madrid, Magdeburg, Malta, Maracaibo, Martinique, Matamoros, Mazatlan, Milan, Moscow, Nice, Nogales, Nuevo Laredo, Orillia, Plymouth, Port Hope, Port Limon, Prescott, Puerto Cortez, Rheims, Rosario, Roubaix, Saint Johns (Newfoundland), Saint Etienne, Sarnia, Sault Sainte Marie, Stettin, Tamatave, Tegucigalpa, Teneriffe, Trebizond, Valencia, Weimar, Windsor (Ontario), Yarmouth, Zanzibar, Zittau.

Class nine, two thousand dollars.—Aguascalientes, Antigua, Asuncion, Bagdad, Belleville, Belgrade, Bristol, Campbellton, Cape Gracias, Cape Hatien, Cartagena, Castellamare di Stabia, Catania, Ceiba, Charlottetown, Coaticook, Cornwall, Durango, Ensenada, Fort Erie, Funchal, Gaspe, Gibraltar, Glauchau, Goree-Dakar, Grenoble, Guadeloupe, Hermosillo, Hobart, Iquique, Jalapa, Jamestown, Kingston (Ontario), La Paz, Limoges, Manzanillo, Maskat, Messina, Moncton, Niagara Falls, Patras, Port Louis, Port Rowan, Port Stanley, Progreso, Puerto Cabello, Puerto Plata, Riga, Rouen, Saigon, Saint Christopher, Saint Hyacinthe, Saint Johns (Quebec), Saint Pierre, Saint Stephen, Saltillo, Sierra Leone, Sivas, Stavanger, Suva, Tahiti, Turin, Turks Island, Tuxpam, Ullila, Venice, Warsaw, Windsor (Nova Scotia), Woodstock.

SEC. 3. That the offices of vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls shall be filled by appointment, as heretofore, except that whenever, in his judgment, the good of the service requires it, consuls may be designated by the President without thereby changing their classification to act for a period not to exceed one year as vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls; and when so acting they shall not be deemed to have vacated their offices as consuls. Consular agents may be appointed, when necessary, as heretofore. The grade of commercial agent is abolished.

SEC. 4. That there shall be five inspectors of consulates, to be designated and commissioned as consular-general at large, who shall receive an annual salary of five thousand dollars each, and shall be paid their actual and necessary traveling and subsistence expenses while traveling and inspecting under instructions from the Secretary of State. They shall be appointed by the President, with the advice and consent of the Senate, from the members of the consular force possessing the requisite qualifications of experience and ability. They shall make such inspections of consular offices as the Secretary of State shall direct, and shall report to him. Each consular office shall be inspected at least once in every two years. Whenever the President has reason to believe that the business of a consulate or a consulate-general is not being properly conducted and that it is necessary for the public interest, he may authorize any consul-general at large to suspend the consul or consul-general, and administer the office in his stead for a period not exceeding ninety days. In such case the consul-general at large so authorized shall have power to suspend any vice or deputy consular officer or clerk in said office during the period aforesaid. The provisions of law relating to the official bonds of consuls-general, and the provisions of sections seventeen hundred and thirty-four, seventeen hundred and thirty-five, and seventeen hundred and thirty-six, Revised Statutes of the United States, shall apply to consuls-general at large.

SEC. 5. No person who is not an American citizen shall be appointed hereafter in any consulate-general or consulate to any clerical position the salary of which is one thousand dollars a year or more.

SEC. 6. Sections sixteen hundred and ninety-nine and seventeen hundred of the Revised Statutes of the United States are hereby amended to read as follows:

"SEC. 1699. No consul-general, consul, or consular agent receiving a salary of more than one thousand dollars a year shall, while he holds his office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person to, from, or within the port, place, or limits of his jurisdiction, directly or indirectly, either in his own name or in the name or through the agency of any other person; nor shall he practice as a lawyer for compensation or be interested in the fees or compensation of any lawyer; and he shall in his official bond stipulate as a condition thereof not to violate this prohibition.

"SEC. 1700. All consular officers whose respective salaries exceed one thousand dollars a year shall be subject to the prohibition against transacting business, practicing as a lawyer, or being interested in the fees or compensation of any lawyer contained in the preceding section. And the President may extend the prohibition to any consul-general, consul, or consular agent whose salary does not exceed one thousand dollars a year or who may be compensated by fees, and to any vice or deputy consular officer or consular agent, and may require such officer to give a bond not to violate the prohibition."

SEC. 7. That every consular officer of the United States is hereby required, whenever application is made to him therefor, within the limits of his consulate, to administer to or take from any person any oath, affirmation, affidavit, or deposition, and to perform any other notarial act which any notary public is required or authorized by law to do within the United States; and for every such notarial act performed he shall charge in each instance the appropriate fee prescribed by the President under section seventeen hundred and forty-five, Revised Statutes.

SEC. 8. That all fees, official or unofficial, received by any officer in the consular service for services rendered in connection with the duties of his office or as a consular officer, including fees for notarial services, and fees for taking depositions, executing commissions or letters rogatory, settling estates, receiving or paying out moneys, caring for or disposing of property, shall be accounted for and paid into the Treasury of the United States, and the sole and only compensation of such officers shall be by salaries fixed by law; but this shall not apply to consular agents, who shall be paid by one half of the fees received in their offices, up to a maximum sum of one thousand dollars in any one year, the other half being accounted for and paid into the Treasury of the United States. And vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls, in addition to such compensation as they may be entitled to receive as consuls or clerks, may receive such portion of the salaries of the consul-general or consuls for whom they act as shall be provided by regulation.

SEC. 9. That fees for the consular certification of invoices shall be, and they hereby are, included with the fees for official services for which the President is authorized by section seventeen hundred and forty-five of the Revised Statutes to prescribe rates or tariffs; and sections twenty-eight hundred and fifty-one and seventeen hundred and twenty-one of the Revised Statutes are hereby repealed.

SEC. 10. That every consular officer shall be provided and kept supplied with adhesive official stamps, on which shall be printed the equivalent money value of denominations and to amounts to be determined by the Department of State, and shall account quarterly to the Department of State for the use of such stamps and for such of them as shall remain in his hands.

Whenever a consular officer is required or finds it necessary to perform any consular or notarial act he shall prepare and deliver to the party or parties at whose instance such act is performed a suitable and appropriate document as prescribed in the consular regulations and affix thereto and duly cancel an adhesive stamp or stamps of the denomination or denominations equivalent to the fee prescribed for such consular or notarial act, and no such act shall be legally valid within the jurisdiction of the Government of the United States unless such stamp or stamps is or are affixed and canceled.

SEC. 11. That this act shall take effect on the thirtieth day of June, nineteen hundred and six.

SEC. 12. That all acts or parts of acts inconsistent with this act are hereby repealed.

Approved, April 5, 1906.

ARGENTINE REPUBLIC.

LAWS REGULATING THE PRACTICE OF THE PROFESSIONS.

[NOTE.—For previous correspondence, see Foreign Relations, 1905, p. 35.]

Minister Beaupré to the Secretary of State.

No. 312.]

AMERICAN LEGATION,
Buenos Aires, February 16, 1906.

SIR: Referring to my No. 274 of December 14, 1905,^a and previous correspondence, concerning the practice of professions in this Republic, I have the honor to report that by an executive decree of the 10th instant it is provided that the diplomas received by the Argentine students sent to the different colleges in the United States by the Argentine Government, shall be sufficient and valid in this country; and that such graduates can practice their professions within the territory of the Republic without other requirement than the presentation of their diplomas to the ministry of justice and public instruction for their legalization in the customary form. The signatures of the president and secretary of the college must, however, be authenticated by the Secretary of State of the United States and ratified by a consular officer resident in that country.

I am, etc.,

A. M. BEAUPRÉ.

DEATH OF PRESIDENT QUINTANA AND SUCCESSION OF VICE-PRESIDENT ALCORTA TO THE PRESIDENCY.

Minister Beaupré to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Buenos Aires, March 12, 1906.

President Quintana died this morning at 1.36.

BEAUPRÉ.

The Secretary of State to Minister Beaupré

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 12, 1906.

Suitably express in President's name sincere condolence with family late President and his sympathy with the Argentine Government and people in loss they have sustained.

ROOT.

The Argentine minister to the Secretary of State.

[Translation.]

LEGATION OF ARGENTINE,
Washington, March 13, 1906.

MR. SECRETARY OF STATE:

I have the profound sorrow of announcing to your excellency the demise of the President of the Argentine Republic, the Most Excellent Dr. Don Manuel Quintana, which took place in the early morning of yesterday.

His Excellency Don José Figueroa Alcorta, vice-president of the Republic, has assumed the office of President, in accordance with the constitution, for the term that was to be filled by the deceased magistrate.

Be pleased to accept, etc.,

EPIFANIO PORTELA.

The Secretary of State to the Argentine minister.

No. 7.]

DEPARTMENT OF STATE,
Washington, March 15, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 13th instant, by which you inform me of the death on the preceding day of His Excellency Dr. Don Manuel Quintana, President of the Argentine Republic.

The sad intelligence of the death of President Quintana had previously reached us by means of a telegram from the American minister at Buenos Aires. The President at once directed Mr. Beaupré to express in his name to your Government and the afflicted family the condolence of the Government and people of the United States; and I beg you, Mr. Minister, to assure his excellency the minister of foreign affairs of my own sorrow at the loss which the Argentine Government and people have sustained in the death of this eminent statesman.

I have taken note of the further fact which you communicate to me, that His Excellency Don José F. Alcorta, vice-president of the Republic, has assumed the office of president, in accordance with the constitution, for the term which was to have been filled by the deceased Executive.

Accept, etc.,

ELIHU ROOT.

**MESSAGE OF THE PRESIDENT OF THE ARGENTINE REPUBLIC TO
THE ARGENTINE CONGRESS.**

Chargé White to the Secretary of State.

[Extracts.]

No. 356.]

AMERICAN LEGATION,
Buenos Aires, May 17, 1906.

SIR: I have the honor to report that on the afternoon of the 12th instant the session of the Argentine National Congress was formally opened. The ceremonies took place for the first time in the new con-

gress hall and the President of the Republic attended the same in person and presented his inaugural message, the opening and closing chapters of which he read before the joint assembly. The rest of the message was read by the secretary of the chamber.

The chapters of the message dealing with foreign affairs, the finances, and the agricultural department are especially worthy of note.

In the matter of foreign relations the President refers in no uncertain terms to the congresses that are to meet at Rio de Janeiro and The Hague :

In one or other, with the programmes arranged, the Government will support its high propositions; arbitration as the only means of arranging conflicts harmonious with the exigencies of contemporary civilization; the lack of right of States to protect through diplomatic channels or in any other way the national holders of bonds of foreign public debt; the absolute respect for their rights that emanate from sovereignty; the necessity of diminishing the evils of war on land and sea by the adoption of the measures imposed by humanitarian sentiments and by the present conception of this supreme recourse of the nations; the limitation of the contraband of war to objects specially or directly prepared for hostilities; the advisability of making more rapid the means of communication and of giving expansion to the interchange on the bases of the well understood needs of each country.

To the two conferences I shall give the attention that they demand; to that of Rio de Janeiro, by which the friendship of the nations of America will be strengthened on the most firm bases; to that at The Hague which will specify forms of conduct for the world's application. The celebration of both will give us an opportunity to put in evidence that we desire the confraternity of the continent, augmenting thereby the political and mercantile ties, and that we also desire equal bonds with the civilized world, while simple reasons of location in any one of the great divisions of the earth do not suffice to alter the principles of the law of nations or the rules of external commerce.

The other matters of the foreign relations of this country referred to in this part of the message have received the attention of this legation during the past year.

The prosperity of the country is an established fact; the financial operations and statistics of the past year, the congested condition of all the ports of the Republic, etc., leave no room for doubt of the same. The chapter on finances recognizes the fact but soberly calls attention to a deficit of 20,000,000 pesos paper, or almost nine millions gold, for the year 1905 in spite of this prosperity and of efforts for economy. The President observes that the present prosperity offers the opportunity to put the finances of the country on a basis that will defy future reverses and sees in the uncertainty of all conditions the need to do so at once. He consequently proposes a policy of conservatism, avoiding changes that may disturb confidence and credit.

The financial operations of the past year, by which the debts of the nation were consolidated, were reported at the time; also the project for changing the monetary unit. The President declares himself in positive terms opposed to this change and in favor of the law of 1881 by which the present system was established.

The chapter on agriculture principally deals with the primary need of the country, immigration, and means of stimulating it; such as new railways and steam navigation of certain rivers, facilitating the acquirement of land by certain provision to that end, and by the establishment of a national mortgage bank, etc. Other matters of prime importance, like alteration of the mining code, a new law of trade-marks, etc., are proposed.

The chapter on public works gives its first attention to the improvement of port conditions; prompt, energetic, well-planned measures to this end are of first importance.

The President has spoken openly, positively, and soberly; he is well sustained by able ministers and by a condition of prosperity and economic stability in the country such as to stir the envy of many another. With the cooperation of congress his administration will, I believe, witness great progress in its remarkable development.

I am, etc.,

CHARLES D. WHITE.

TREATY BETWEEN ARGENTINA AND SPAIN DISPENSING WITH AUTHENTICATION OF SIGNATURES OF LETTERS ROGATORY.

Minister Beaupré to the Secretary of State.

No. 428.]

AMERICAN LEGATION,
Buenos Aires, October 8, 1906.

SIR: I have the honor herewith to transmit a copy of a convention as ratified by the executive, made between this country and Spain, whereby the requirement that the signatures of functionaries acting in matters civil or criminal that come before the courts of the respective countries through their diplomatic agents be legalized is done away with. This copy is taken from the "Boletín Oficial" (Official Bulletin), No. 3862, of the 21st ultimo, when it is published for the first time, I believe. Though signed on September 17, 1902, and approved by congress on July 31, 1903, with the approval in due course of President Roca during the ministry of Dr. J. V. Gonzales, it was not ratified by this Government until the 3d ultimo, and is not in consequence included in Volume III of the collected treaties of this country (Tratados Convenciones, Protocolos y demás Actos Internacionales Vigentes Celebrados por la Republica Argentina—Tomo Tercero—Buenos Aires, 1905), of which copies were recently sent to the department. The formal exchange of ratifications was made on the 17th ultimo.

I accompany the above-mentioned copy of the ratification of said convention with a translation.

I am, etc.,

A. M. BEAUPRÉ.

[Inclosure.]

[Translated from the "Boletín Oficial," No. 3862, of September 21, 1906.]

MINISTRY OF FOREIGN AFFAIRS.

Convention celebrated between the Argentine Republic and the Kingdom of Spain for the suppression of the legalization of the signatures of the functionaries that intervene in the fulfillment of rogatory commissions in civil or criminal matters.

José Figueroa Alcorta, constitutional President of the Argentine Republic.

To all those who see these presents, greetings:

Whereas between the Argentine Republic and the Kingdom of Spain there was negotiated, concluded, and signed in the city of Buenos Aires on the 17th day of the month of September of year 1902 by the plenipotentiaries of the

Argentine Republic and of the Kingdom of Spain, duly authorized to that end, a convention by which is suppressed the legalization of the signatures of the functionaries that intervene in the fulfillment of rogatory commissions that in matters civil and criminal come before the tribunals of the two countries through their respective diplomatic agents the tenor of which is as follows:

Met in the ministry for foreign affairs and worship of the Argentine Republic, H. E., the minister of that department, Dr. Luis M. Drago and H[is] h[onor] the chargé d'affaires of Spain, Don José Caro y Szeschenyi, for the purpose of exchanging ideas in regard to simplifying the requirements for the validifying the rogatory commissions that arise in the one or the other country, and after communicating their full powers, which were found in order and due form, have agreed upon the following:

ARTICLE I.

Rogatory commissions in matters civil or criminal directed by the tribunals of the Argentine Republic to those of the Kingdom of Spain or by those of the Kingdom of Spain to those of the Argentine Republic and pursued by the intermediation of the diplomatic agents, shall not need to give them credit the legalization of the signatures of the functionaries that intervene for their fulfillment.

ARTICLE II.

The present convention shall have indefinite duration but [it] shall be possible for each one [of] the contracting parties to revoke it provided that [it] is denounced one year in advance, and it may also be modified by common accord in such manner as may be considered opportune.

ARTICLE III.

The exchange of ratifications of this convention shall be made in the city of Buenos Aires as soon as possible.

In faith in which the respective plenipotentiaries sign and seal it in duplicate in the city of Buenos Aires the 17th day of the month of September of the year 1902.

LUIS M. DRAGO.
JOSÉ CARO.

Law.

ARTICLE I. The convention signed at Buenos Aires the seventeenth of September, one thousand nine hundred and two, by the plenipotentiaries of the Argentine Republic and of the Kingdom of Spain, duly authorized for that purpose, suppressing the legalization of signatures of the functionaries that intervene in the fulfillment of rogatory commissions that in matters civil or criminal come before the tribunals of the two countries through their respective diplomatic agents is approved.

ARTICLE II. Let it be communicated to the executive.

Given in the hall of session of the Argentine Congress in Buenos Aires the thirty-first of July, one thousand nine hundred and three.

N. QUIRNO COSTA.
B. OCAMPO,
Secretary of the Senate.

BENITO VILLANUEVA.
A. M. TALLAFERRO,
Secretary of the Chamber of Deputy.

Therefore: let it be law of the nation, let it be published in the Official Bulletin and given to the National Registry.

ROCA.
J. V. GONZALES.

Therefore: the above transcribed convention having been seen and examined and having been approved by the national congress, by law No. 4188, of July 31,

1903, I accept, confirm and ratify it promising and obliging myself in the name of the nation to observe it and to have it faithfully observed.

In faith in which I sign with my hand the present instrument of ratification, sealed with the great seal of the arms of the Argentine Republic and countersigned by the minister of the department of foreign affairs and worship.

Given in the city of Buenos Aires, capital of the Argentine Republic, on the third day of the month of September, one thousand nine hundred and six.

FIGUEROA ALCORTA.
M. A. MONTES DE OCA.

Met in the ministry of foreign affairs and worship of the Argentine Republic Dr. Manuel Augusto Montes de Oca, minister of that department, and Señor Don Ramiro Gil de Uribarri y Osorio, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, with the subject of proceeding to exchange the ratifications of the convention signed in the city of Buenos Aires on September 17, 1902, by the minister of foreign affairs and worship of the Argentine Republic, Dr. Don Luis Maria Drago, and the chargé d'affaires of Spain, Señor Don José Caro y Szichanyi, for the suppression of the legalization of the signatures of the functionaries that intervene in the fulfillment of rogatory commissions that in matters civil and criminal come before the tribunals of the two countries through the respective diplomatic agents, they exhibited their full powers, which were found in good and due form, and after having read the instruments of ratification presented, containing the text of the convention referred to, which they found to conform to the respective originals, verified the exchange in the usual form.

The plenipotentiaries above mentioned arranged for the preparation of the present act, which they signed and sealed in duplicate in the city of Buenos Aires on the 17th day of September of the year 1906.

M. A. MONTES DE OCA.
RAMIRO GIL DE URIBARRI.

The Acting Secretary of State to Minister Beaupré.

No. 96.]

DEPARTMENT OF STATE,
Washington, November 14, 1906.

SIR: I have to acknowledge the receipt of your dispatch, No. 428, of the 8th ultimo, transmitting a copy of a convention between the Argentine Republic and Spain dispensing with the legalization of signatures to certain legal instruments.

The convention, which merely provides for the discontinuance of authentication of signatures to letters rogatory, was probably required by the Argentine law.

On April 18, 1901, the Spanish legation proposed to this department the reciprocal acceptance of such letters, through the diplomatic channel, without authentication of signatures, a formality that the Spanish law did not require.

The department's reply (memorandum of June 5, 1901) was to the effect that, while the proposition would be accepted so far as the insular possessions were concerned, no such engagement could be entered into concerning letters to be executed in the United States. This was accepted by the Spanish legation, which at first considered a mere exchange of notes sufficient, but later (October 13 and October 30) submitted a declaration that was signed on November 7, 1901.

I inclose herewith, for your information, a copy of the said agreement.

I am, etc.,

ROBERT BACON.

[Inclosure.]

Agreement between the United States of America and the Kingdom of Spain exempting from authentication signatures attached to letters rogatory exchanged between Porto Rico, the Philippine Islands, and Spain.

[Concluded by exchange of notes August 7, 1901, and by a declaration by the Secretary of State of the United States and the envoy extraordinary and minister plenipotentiary of Spain at Washington, November 7, 1901. Became effective November 28, 1901, the date of its publication in the *Gazeta de Madrid*.]

Duke de Arcos to Mr. Hill.

LEGACION DE ESPAÑA,
Manchester, Mass., July 30, 1901.

DEAR MR. SECRETARY: With reference to my memorandum of April 18 last, in which I suggested that the authentication of signatures affixed to letters rogatory which are transmitted through the diplomatic channel might be dispensed with, and to the answer from the Department of State of June 5th last, which I duly referred to my Government; I have received instructions to accept the proposition of the Government of the United States as regards Porto Rico and the Philippine Islands, since the same arrangement is not possible as regards letters exchanged between the courts of the United States, of the States of the Union and of the organized Territories.

The Spanish Government proposes that this agreement should be made by an exchange of notes between the two Governments, if satisfactory to the United States, and if so I should be very much obliged to you if you would communicate with me regarding the date upon which this arrangement can be put in force, as well as any other details which the Department of State may wish to be considered.

I remain, etc.,

ARCOS.

Mr. Adee to Duke de Arcos.

AUGUST 5, 1901.

SIR: I have the honor to acknowledge the receipt of your personal note of the 30th ultimo to Doctor Hill, Assistant Secretary of State, in which you advise him that your Government is disposed to conclude by an exchange of notes the agreement (suggested in your memorandum of April 18 last and this department's of June 5 last) for the purpose of dispensing with the authentication of signatures affixed to letters rogatory issuing from Spanish courts to those of Porto Rico and the Philippines, and from the courts of Porto Rico and the Philippines to those of Spain, if the letters rogatory shall be transmitted through the diplomatic channel.

In reply I have the honor to quote the memoranda exchanged as follows:

[Translation.]

LEGATION OF SPAIN,
April 18, 1901.

The Spanish Government does not require the signatures of United States authorities intervening in the execution of rogatory commissions issued from Spain to be authenticated; and in reciprocity of this measure, is anxious that the United States Government should not in the future require the authentication of signatures of Spanish officials who execute American rogatory commissions in Spain.

As all these documents are transmitted from the two Governments through the diplomatic channel, the Spanish Government considers that this fact should alone guarantee their authenticity.

DEPARTMENT OF STATE,
Washington, June 5, 1901.

The Department of State submitted to the Secretary of War and the governor of Porto Rico the memorandum of the Spanish minister, dated April 18 last, suggesting that, as letters rogatory passing between the courts of the United States

and Spain were transmitted through the diplomatic channels, the authentication of the officials executing the letters might be dispensed with.

Copies of letters from the officers above mentioned are inclosed, from which it appears that in Cuba, the Philippines, and Porto Rico the authentications will be dispensed with, so long as the letters pass through the diplomatic channel. The vast majority of the letters rogatory transmitted between the two Governments will thus be relieved from the burden of authentication. As regards the letters, however, exchanged between the courts of the United States, of the States of the Union, and of the organized Territories, it will not be possible for this department to make any such arrangement, as the execution of the letters must take place in accordance with the provisions of the laws of the United States, of the State or Territory, respectively, and in compliance with the rules of the executing court.

The Department of State would be glad to know whether the arrangement offered is satisfactory to the Spanish Government.

An acknowledgment by you of the present note, acquiescing in the arrangement proposed, so far as Porto Rico, the Philippines, and Spain are concerned, will be regarded by this Government as completing the agreement.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

Duke de Arcos to Mr. Hay.

[Translation.]

LEGATION OF SPAIN,
Manchester, Mass., August 7, 1901.

MR. SECRETARY: I have the honor to acknowledge the reception of the note of your department dated the 5th instant by which you advise me that the Government of the United States accepts the proposition of that of H. M. to the effect that, as regards Porto Rico and the Philippines, the authentication of the signatures of the officials who intervene in the execution of letters rogatory passing between Spain and the said countries and vice versa, through the diplomatic channel, be hereafter dispensed with.

I transcribe hereinbelow the memorandum that I had the honor of sending to your excellency on the 18th of April last, and the reply, dated June 5, that I received from the department.

LEGACION DE ESPAÑA,
En Washington, April 18, 1901.

The Spanish Government does not require the signatures of United States authorities intervening in the execution of rogatory commissions issued from Spain to be authenticated; and in reciprocity of this measure is anxious that the United States Government should not in the future require the authentication of signatures of Spanish officials who execute American rogatory commissions in Spain.

As all these documents are transmitted from the two Governments through the diplomatic channel the Spanish Government considers that this fact should alone guarantee their authenticity.

DEPARTMENT OF STATE,
Washington, June 5, 1901.

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Copies of letters from the officers above mentioned are inclosed, from which it appears that in Cuba, the Philippines, and Porto Rico the authentications will be dispensed with, so long as the letters pass through the diplomatic channel. The vast majority of the letters rogatory transmitted between the

two Governments will thus be relieved from the burden of authentication. As regards the letters, however, exchanged between the courts of the United States, of the States of the Union, and of the organized Territories, it will not be possible for this department to make any such arrangement, as the execution of the letters must take place in accordance with the provisions of the laws of the United States, of the State or Territory, respectively, and in compliance with the rules of the executing court.

The Department of State would be glad to know whether the arrangement offered is satisfactory to the Spanish Government.

In conformity with your excellency's statement in the note which I have the honor to answer, I agree, in the name of the Government of His Majesty, to consider the proposed arrangement as completed by the present exchange of notes, but I must give you notice that it can not go into effect in Spain until it shall have been published in the "Gaceta de Madrid," that is to say, after the time required for the transmission to Spain and the subsequent printing of the text.

I avail, etc.,

ARCOS.

DECLARATION.

The undersigned, on behalf of their respective Governments and in accordance with the notes they exchanged on the 5th and 7th of August last, have agreed upon the following declaration:

The signatures of officials who officiate in the execution of rogatory commissions addressed by the courts of Porto Rico and the Philippine Islands to those of Spain, or by the Spanish courts to those of Porto Rico and the Philippine Islands, transmitted through the diplomatic channel, will not require authentication.

Done in duplicate at Washington this 7th day of November, 1901.

JOHN HAY,

EL DUQUE DE ARCOS.

VISIT OF SECRETARY ROOT TO SOUTH AMERICA.

The Argentine Minister to the Secretary of State.

[Translation.]

LEGACION ARGENTINA,

Washington, D. C., March 2, 1906.

MY ESTEEMED SECRETARY OF STATE: I received last night by cable the agreeable instructions from my Government inviting you to visit the Argentine Republic, if your trip to Brazil is effected. It was my desire to hand to you, personally, the invitation, but to do this I would have had to wait until Thursday next, or else to request a special interview, which would be equivalent to taking from you precious time of which you are always so much in need. For this reason I hasten to fulfill, by means of these lines, the to me grateful order received, the more so as I possess a deep faith in the practical results of your trip, to the point that, from the viewpoint of the approximation of the two great portions of our hemisphere will have been accomplished, in my judgment, in a single day, that which initiatives of every description, toward the same end, have not succeeded in bringing about in half a century.

I have the honor, etc.,

EPIFANIO PORTELA.

The Secretary of State to the Argentine Minister.

No. 6.]

DEPARTMENT OF STATE,
Washington, March 8, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 2d instant, and to state in reply that it gives me great pleasure to accept the kind invitation with which the Government of the Argentine Republic honors me, to visit Buenos Aires as part of my trip to South America this summer.

Having a firm belief in the efficacy of personal acquaintance and good understanding as the true means of promoting real friendship between nations, it will gratify me very much to meet some of the public men under whose guidance the Argentine Republic has attained so great a degree of power and prosperity.

Begging you to be so good as to convey to your Government an expression of my thanks for the invitation, I avail, etc.,

ELIHU ROOT.

Chargé White to the Acting Secretary of State.

No. 395.]

AMERICAN LEGATION,
Buenos Aires, July 27, 1906.

SIR: I have the honor herewith to inclose a copy of an executive decree of the 21st instant, cut from the Boletín Oficial, No. 3817, of the 26th instant, naming a committee of representative men to provide for the reception of the Hon. Elihu Root, Secretary of State of the United States, on the occasion of his visit to this country. I accompany the decree with a translation.

I am, sir, your obedient servant,

CHARLES D. WHITE,
Chargé d'Affaires ad interim.

[Inclosure—Translated from the Boletín Oficial, No. 3817, of July 26, 1906.]

MINISTRY OF FOREIGN AFFAIRS AND WORSHIP.

Naming a committee to receive the Secretary of State of the United States of America.

In view of the communication received from the legation of the United States, informing this department that in August next the Secretary of State of the United States of America, the Hon. Elihu Root, will arrive at this capital; and the Government desiring to receive him fittingly, the President of the Republic decrees:

I. The deputies Dr. Luis M. Drago, Dr. Julio A. Roca, jr., and Dr. Antonio F. Piñero, subsecretary of foreign affairs and worship; Dr. Alberto Tedin Uriburu, Dr. Francisco J. Beazly, Dr. José N. Matienzo, Mr. Enrique Acebal, Mr. José M. Llobet, Capt. Guillermo Funes, and Mr. Cesar Gonzalez Segura are named to arrange everything pertaining to the reception of the Secretary of State of the United States of America, Hon. Elihu Root.

II. The committee shall act under the presidency of the first of the gentlemen named, the ex-minister for foreign affairs and worship, Dr. Luis M. Drago, and shall for the fulfillment of its commission consult with the minister for foreign affairs.

III. The committee is authorized to incur the expenses incident to the reception.

IV. Let it be communicated and given to the National Register.

FIGUEROA ALCORTA.
M. A. MONTES DE OCA.

Minister Beaupré to the Secretary of State.

No. 411.]

AMERICAN LEGATION,
Buenos Aires, September 6, 1906.

SIR: As minister of the United States to this Republic, I understand it to be a part of my duty to make, for the information present and future of the department, a record of all events that transpire, as well as of all measures enacted, within the limits of my territory, that may have or be given international significance. The visit of the Secretary of State of the United States to the Argentine Republic, at the invitation and as guest of the Argentine Government, is in itself an international act and one, in my judgment, of inestimable significance. In accordance, therefore, with my understanding of my duty, I have the honor herewith to report the facts of his visit, and at the same time to interpret, as I may be able, the feelings of this Government and people and their attitude at the time of and subsequent to Mr. Root's sojourn in their country.

Mr. Root arrived at the port of Buenos Aires on board the Argentine war ship *Buenos Aires* at 11 o'clock of the morning of the 14th ultimo. With my wife and the secretary of legation I went to the Government House at 9.30 a. m. of the same day, where I met the minister for foreign affairs and his wife, Señora Montes de Oca, the minister of marine, the subsecretary of foreign affairs and his wife, Señora Tedin Uribarri. By communication by wireless telegraphy with the *Buenos Aires* we were kept informed of her movements until she entered basin No. IV of the closed port, when the entire party proceeded thither and waited while the vessel was warped to and made fast. Here we were joined by the Argentine minister to Washington and his wife Señora Portela, and by the Argentine secretary of legation at Washington, Señor Carlos Zavalia. During the morning an overcast sky portended rain, yet thousands of eager welcomers had congregated at the dock and on the streets leading thereto, filling all the available space, a detachment of marines keeping a passage-way clear for the official party. The rain began falling heavily just as the vessel was moored. As soon as the gang plank was put ashore, the receiving party went on board and cordial greetings were interchanged, the minister for foreign affairs welcoming Mr. Root and his family.

After certain necessary arrangements were completed, the entire party went ashore, entered the carriages provided by the Government that were in waiting, and drove through the principal thoroughfares of the city, which had been elaborately and beautifully decorated for the occasion, to the private residence of Dr. José M. Llobet, No. 368 Avenida General Alvear, which the proprietor had kindly, at great expense and infinite personal care and attention, fitted for this particular purpose and put at the disposal of the Argentine Government for the occupation of its guest. In spite of the violent torrents of rain that greeted Mr. Root's arrival at and passage through the streets of Buenos Aires, it was the occasion of a most unusual demonstration of enthusiasm, crowds accompanying his carriage on foot, regardless of the elements, from the port to the house of Doctor Llobet, a distance of about 2 miles, hailing him with cries of "Viva Mr. Root," "Viva Los Estados Unidos," and with "hurrahs," that

were most gratifying testimony of the genuine feeling of the Argentine people; gratifying not only to the guests of the nation, but to the Argentines themselves, many of whom expressed to me their satisfaction at the spontaneity of the popular demonstration. At times the crowd grew so dense that the carriages were scarcely able to pass, while the balconies and windows of the houses and sidewalks were filled with enthusiastic spectators.

Arrived at their residence in this city, Mr. Root and his party were left to rest and breakfast alone. At 2.30 o'clock of the afternoon the introducer of ministers of the Argentine Government, Baron de Marchi, came to the residence of Mr. Root, in the gala presidential coach, to accompany him to the Government House to visit the President of the Republic. I accompanied Mr. Root, with the introducer of ministers and Mr. Root's aid, Lieutenant Palmer. In a second carriage Mr. White, the secretary of legation, and Captain Parker, the military attaché to the legation, accompanied Mr. Edward Root. The party proceeded by various of the principal thoroughfares, other than those traversed in the morning, to the Government House. Here the President of the Republic, attended by the entire cabinet, members of the supreme court, the presidents of the Senate and Chamber of Deputies, and the superior officers of the army and navy awaited Mr. Root. The ceremony was very brief. The President of the Republic and Mr. Root exchanged a few words, and the members of the cabinet and others of those present were introduced. Mr. Root then withdrew and returned to his residence, in the same manner in which he had gone to the Government House. Immediately after the return of Mr. Root to his residence the card of the President was left there, the President thus returning the formal visit of the Government's guest.

After this Mr. Root received the visits of the members of the cabinet, the mayor of the city, and of the reception committee appointed by the Government, as reported in Mr. White's No. 395, of July 27 last, to arrange the programme for the entertainment of its guest.

At 8 o'clock of the evening of this day, August 14, the Government offered Mr. Root a banquet at the Government House, the invitations to which were issued by the minister for foreign affairs for the President of the Republic and, translated, read as follows:

Manuel A. Montes de Oca, minister for foreign affairs and worship, presents his very attentive compliments to (his excellency the envoy extraordinary and minister plenipotentiary of the United States), and in the name of His Excellency the President of the Republic is pleased to invite him to the banquet that in honor of His Excellency Secretary of State of the United States of America will take place at the Government Palace, the 14th instant at 8 p. m.

Mr. Root and his party went to this banquet, accompanied by the personnel of the legation, and returned in the same manner. The illumination of the streets and principal buildings on this and subsequent evenings is worthy of mention; it had been planned and prepared without regard to expense and on a scale unsurpassed, I believe, in any other capital of the world.

There were present at the banquet the entire official body of the Government and the foreign diplomatic corps. Two speeches were made at the close of the banquet; the one by the President of the Republic, toasting the United States; the other by Mr. Root in reply. I inclose a copy of the President's speech, as transcribed in *La Prensa*

of the next day, and a copy of it in translation, as it appeared in the Standard of the next day, August 15; also a copy of Mr. Root's reply as given in the Standard of the next day, and a copy of the same in translation as it appeared in La Prensa of the next day, August 15.

It is needless for me to say, and yet I need to say it, that the words of the Secretary of State could not have been more fittingly chosen or have produced a more happy effect than was evident on this occasion. The Argentine Government had most courteously awaited Mr. Root's arrival, with kindly anticipation of assurances of disinterested friendship. The moment had come for the special envoy of the United States to speak and to satisfy this expectation, and his words, by their very frankness, directness, and sincerity, carried them beyond their hopes to enthusiastic approval and absolute conviction, for he vindicated once more the irreproachable policy of the United States, and its disinterested adherence to the highest ideals of humanity.

This constituted the strictly official part of the Government's programme.

The morning of the 15th Mr. Root, accompanied by the minister of public instruction, visited various schools of the capital. On the afternoon of the 15th the President of the Republic came in the gala coach to the residence of Mr. Root and accompanied him to the races at the Hipodromo Argentino; the wife of the President accompanied Mrs. Root. The order of precedence in the carriages on this occasion may be seen from the copy of the official programme which I inclose.

On the evening of this day a special gala performance was given at the opera. The President of the Republic, with his cabinet officers, awaited Mr. Root in the presidential box and gave him the seat of honor at his right. With the personnel of the legation and the commander of the *Charleston*, I accompanied Mr. Root in the presidential box. Mrs. Root accompanied the wives of the President and minister for foreign affairs in the box at the right of the presidential box; Miss Root accompanied Señora Portela and Mrs. Beaupré in the box at the left of the presidential box.

August 16 was devoted to one of the principal estancias (stock farms) of the country, that of Señora de Vivot. On the evening of the 16th Mr. Root attended a reception tendered him by the Americans resident in the Argentine Republic. On this occasion he made a speech, of which I inclose a copy as it appeared in the Standard of the next day, and a copy in translation as it appeared in La Nacion of the next day, August 17.

The morning of August 17 was devoted to a visit through the port of the capital, during which one of the largest grain elevators and flour mills and a representative slaughterhouse and frozen meat establishment were inspected. Mr. Root took occasion also to visit on the morning of this day the plants of La Prensa and La Nacion, the largest newspapers in the country. A luncheon was tendered him by the President of the Senate and ex officio Vice-President of the Republic, Dr. Benito Villanueva.

On the evening of the 17th Mr. Root was conducted by Dr. Luis M. Drago, ex-minister for foreign affairs and president of the official

reception committee, to the opera house, where he attended a subscription banquet of some 600 covers given, as expressed on the first page of the menu, by "Buenos Aires to Mr. Root." It was a most representative gathering. At the close of the banquet Doctor Drago delivered a speech of welcome, a copy of which, in printed form as distributed at the banquet, I inclose. To this Mr. Root replied in a speech, of which I inclose a copy cut from the Standard of the next day, and a copy in translation cut from La Prensa of the next day, August 18.

It is impossible to picture the enthusiasm of the audience as it listened to and grasped the full meaning of Mr. Root's words. Listened to with the most intense interest, repeatedly interrupted by the most spontaneous applause, he became, at the close of his speech, the object of the most unrestrained ovation that, I am assured, was ever offered to any person in this city, in which the entire audience thronged about him to accompany him to the doors of the building, while the ladies in the balconies tore loose all the floral decorations and showered them upon him. Never, I am convinced, in the history of this country has an Argentine audience been so penetrated by the lofty thought of a speaker or been so swayed by the eloquence of direct, frank utterance; never have higher ideals been presented to it, or the best that there is in this people come so straight to the fore in spontaneous acceptance of those ideals. With his speech at the opera Mr. Root's task in the Argentine Republic was accomplished. The Argentine people, as well as the Government, were now convinced of the disinterested intentions of the United States; the Monroe doctrine and the Drago doctrine were harmonized and given due definition; the Argentine press was disarmed; the Argentine people and those of the United States made friends on the surest of certain foundations—that of mutual acquaintance, understanding, and confidence.

I inclose the principal newspaper comments, cut from the journals subsequent to August 13, and translations of the more important ones. They are enumerated at the close of this dispatch. From them the entire and unconditional adhesion of the Argentine people to the friendly advances of the United States and the lofty utterances of its representatives can be seen. Not a discordant note is to be observed, or will be heard in our immediate and, it is to be hoped, permanent relations. Never, I believe, have those relations been established on a truer foundation.

On the morning of August 18 Mr. Root made a tour of the city, and in the evening it was my privilege to entertain him and his family at dinner, with the officers of the Argentine Government and the diplomatic corps. A ball that had been planned at the Jockey Club was postponed at the request of the President of the Republic as an expression of sympathy with the neighboring republic of Chile in its affliction.

Sunday, August 19, Mr. Root and party attended divine service at the American church, and at 2 p. m. left by special train for Bahia Blanca. The President of the Republic awaited him at the railway station in this city and took informal and cordial leave of the country's guest. The introducer of ministers, in representation of the President, the subsecretary for foreign affairs, in representation

of the minister for foreign affairs, the ministers of marine and public works, Admiral Howard and Captain Nunes of the Argentine Navy, certain members of the official reception committee, and I, accompanied Mr. Root and his party to Bahia Blanca.

This journey from the capital to the military port of Bahia Blanca, where he arrived during the forenoon of the next day, August 21, was attended by a series of ovations and enthusiastic demonstrations at every station at which a stop was made. At two places the crowd was so insistent that Mr. Root was compelled to address them, the subsecretary interpreting his remarks. At the port he was formally received by the admiral in charge of the same, and with him made a tour of inspection of the port and several of the Argentine warships. The entire party was then entertained at luncheon on board the *Charleston*, after which they took leave of Mr. Root and his party, and the *Charleston* weighed anchor and sailed away, amid the salutes of the Argentine marine. The fastest of the Argentine cruisers, the *25 de Mayo*, accompanied the *Charleston* out of the port of estuary; at separating the two vessels exchanged appropriate salutes.

These are the facts of Mr. Root's visit to this country. I have perhaps already sufficiently commented upon them. It remains only for me to say that I believe the plan of such a visit to have been a most fortunate one, and that this plan has been most happily carried out, to the lasting benefit of both countries, through an established and enduring friendship.

I am, etc.,

A. M. BEAUPRÉ.

[Inclosure No. 1.]

SPEECH OF HIS EXCELLENCY DR. J. FIGUEROA ALCORTA, PRESIDENT OF ARGENTINA, AT A BANQUET GIVEN BY HIM TO MR. ROOT IN THE GOVERNMENT HOUSE, AT BUENOS AIRES, AUGUST 14, 1906.

[Translation from the Spanish.]

MR. ROOT AND GENTLEMEN: The American republics are at this moment tightening their traditional bonds at a congress of fraternity whose importance has been realized by the presence of our illustrious guest, who passes across the continent as the herald of the civilization of a great people.

The world's conscience being awakened by the progress of public thought, the members of the family of nations are trying to draw closer together for the development of their activities, without fetters or obstacles, under the olive branch of peace and the guaranty of reciprocal respect for their rights.

International conferences are one of the happiest manifestations of that tendency, because, in bringing into contact the representatives of the various States, hindrances and prejudices are dissipated, and there is shown to exist in reality in the collective mind a common aspiration for the teachings of liberty and justice.

America gives a recurring example of such congresses of peace and law. As each one takes place it is evident that the attributes of sovereignty of the nations which constitute it are displayed more clearly; that free government is taking deeper root, that democratic solidarity is more apparent, and that force is giving way more freely to reason as the fundamental principle of society.

The congress of Rio de Janeiro has that lofty signification. Its material, immediate consequences will be more or less important, but its moral result will be forever of transcendent benefit—a new departure and a step farther in the development of liberal ideas in this part of the American Continent.

Mr. Secretary of State, your country has taken gigantic strides in the march of progress until it occupies a position in the vanguard. It has set a proud and shining example to its sister nations.

As in the dawn of their emancipation it recognized in them the conqueror's right to stand among the independent states of the earth, so likewise it later stimulated the high aspiration to establish a political system representing the popular will, now inscribed in indelible characters in the preambles of American legislation.

The Argentine Republic, after rude trials, completed its constitutional régime, gathering experience and learning from the great Republic of the North.

The general lines of our organization followed those of the Philadelphia convention, with the modifications imposed by circumstances, by the irresistible force of tradition, and by the idiosyncrasies peculiar to the race. The forefathers who drafted the Argentine constitution were inspired in their work by those who, to the admiration of the world, created the Constitution of the United States.

Many of our political doctrines are derived from the writings of Hamilton, Madison, and Jay; the spirit of Marshall and Taney are seen in the hearings of our tribunals; and even the children in our schools, when they learn to personify the republican virtues, the love and sacrifice for country, respect for the rights of man, and the prerogatives of the citizen, list the name of George Washington with that of the foremost Argentines.

Our home institutions being closely united and the shadows on the international horizon having disappeared, the Argentine Republic can occupy itself in fraternizing with other nations, and, like the United States, she aspires to make the ties of friendship sanctioned by history and by the ideal philanthropy common to free institutions more firm.

Your visit will have, in this aspect, great results. We have invited you to visit our territory in order to link the two countries more intimately, and your presence here indicates that this noble object will be realized, inspired as it is by the convenience of mutual interests and the sharing of noble aims.

You are a messenger of the ideals of brotherhood, and as such you are welcome to the Argentine Republic.

I salute you, in the name of the Government and the people who have received you, as the genuine representative of your country, with that sincere desire for friendship which is loyally rooted in the national sentiment of Argentina.

Gentlemen: To the United States of America; to its illustrious President, Theodore Roosevelt; to the Secretary of State of North America, Hon. Elihu Root!

[Inclosure No. 2.]

REPLY OF MR. ROOT.

YOUR EXCELLENCY AND GENTLEMEN: I thank you, sir, for your kind welcome and for your words of appreciation. I thank you for myself; I thank you for that true and noble gentleman who holds in the United States of America the same exalted office which you hold here. I thank you for the millions of citizens in the United States. When your kind and courteous invitation reached me, I was in doubt whether the long absence from my official duties would be justified, but I considered that your expression of friendship imposed upon me something more than an opportunity for personal gratification; it imposed upon me a duty. It afforded an opportunity to say something to the Government and the people of Argentina which would justly represent the sentiments and the feelings of the people of the United States toward you all. We do not know as much as we ought in the United States; we do not know as much as I would like to feel we know, but we have a traditional right to be interested in Argentina. I thought to-day, when we were all involved in the common misfortune, at the time of my landing, that, after all, the United States and Argentina were not simply fair-weather friends. We inherit the right to be interested in Argentina, and to be proud of Argentina. From the time when Richard Rush was fighting, from the day when James Monroe threw down the gauntlet of a weak Republic, as we were then, in defense of your independence and rights—from that day to this the interests and the friendship of the people of the United States for the Argentine Republic have never changed. We rejoice in your prosperity; we are proud of your achievements; we feel that you are justifying our faith in free government, and self-government; that you are maintaining our great thesis which demands the

possession, the enjoyment, and the control of the earth to the people who inhabit it. We have followed the splendid persistency with which you have fought against the obstacles that stood in your path, not without the sympathy that has come from similar struggles at home. Like you, we have had to develop the resources of a vast unpeopled land; like you, we have had to fight for a foothold against the savage Indians; like you, we have had conflicts of races for the possession of territory; like you, we have had to suffer war; like you, we have conquered nature; and like you, we have been holding out our hands to the people of all the world, inviting them to come and add to our developments and share our riches.

We live under the same Constitution in substance; we are maintaining and attempting to perfect ourselves in the application of the same principles of liberty and justice. So how can the people of the United States help feeling a friendship and sympathy for the people of Argentina? I deemed it a duty to come, in response to your kind invitation, to say this—to say that there is not a cloud in the sky of good understanding; there are no political questions at issue between Argentina and the United States; there is no thought of grievance by one against the other; there are no old grudges or scores to settle. We can rejoice in each other's prosperity; we can aid in each other's development; we can be proud of each other's successes without hindrance or drawback. And for the development of this sentiment in both countries nothing is needed but more knowledge—that we shall know each other better; that not only the most educated and thoughtful readers of our two countries shall become familiar with the history of the other, but that the entire body of the people shall know what are the relations and what are the feelings of the other country. I should be glad if the people of Argentina—not merely you, Mr. President; not merely my friend the minister for foreign affairs; not merely the gentlemen connected with the Government, but the people of Argentina—might know the feeling with which the people of the United States are their friends, as I know the people of Argentina are friends of the United States. I have come to South America with no more specific object than I have stated. Our traditional policy in the United States of America is to make no alliances. It was inculcated by Washington; it has been adhered to by his successors ever since. But, Mr. President, the alliance that comes from unwritten, unsealed instruments, as that from the convention signed and ratified with all formalities, is of vital consequence. We make no alliances, but we make an alliance with all our sisters in sentiment and feeling, in the pursuit of liberty and justice, in mutual helpfulness, and in that spirit I beg to return to you and to your Government and the people of this splendid and wonderful country my sincere thanks for the welcome you have given me and my country in my person.

[Inclosure No. 3.]

SPEECH OF DR. LUIS M. DRAGO, PRESIDENT OF THE COMMITTEE OF RECEPTION, AT THE BANQUET GIVEN BY THE COMMITTEE TO MR. ROOT AT THE OPERA HOUSE IN BUENOS AIRES, AUGUST 17, 1906.

[Translation from the Spanish.]^a

HONORABLE SIR; GENTLEMEN: The large gathering here assembled, representative of all that Buenos Aires has of the most notable in science, letters, industry, and commerce, has conferred on me the signal honor of my being designated to offer this banquet to the eminent minister of one of the greatest nations of the earth, a nation linked to us from the very beginning by many and very real sentiments of moral and political solidarity. This country has not forgotten that in the trying times of the colonial emancipation our fathers could rely on the sympathy and the warm and disinterested adhesion of the American people, our predecessors and our guides in the paths of liberty. The thrilling utterances of Henry Clay defending our cause when everything appeared to threaten our revolution have never been surpassed in their noble eloquence, and it was due to the generosity and foresight of their great statesmen that the United States were the first to receive us with open arms as their equals in the community of sovereign nations.

^a Furnished by Mr. Drago.

The spiritual affinity thus happily established has gone on strengthening itself almost imperceptibly ever since by the reproduction of institutions and legal customs.

Our charter was inspired by the American Constitution and acts through the operation of similar laws. The great examples of the Union are also our examples, and being sincere lovers of liberty we rejoice in the triumphs (which in a certain sense we consider our own) of the greatest of democratic nations.

George Washington is, for us, of the great figures of history, the tutelary personality, the supreme model, a prototype of abnegation, honor, and wisdom: and there is an important region in the Province of Buenos Aires bearing the name of Lincoln, as a homage to the austere patriotism of the statesman and martyr. The names of Jefferson, Madison, and Quincy Adams are with us household words, and in our parliamentary debates and popular assemblies mention is frequently made of the statesmen, the orators, and the judges of the great sister Republic.

There thus exists, honorable sir, a long-established friendship, an inter-communion of thought and purpose which draws peoples together more closely, intimately, and indissolubly than can be accomplished by formulæ—often barren—of the foreign offices.

And the moment is certainly propitious for drawing closer the bonds of international amity which your excellency's visit puts in relief and which has found such eloquent expression in the Pan-American Congress of Rio de Janeiro. Enlightened patriotism has understood at last that on this continent, with its immense riches and vast unexplored extensions, power and wealth are not to be looked for in conquest and displacements, but in collaboration and solidarity, which will people the wilderness and give the soil to the plow. It has understood, moreover, that America, by reason of the nationalities of which it is composed, of the nature of the representative institutions which they have adopted, by the very character of their people, separated as they have been from the conflicts and complications of European governments, and even by the gravitation of peculiar circumstances and events, has been constituted a separate political factor, a new and vast theater for the development of the human race, which will serve as a counterpoise to the great civilizations of the other hemisphere, and so maintain the equilibrium of the world.

It is consequently our sacred duty to preserve the integrity of America, material and moral, against the menaces and artifices, very real and effective, that unfortunately surround it. It is not long since one of the most eminent of living juriconsults of Great Britain denounced the possibility of the danger. "The enemies of light and freedom," he said, "are neither dead nor sleeping; they are vigilant, active, militant, and astute." And it was in obedience to that sentiment of common defense that in a critical moment the Argentine Republic proclaimed the impropriety of the forcible collection of public debts by European nations, not as an abstract principle of academic value or as a legal rule of universal application outside of this continent (which it is not incumbent on us to maintain), but as a principle of American diplomacy which, whilst being founded on equity and justice, has for its exclusive object to spare the peoples of this continent the calamities of conquest disguised under the mask of financial interventions, in the same way as the traditional policy of the United States, without accentuating superiority or seeking preponderance, condemned the oppression of the nations of this part of the world and the control of their destinies by the great powers of Europe. The dreams and utopias of to-day are the facts and commonplaces of to-morrow, and the principle proclaimed must sooner or later prevail.

The gratitude we owe to the nations of Europe is indeed very great, and much we still have to learn from them. We are the admirers of their secular institutions; more than once we have been moved by their great ideals, and under no circumstances whatsoever should we like to sever or to weaken even the links of a long-established friendship. But we want, at the same time, and it is only just and fair, that the genius and tendency of our democratic communities be respected. They are advancing slowly, it is true; struggling at times and occasionally making a pause, but none the less strong and progressive for all that, and already showing the unequivocal signs of success in what may be called the most considerable trial mankind has ever made of the republican system of government.

In the meantime, to reach their ultimate greatness and have an influence in the destinies of the world, these nations only require to come together and have a better knowledge of each other, to break up the old colonial isolation,

and realize the contraction of America, as what is called the contraction of the world has always been effected by the annihilation of distance through railways, telegraphs, and the thousand and one means of communication and interchange at the disposal of modern civilization.

The increase of commerce and the public fortune will be brought about in this way, but such results as concern only material prosperity will appear unimportant when compared with the blessings of a higher order which are sure to follow, when, realizing the inner meaning of things, and stimulated by spiritual communion, these peoples meet each other as rivals only in the sciences and arts, in literature and government, and most of all in the practice of virtues, which are the best ornament of the state and the foundation stone of all enduring grandeur of the human race.

Gentlemen :

To the United States, the noblest and the greatest of democratic nations !

To Mr. Roosevelt, the President of transcendental initiative and strenuous life !

To his illustrious minister, our guest, the highest and most eloquent representative of American solidarity, to whom I have not words sufficiently expressive to convey all the pleasure we feel in receiving him and how we honor ourselves by having him in our midst.

[Inclosure No. 4.]

REPLY OF MR. ROOT.

Mr. President, and Gentlemen: I thank you for the kind and friendly words you have uttered. I thank you, and all of you for your cordiality and bounteous hospitality. As I am soon to leave this city, where I and my family have been welcomed so warmly and have been made so happy, let me take this opportunity to return to you and to the Government and to the people of Buenos Aires our most sincere and heartfelt thanks for all your kindness and goodness to us. We do appreciate it most deeply, and we shall never forget it, shall never forget you—your friendly faces, your kind greetings, your beautiful homes, your noble spirit, and all that makes up the great and splendid city of Buenos Aires. It is with special pleasure, Mr. Chairman, that I have listened to that part of your speech which relates to the political philosophy of our times, and especially to the political philosophy most interesting to America. Upon the two subjects of special international interest to which you have alluded, I am glad to be able to declare myself in hearty and unreserved sympathy with you. The United States of America has never deemed it to be suitable that she should use her army and navy for the collection of ordinary contract debts of foreign governments to her citizens. For more than a century the State Department, the Department of Foreign Relations of the United States of America, has refused to take such action, and that has become the settled policy of our country. We deem it to be inconsistent with that respect for the sovereignty of weaker powers which is essential to their protection against the aggression of strong. We deem the use of force for the collection or ordinary contract debts to be an invitation to abuses in their necessary results far worse, far more baleful to humanity than that the debts contracted by any nation should go unpaid. We consider that the use of the army and navy of a great power to compel a weaker power to answer to a contract with a private individual is both an invitation to speculation upon the necessities of weak and struggling countries and an infringement upon the sovereignty of those countries, and we are now, as we always have been, opposed to it; and we believe that, perhaps not to-day nor to-morrow, but through the slow and certain process of the future, the world will come to the same opinion. It is with special gratification that I have heard from your lips so just an estimate of the character of that traditional policy of the United States which bears the name of President Monroe. When you say that it was "without accentuating superiority or seeking preponderance" that Monroe's declaration condemned the oppression of the nations of this part of the world and the control of their destinies by the great powers of Europe, you speak the exact historical truth. You do but simple justice to the purposes and the sentiments of Monroe and his compatriots and to the country of Monroe at every hour from that time to this.

I congratulate you upon the wonderful opportunity that lies before you. Happier than those of us who were obliged in earlier days to conquer the wilder-

ness, you men of Argentina have at your hands the great, new forces for your use. Changes have come of recent years in the world which affect the working out of your problem. One is that through the comparative infrequency of war, of pestilence, of famine, the increased sanitation of the world, the decrease of infant mortality by reason of better sanitation, the population of the world is increasing. Those causes which reduced population are being removed and the pressure of population is sending out wave after wave of men for the peopling of the vacant lands of the earth. The other is that through the wonderful activity of invention and discovery and organizing capacity during our lifetime the power of mankind to produce wealth has been immensely increased. One man to-day, with machinery, with steam, with electricity, with all the myriads of appliances that invention and discovery have created, can produce more wealth, more of the things that mankind desires, than 20 men could have produced years ago, and the result is that vast accumulations of capital are massing in the world, ready to be poured out for the building up of the vacant places of the earth. For the utilization of these two great forces, men and money, you in Argentina have the opportunity in your vast fields of incalculable potential wealth, and you have the formative power in the spirit and the brain of your people.

I went to-day to one of your great flour mills, to one of your great refrigerating plants. I viewed the myriad industries that surround the harbor, the forests of masts, the thronged steamers. I was interested and amazed. It far exceeded my imagination and suggested an analogy to an incident in my past life. It was my fortune in the year when the war broke out between Prussia and France to be traveling in Germany. Immediately upon the announcement of the war, maps of the seat of war were printed and posted in every shop window. The maps were maps of Germany, with a little stretch of France. Within a fortnight the armies had marched off the the map. It seems to be so with Argentina. I have read books about Argentina. I have read magazine and newspaper articles, but within the last five years you have marched off the map. The books and magazines are all out of date. What you have done since they were written is much more than had been done before. They are no guide to the country. Nevertheless, with all your vast, material activity it seems to me that the most wonderful and interesting thing to be found here is the laboratory of life, where you are mixing the elements of the future race. Argentine, English, German, Italian, French, and Spanish, and American are all being welded together to make the new type. It was the greatest satisfaction to me to go into the school and see that first and greatest agency, the children of all races in the first and most impressionable period of life, being brought together and acting and reacting on each other, and all tending toward the new type, which will embody the characteristics of all; and to know that the system of schools in which this is being done was, by the wisdom of your great President Sarmiento, brought from my own country through his friendship with the great leader of education in the United States of America—Horace Mann.

Mr. Chairman, I should have been glad to see all these wonderful things as an inconspicuous observer. It is quite foreign to my habits and to my nature to move through applauding throngs accompanied by guards of honor; yet perhaps it is well that the idea which I represent should be applauded by crowds and accompanied by guards of honor. The pomp and circumstance of war attract the fancy of the multitude; the armored knight moves across the page of romance and of poetry and kindles the imagination of youth; the shouts of the crowd, the smiles of beauty, the admiration of youth, the gratitude of nations, the plaudits of mankind, follow the hero about whom the glamour of military glory dims the eye to the destruction and death and human misery that follow the path of war. Perhaps it is well that sometimes there shall go to the herdsman on his lonely ranch, to the husbandman in his field, to the clerk in the countinghouse and the shop, to the student at his books, to the boy in the street, the idea that there is honor to be paid to those qualities of mankind that rest upon justice, upon mercy, upon consideration for the rights of others, upon humanity, upon the patient and kindly spirit, upon all those exercises of the human heart that lead to happy homes, to prosperity, to learning, to art, to religion, to the things that dignify life and ennoble it and give it its charm and grace.

We honor Washington as the leader of his country's forces in the war of independence; but that supreme patience which enabled him to keep the warring elements of his people at peace is a higher claim to the reverence of mankind than his superb military strategy. San Martín was great in his military

achievements; his Napoleonic march across the Andes is entitled to be preserved in the history of military affairs so long as history is written; but the almost superhuman self-abnegation in which he laid aside power and greatness that peace might give its strength to his people was greater than his military achievements. The triumphant march of the conquering hero is admirable and to be greeted with huzzas, but the conquering march of an idea which makes for humanity is more admirable and more to be applauded. This is not theory; it is practical. It has to do with our affairs to-day, for we are now in an age of the world when not governors, not presidents, not congresses, but the people determine the issues of peace or war, of controversy or of quiet. I am an advocate of arbitration; I am an advocate of mediation; of all the measures that tend toward bringing reasonable and cool judgment to take the place of war; but let us never forget that arbitration and mediation—all measures of that description—are but the treatment of the symptoms and not the treatment of the cause of disease, and that the real cure for war is to get into the hearts of the people and lead them to a just sense of their rights and other people's rights, lead them to love peace and to hate war, lead them to hold up the hands of their governments in the friendly commerce of diplomacy, rather than to urge them on to strife; and let there go to herdsman and the husbandman and the merchant and the student and the boy in the street every influence which can tend toward that sweet reasonableness, that kindly sentiment, that breadth of feeling for humanity, that consideration for the rights of others which lie at the basis of the peace of the world.

[Inclosure No. 5.]

Editorial translated from La Nacion of August 18, 1906.

LAST NIGHT'S DISCOURSE.

Before a public that constituted the highest representation, intellectual and social, of Buenos Aires and in an atmosphere that under the influence of his words gradually passed from one of cordiality to one of enthusiasm, Mr. Root pronounced last evening at the banquet at the Opera the best of his discourse in South America.

If the audience had had a complete knowledge of English each one of his periods would have provoked an uncontrollable explosion of applause. And the ideas, concrete and precise on the one hand, great and generous on the other, to which our illustrious guest gave expression, one after the other in his brilliant oration, merited nothing less. But although a part of the audience did not understand his thought, the meaning of his words quickly pervaded the theater, giving rise in the minds of all to a unanimous impulse to applaud and approve. So that when the speech was ended the ovation was as spontaneous and as ardent as if every one of his words had been weighed by all his auditors. It would be possible to sketch the picture, but it would be impossible to reflect in its true intensity the vibration of enthusiasm that filled the hall when the most distinguished women of Buenos Aires arose in the boxes and amid the deafening acclamations overwhelmed the eloquent herald of the great republic of the north with a torrent of flowers.

The readers will find elsewhere a stenographic version of this splendid oratorical production which, besides being as sure in its thought and as expressive in its form as the previous speeches of the eminent statesman, is much more important because of the ideas advanced and the declarations formulated.

We are writing under the immediate impression of the great spectacle which serves as the frame to the orations of the North American envoy. And without time to fix our minds to read it in cool meditation we are scarcely able to indicate the principal features of it that impose themselves on a criticism of it.

The first declaration that was noted in Mr. Root's toast was the attitude of full assent with which, responding to Doctor Drago's speech, he referred to the doctrine that bears the latter's name—that concerning the collection of public debts by force. Up to that moment the minister of the United States had shown himself reticent in this respect, avoiding all reference to it. But in his statements of yesterday he did not hesitate to say that he stands without reserve for the ideas of Doctor Drago, recalling that the United States had always refused to lend the aid of its military force to support reclamations

arising from private contracts. He went even further and recognized in this idea a great principle of international law, stating that he considered extortionate the procedures of the powerful nations of imposing their demands on the weak which resulted in the fomenting of illegitimate speculation.

The United States do not wish to establish any dominion or to emphasize any superiority, Doctor Drago had said; and Mr. Root, in repeating the statement, fixed the scope of the Monroe doctrine, inspired by the desire to further American solidarity and not by a tutelage humiliating for the countries whose territorial integrity it desired to assure.

It was a page of sovereign eloquence that Mr. Root devoted to the province of public opinion, to arbitration, which he accepted in full as a political expedient, and to establishing the necessity of inculcating in the masses of the people ideas of peace and of concord which in the future are to give direction to each country for its guidance in its international relations. In his judgment it was the force of opinion that determined in one or other way the conscious march of communities, and its dominion ought ever to be emphasized as the natural and progressive evolution of democratic ideas.

In the development of this theme Washington and San Martin served to inspire Mr. Root to a masterly analysis, in which he presented to us the two great captains drawing to themselves the admiration and respect of posterity more by the serene prestige of the grandeur and virtue which their fecund labors for peace revealed than by their military deeds. The North American minister not only showed the maturity of thought that he possesses, but also a perfect knowledge of our great men and the elevated inspiration of a philosopher of history who knows how to extract its teachings and to assimilate its examples.

We can not under the burdensome demands of time analyze with the care that it deserves the brilliant piece of oratory; but only indicate in a general way its principal ideas. What it signifies as political thought each one will be able to estimate from the reading of it in our stenographic reproduction. But judging from the impressions that the words of the North American minister inspired we can affirm with the full truth of an evident fact that the most representative circles of the society of Buenos Aires last night consecrated with the testimony of their enthusiasm a friendship fortified by tradition, invigorated by community of ideals, strengthened by identity of institutions, and rooted most deeply in the very soil of Argentine national sentiment.

[Inclosure 6.]

Editorial translated from La Nacion of August 1, 1906.

To-day there leaves this capital, continuing his tour of international agitation—we might better say his mission as American apostle—the illustrious envoy of the North American Government, Mr. Root.

He took leave of us in his speech at the banquet in the Opera, a masterly production by reason of the intensity of its thought, by the spontaneity of its phrases that flowed with a natural eloquence, by the oral relief of expression, by the clearness of concept, and by the subtle power of conviction that seduces and persuades, constituting the most efficient gift of oratory.

Living, deep-felt and deeply thought words, intense and mobile, passing pleasingly from the one to the other of the themes presented in the course of his oration, Mr. Root's last speech sums up, formally and in content, all that he has thus far delivered.

It reflects also his personal impression, his sentiments and ideas conceived in the warmth of the demonstration made by the Argentine people, and reflects them in the expansive moments of leave-taking, contrasting with the reticence which he observed on certain points of intercontinental diplomacy.

His feelings gave free pass to the profession of principles of justice and unity that appeared prudently guarded in view of the uncertainty in regard to the degree of civilization of these nations and their capacity to enjoy the autonomous privileges of constituted societies.

We will not force the analysis of these declarations or measure their scope and significance; but they leave the impression that Mr. Root carries to his Government the testimony that these countries are on the plane of international culture, and that a tutelary attitude can not be assured toward them as toward colonies or embryonic countries that are still struggling amid the vicissitudes of a precarious existence.

Mr. Root has observed with scrutinizing gaze, has felt with fine tact the pulsations of their national life, and he has formed the judgment expressed in his discourse in the statement of his impressions of the multiple manifestations, political, social, economic, and historical, of the nation, fixing fact, considering antecedents, outlining horizons, and auguring destinies; all this with a frankness, clearness of vision, and temperance that exclude the frivolity of mere courtesy or complacency.

With the experience of a governor of the most powerful and expansive people, he has given us a programme of economic policy, demonstrating that labor is the virtual energy of a country in formation endowed with the capacity for universal assimilation, whose elements it ought to incorporate in its economy and identify with its destinies.

Mr. Root, with his eminent personal qualities, has done honor to his mission of pan-American solidarity; he has surmounted by his eloquence and the force of his ideas the misunderstandings that prejudiced the relations of the two countries. The most prejudiced have in the face of his eloquence, simple, expressive, and austere, felt his prejudice, his impatience, his caviling dissipated.

The North American envoy on leaving us carries with him the full and sincere testimony of our recognition of his eminent personal qualities and that of the affection and cordiality with which these have been able auspiciously to operate for his country and for the policy of friendly relations with these countries which he promises to foster.

He has brought to us the testimony of fraternity of the great Republic, and carries away in return our frank adherence to his mission and the fervent hope that it may bear the full fruit hoped for.

He can invoke this effusive and sincere testimony of the Argentine people and present it to his country as the irrefutable proof that he has triumphantly and completely fulfilled his transcendent mission, and that from to-day on currents of cordial sympathy are established, marking the direction of economic relations that shall embody them in material bonds.

As for Mr. Root himself, we comply with the gratifying duty of offering him our compliments at his departure, presenting to him the homage of our consideration as a man of superior mind, an experienced statesman, trained and conscientious, with that experiential wisdom that is the characteristic trait of his race and the singular energy of his country.

To this expression of homage and sympathy with our illustrious guest on the day of his departure we have only to add the assurance that the remembrance of his pleasant visit will endure in the memory of the Argentine people and Government.

[Inclosure 7.—Translation. Extracts from *La Nación*, August 20, 1906.]

ECHOES OF THE DAY.

THE UNITED STATES AND ITS FOREIGN POLICY.

To Mr. Elihu Root, illustrious guest of the Argentine people:

The satisfaction of having contributed to dissipate the atmosphere of prejudice that a badly advised propaganda had succeeded in creating in the public Argentine mind in regard to the foreign policy of the United States in its relations with the South American republics has been mine. I believe that I have given, with the help of the historical antecedents, the true definition of the Monroe doctrine, showing clearly that it was formulated by the President of the United States as the expression of the will of his country in favor of the definitive independence of the republics of the South.

These conclusions have been impressed on public opinion with all the force of historical truth, and popular sentiment has been pleased to see how, in the doubtful hour of our struggles for national emancipation, the Argentine Republic had a friend in the United States, as powerful as it was disinterested, that opposed the collected powers of the Holy Alliance and notified them that the sovereignties acquired by the efforts of the people of the South were conclusive.

The theme is always one of lively interest, and to-day more than ever so, with the presence of the illustrious guest whom Buenos Aires is going to receive as the envoy of the great nation.

This is the opportunity of corroborating what is already a matter of public consciousness, and for it I take advantage of the hours of leisure that the life on board ship furnishes me, following at once the trend of my thoughts, ever drawn toward the distant country and constantly full of the great hope of its destinies.

The foreign policy of the United States, compared with the foreign policy of any of the great powers whatsoever, is distinguished by its spirit of non-intervention in the private affairs of other countries and with respect to their native institutions.

This policy is traced in the history of the diplomacy of the Union, and was not impaired during all the period of expansion and evolution through which that country passed in the second half of the nineteenth century.

Its expansive action was so vigorous that the honor belongs to the United States of having celebrated the first commercial treaty with Japan at the period in which the Empire of the rising sun, taught by cruel experience, had completely closed its doors to the civilization of the West, coming even to the point of prohibiting its own subjects, under penalty of death, from going out of the Kingdom.

In 1852 all communication by Japan with the rest of the world was carried on, under the severest restrictions, by the small Dutch establishment at Nagasaki, and it was then that a Yankee squadron, under the command of Commodore Perry, received the mission of presenting to the Mikado a letter from the President of the United States, making propositions for the celebration of a commercial treaty. The story of this negotiation has, by its incidents, all the interest of a novel, which is, in brief that Commodore Perry, overpowering gently but firmly the mighty opposition of the imperial exclusiveness, caused the message of the American President to reach the ears of the Asiatic sovereign. The consequence of this first step was the enlargement of the establishment at Nagasaki, the admission of a consul in that city, and the subsequent negotiation of a treaty which has lasted forty years, replaced recently by another more in harmony with the commercial requirements of the present time.

So that, as the action of the United States was then applied to obtain from Japan the opening of the ports and to agree upon mutual commercial privileges of good faith, a statue of Commodore Perry, head of the above-mentioned expedition, has been erected by the Japanese Government in a public place of the city of Yokohama. This demonstration on the part of a people whose national spirit and patriotism are so jealous of the domestic sovereignty plainly proves what history corroborates; that is, that the mission of the great Commodore was fulfilled without wounding the susceptibility of the haughty Asiatic nation and bore with it positive benefits.

To-day the governments of Washington and of Tokio maintain the most cordial relations and they have exchanged, on occasions, embassies charged with cementing these sentiments across the vast distance that separates them.

The action of American diplomacy in the Orient has another chapter in China which shows the same diligent procedure, zealous for the propagation of national commerce, but, at the same time, attentive and regardful of all the rights of foreign countries. The negotiations of the powers for open markets in the Celestial Empire have been a work of inexpressible patience, a constant struggle between their interests and the jealousies of a dynastic government * * * (convinced of its superiority over the barbarians of the West and of the necessity of holding no relations with them except under the pressure of force). In these negotiations, which have lasted more than half a century, the Chinese ports open to Europeans were repeatedly the theater of frightful tragedies. A North American minister was assassinated in Canton by the authorities, plotted in a popular riot. The powerful Republic, nevertheless, made no reprisal, nor did it take any part in the formidable demonstrations of the other powers.

Subsequently the same China has been the object of a political aggression on the part of the great European powers. They have appropriated pieces of Chinese territory, have established zones of influence. * * *

The public legend, which the man of the street repeats in Europe, is that these southern territories are peopled by races of cruel character, destitute of respect and regard for the life of their fellow-beings, and disposed to shed blood as the familiar way of settling all their questions.

I will not answer with the charge that as regards the past it is known that the European wars of past years were wars of extermination and of conquest,

that lasted during entire epochs—the Thirty Years' war does not yield numerical preeminence except to the war of the Hundred Years—whilst our struggles have been of a relatively short duration. That of the independence sealed in Ayacucho, in 1824, in the whole war there was not more blood shed than in the single Franco-German war of 1870.

The important and constant alterations of the map of Europe are an index of the conflicts there.

A great soldier of the sixteenth century, who carried his arms over half of the European Continent, would never cease to hear to this day of the new frontiers which the fate of battles has traced.

On the other hand, the countries of South America preserve the boundaries which they had in accomplishing their independence and have only occupied themselves in fixing those which remain doubtful, which they have obtained by the arts of diplomacy without firing a shot.

The fact is worthy of being stamped in very visible characters, since it constitutes a characteristic of origin.

The historic revolution of independence gave its definitive seal to the American hegemonies. In the north, the great republic, which extends its frontiers to accommodate them to the working of its powerful organism; in the center and in the south, independent nations, that not even the genius of Bolivar could unite in a single sheaf. In the struggle for the common emancipation it appears that each nation would have to respond to a fatal law of its own independence, with the result that each one, small or great, has had to work out its own destiny.

The map of South America in 1906 is, except for technical rectifications, the same as in 1825.

If the foreign policy of the United States comes out winning when it is compared with other countries in regard to reciprocal respect and consideration, it does not gain less when it is examined in the light of the proclaimed imperialistic tendencies, or by the absorption of new territories to increase its extensive domains.

The fact of having respected the autonomy of Cuba after having obtained the victory in the war with Spain contrasts singularly with the conduct of Germany in annexing two French provinces, with that of France in absorbing Savoie, with that of Austria in annexing Trieste. We do not speak of the annexations of Schleswig-Holstein by Prussia, nor of the unification of fifty unequal nationalities under the yoke of the Russian autocracy.

The imperialistic policy of Europe across the seas offers striking cases in the British domain of India, in the establishments of Great Britain, France, Russia, Germany, on the coasts of China and of Tonquin; and equally it offers them in the conquest of African territories by the English, Portuguese, German, French, Italians, even the Belgians, by every one, except by the Yankees.

And notwithstanding, a curious fact, it is in the United States that the imperialistic proposition is apt to be singled out, whilst public opinion shows itself indifferent in the presence of the absorption of an entire continent, such as Africa, by the European Powers.

And why has not the great republic of the north associated herself in such undertakings, so safe, so profitable, and so suggestive to swell the power of the nation and to impose the glory of her flag? Is it because she lacked the means that King Leopold had at his disposition for the founding of his Kongo Empire?

The supposition is not admissible, and one is forced to admit that if the banner of the stars and stripes does not float in these remote latitudes it is because the United States, faithful to the great advice of its national father, does not count on aggrandizing itself by methods of conquest and of subjection which have so decidedly influenced in the last changes of the political geography of the globe. One is forced also to confess that if there is to-day a country that is not imperialist that country is the United States.

They exercise, notwithstanding, duties, such as the protectorate of the Hawaiian Islands, consummated more by the force of events than by the will of Uncle Sam. The islands were taken by an epidemic of misgovernment that was depopulating them. The statistics of that period point out consecutive losses of population much more grave than those of the countries subjected to the calamities of epidemics or of wars. Great Britain had cast her eyes on that piece of earth, strategically situated, and endowed by nature with all the blessings of a mild climate and fertile soil. The local parties, victims of anarchy, sought the intervention of the United States to settle their hatreds and to be able to live. It was after prolonged consideration of the business

and yielding to the pressure of circumstances that the United States, choosing among many evils the least, placed this territory under her government, observing in the emergency precautions of notable correctness. Read in Foster the history of this chapter of the diplomatic action of the Union and you will see how far from reproaches arises applause for the moderating power which put an end to an impossible situation, with real benefits for thousands of human beings.

In Santo Domingo the Yankee Government has also intervened, at the request of the local government, and has taken under its charge the administration of the customs. The auditor actually collects the revenues and delivers the half to the government and the other half to its creditors, whose reclamations threatened to provoke a conflict after the style of Venezuela. Santo Domingo had been, up to that time, subject to a corrupted administration, governed by silent partnerships of politicians who appropriated the fiscal receipts for their private use. There is cited the case of a loan which passed directly to the pockets of an exalted personage, without a single dollar remaining in the fiscal coffers. Since the establishment of Yankee intervention the half of the fiscal revenues has amounted to a larger sum than that which the whole produced before, the public debt is paid regularly, and the day in which the government of the island will recover its normal condition is near at hand.

I might still have something to add to what has been shown, but it would be prolonging this statement too much, and I need only to touch upon the principal point, the motive, the Monroe Doctrine, a theme palpitating to-day, and which summarizes the whole policy of the United States in its relations with the rest of the world.

Abhorring preambles, let me be permitted to repeat here considerations upon the Monroe Doctrine which I had occasion to express in the Chamber of Deputies, and which I desire to state in the present lines.

The formula of the Monroe Doctrine is the following :

The United States will not permit to any European power the acquisition of territory in the Americas.

The notification to the European powers of the fact that the nations of South America have ceased to be "colonizable" is the doctrine enunciated by President Monroe in 1823, as soon as the independence of these nations had been sealed and after the hopelessness of the pretensions of the Holy Alliance of reestablishing the Spanish rule, vanquished by force of arms, had been recognized by the same President.

* * * * *

For the Argentine Republic the Monroe doctrine has had an undoubted influence in the mere fact that a territory as extensive as Patagonia, totally abandoned during many years, in the embryonic period which followed the independence, has not been the object of the slightest attempt of "colonization" on the part of the colonizing powers of Europe.

The Monroe doctrine is the definite consecration of the independence of American nations. It is the voice of the strongest among them proclaiming to the face of the world that the conquest of territories in America has ceased. It is the notification to Europe that it can not expand in these continents, since their vast territories are all occupied by free nations, outside of whose sovereignty there does not remain a vacant inch. The declaration of President Monroe, right after Spain was vanquished on the fields of battle in South America and Brazil was emancipated by peaceful agreements, marks the culminating political event in the history of our independence.

The Monroe doctrine shines to-day with all the force of a law of nations, and no country of Europe has ventured to controvert it.

It is worth while, indeed, to hear of this great doctrine, this splendid deed, more fruitful for the peace and the progress of the earth than all the agreements arbitrated by the old nations of Europe for truces to their quarrels. The American President, in proclaiming his doctrine, decreed peace between America and Europe, which appeared destined the one to attack in order to acquire, the other to fight in order to be free. The Monroe doctrine has been the veto on war between Europe and America.

This sole result would be enough in order that the name of Monroe should figure with glory among the collaborators of the Argentine evolution to prosperity and to greatness; and yet the homage of history has been denied him sometimes and a popular sentiment has been aroused that refused him its sympathies. His doctrine is the object of prejudiced analysis, and rarely favor-

able; his country is regarded with suspicion. The declarations with which some parliamentary orators of the Union are accustomed to embellish their views of American policy mortify or make them impatient. Secret views of conquest are attributed to the United States, or declared attitudes of egotistic precedence, or at least of insupportable impertinence. Either they are the presumed political agent of Europe to cover their borrowed loans or they nourish the idea of a Yankee hegemony that will stretch from the snows of Alaska to the tempests of Cape Horn.

In this way is often judged by our people that strong nation which is imbued with ideas of greatness, which has never made any attempt against the independence of any American people, and to whom one of them, Cuba, owes her liberty.

It is necessary to dissipate these false prejudices.

The United States has been in the past the champion of the growing nationalities of South America, and in the present it can not constitute for them a threat, as no other nation of the globe constitutes it.

The name of Channing, the illustrious minister of England, who saluted from the summit of universal right the dawn of day of South American emancipation, lives in the heart of the freemen of this continent that considered him the friend of the decisive hour; but a reproach of ingratitude and of forgetfulness covers the name of Rush, the minister of the United States at London, who, long before Channing and in the hour even more critical for the liberty of South America, declared that the relations of these countries with Europe combined in the Holy Alliance would have to be adjusted on the basis of independence, because independence was an irrevocable fact.

Recent publications in *La Nacion* have well illustrated this point, with the testimony of our historians, and already public opinion is sufficiently informed in this respect for it to be necessary to be insisted on.

It appears the more appropriate, since history justifies so plainly the celebrated doctrine, to devote to it some brief considerations.

To appreciate the Monroe doctrine at its true value it is necessary to judge it at the precise moment in which it was enunciated and applied, in the midst of the events which caused it to be born and when the feelings under whose inspiration it was dictated were palpitating.

According to some critics the famous message of 1823 was the expression of an egotistic policy, in which the minor interest for the fate of the South American republics did not enter.

By these are omitted salient and undoubted facts, corroborated by documents of every evidence, that are the history of the doctrine narrated by its authors, and reveal it as having directly emanated from the sentiments of the people of the United States in favor of the liberty of the emancipated colonies of South America.

There is also an opinion spread about, but little credited, which attributes to the Monroe doctrine the compass of a vexatious imposition, belittling the sovereignty of the South American republics, that they could not accept it without diminution of their entity as independent states.

Generally the same ones that sustain this last thesis attribute to the United States feelings of egotism or of indifference for the countries of South America, and describe the governments of the Union in frequent contradiction with the Monroe doctrine, whose burdens they make more severe. A writer was asserting not long ago that the American Union witnessed impassively the French invasion in Mexico, and cited the fact as a proof that the Monroe doctrine wanted coordination and logic. It is known, notwithstanding, that if the Union had not intervened in Mexico in 1862 when France, England, and Spain sent their fleets to Veracruz to recover themselves *manu militare* the indemnification that that country owed them, it was because it was compromised in the civil war, which absorbed all its resources. Instead, in 1865, as soon as the southerners were conquered, the United States invited Napoleon, who had alone remained on the continent, to withdraw his troops; and Napoleon withdrew them, abandoning Maximilian to his unfortunate fate.

I have here what the Marquis de Barral-Montferrat says in this respect, in his book "From Monroe to Roosevelt," a book which fell into my hands, adverse to the United States and to its international policy:

"During all this time the Government of Washington suffered great grief at not being able to oppose to the events which were unfolding, and which were such a humiliating reply from Europe to the bravadoes of the message of 1823, anything but inefficacious diplomatic protests. But there is this justice to be

done it that, although in the most cruel of civil wars and notwithstanding the embarrassments that secession caused it, it did not renounce for a single instant its programme and never abandoned its principles. To the invitation of the powers to unite itself with them to force Mexico to pay her debts it replied with the offer of aiding pecuniarily the government of Juarez. The most indignant protest was made to the French invasion. To the election of Maximilian it replied with the refusal to recognize his fragile kingdom."

The southerners conquered, the Cabinet of Washington offered the Emperor Napoleon the choice, that more than one orator synthesized proudly in Congress with these words, "Withdraw or fight!" The cabinet of the Tuileries chose the first; the French troops withdrew from Mexico, and the Emperor Maximilian paid with his life the infringement of the Monroe doctrine that the second empire had permitted itself in its frenzy of greatness. Those that accuse the United States of indifference in the presence of the French invasion of Mexico and of forgetfulness of its grand doctrine will meet their own confutation in the drama of Queretaro.

It is not necessary to place in evidence the inevitable contradiction which those fall into who charge the Monroe doctrine as mortifying and presumptuous, and at the same time attack the United States because they do not observe it. According to these critics, in order that the doctrine should be acceptable it would be necessary that it should only exist when a European power should threaten by act the integrity of a South American state and should declare itself suppressed in normal times. In the first case, while the United States would be obliged to interpose its sword, under penalty of being blamed for indifference or abandonment, as soon as the danger was past it could not make use of this authority to prepare itself for the case arising, because to do so would place in doubt the sovereignty of the weaker states, and these would construe it as an imposition or as a slight.

The want of logic of this manner of discussion is clear from this alone, but, nevertheless, such discussion of these interesting questions is frequent.

Others go to the other extreme, likewise contradictory, and as has already been shown, extreme, which consists in advising that the Argentine Republic should adopt a policy in opposition to the Monroe doctrine—that is, a policy which makes the possible interposition of the United States unnecessary in the conflicts of a South American nation with a European power. To arrive at this result the Argentine Republic would only have to substitute itself for the United States in the rôle of intermediary; and here may be seen how those who reject the Yankee action in this sense would accept in its place the Argentine action. There can be no greater praise of the Monroe doctrine, when it is thus recognized, that the evil which it has is that of others who apply it, and not inherent in itself.

Fortunately the day has arrived in which all these false conceptions may vanish, and with them the atmosphere of prejudice that might have been able to distort public opinion.

The attitude of the United States, proven thus by the evidence of history, in favor of our independence, at a time when no other nation of the globe took an interest in our fate, there has been nothing more necessary to arouse in the national sentiment strong feelings of sympathy toward the Great Republic.

The study of its diplomatic action in the last half of the century, ever inspired by the dictates of justice, confirms this impression, showing the United States such as we would desire to see them, what we expect in that nation, just as with England, the practice of free institutions. The defense of the right of weak and strong, the increasing love of justice, virtues of character, the admiration for every noble effort and for every efficacious energy, which belong to the Anglo-Saxon race, have in the American Union a field of application more vast than in that of any other nation.

From the seeds of morality and of adhesion to the eternal principles of human right which the Quakers, the colonists of Virginia and of Maryland, and the Pilgrims of New England sowed, arose American independence. By a process no less just, and, according to historians, wise, constitutional, and valiant, arose the Argentine independence, and with it that of all of South America.

The United States is to-day a star of the first magnitude that irradiates the northern heavens with glowing rays of light, enlightening the human conscience, and calling the nations of the earth to the exercise of their rights and to the application of their energies under the ægis of morality and law.

The Argentine Republic is a star that rises in the southern firmament, with a promise of vast expansion for universal democracy. This country, independ-

ent by its own effort, has been preserved from ill by the vitality of its own organism, and this has given to it the consciousness of its responsibilities and has opened its heart to the hopes of a splendid future. This is the fuel that maintains glowing its scintillations, to-day powerful enough to traverse space and to attract those who are marching toward the light.

By an act of political force the two stars have approached their orbits and have crossed their rays, as if the idea had suddenly and jointly occurred to them that if a great beacon is enough to guide those navigating over the sea of life, two, that should combine their reflected light, would fix the course as securely as when the light of day illuminates it. Welcome the event for the republics of the north and the south! Welcome to Mr. Elihu Root, the illustrious guest of the Argentine people!

EMILIO MITRE.

On board the *Amazon*, July 30, 1906.

[Inclosure No. 9.]

[Cut from The Buenos Aires Herald of August 14, 1906.]

OUR DISTINGUISHED VISITOR.

In welcoming Mr. Elihu Root to Buenos Aires to-day the Argentine Republic and all who are interested in its development and progress will do well to ponder not so much upon the man as upon the significance of his mission. Up to the present it has not been often that the first ministers of non-Latin states have made the tour of Spanish America in their official capacity. It has, indeed, fallen to the lot of the American Secretary of State to initiate what may, and most likely will, prove a series of such visits, for the day has gone by when nations of actual and potential power in South America can be ignored merely for being of South America. This continent has suddenly been discovered not merely by a few intrepid explorers, but by the Old World, whose people have been aroused to inquire from whence comes this abundance of grain annually at a time when the European farmer's fields are bare and desolate under the stinging rain and killing frosts of the Northern Hemisphere. To those who have seen or know the terrors of famine or the consequences of a partial scarcity the realization of the fact that somewhere in the southwest there are immeasurable fields and countless flocks and herds comes as a pleasant surprise. And it naturally follows that thousands of eyes turn to seek the land of promise, that land that supplies Europe's winter granary with its stores of breadstuff, meat, and other valuable commodities.

Investigation soon shows the economic importance of Argentina, which, favored by climate and position, by extraordinary feracity of soil and variations of temperature, possesses to a marked degree all the qualifications of a great agrarian country. Argentina, with its sparse population and incredible annual output, represents one of the wonders of the age and engenders not a little envy and jealousy. It is not, however, from motives of envy or jealousy that Mr. Root has come south. As the worthy representative of the most powerful American republic, the nation that is in a particular sense charged with maintaining the territorial integrity of America as a whole, he comes to see on what cooperation his country may count, and how worthy or unworthy are the States over which America has, without being asked, and without hope of reward, thrown her invulnerable shield of defense. It may be disconcerting for some South American republics to suddenly find themselves under the uncompromising eye of an impartial observer whose judgment will be accepted in North America as final and conclusive, and whose opinion of Latin America, when expressed, will be received with respect in his own country and in all the countries of the Old World. Argentina especially should rejoice exceedingly that such a visitor arrives this morning, for his verdict, favorable as we think it may be, would do far more real good to the Republic than all the paid propagandists maintained by the State at home and abroad. It would, however, be a mistake to suppose that a gentleman of proved acumen, such as Mr. Root is, can be dazzled by a sextuple row of electric lights in Calle Florida or by a succession of social functions that, while serving to show the lavishness and luxury of the federal capital, will have no power to refract the intelligence bent on knowing the actual state of the country beyond the pale or the municipal area.

The distinguished visitor, within the very limited time his programme gives him, will endeavor to look beyond the official circle in which he finds himself moving and acting. Having come to see Argentina he will not be induced to

believe in the convenient absurdity that Argentina and Buenos Aires are one, or that the comparatively small part contains the immense entity. For the English-speaking community of Buenos Aires to-day is a red-letter day, and while international considerations are paramount we must not overlook our duty, as the organ of the community named, to tender to Mr. Root, in the name of our readers, a cordial welcome to Buenos Aires. We feel sure that whatever else he may find to praise, nothing is better calculated to excite his admiration than the immensity and importance of British enterprise in Argentina. He arrives on the forty-first anniversary of the inauguration of the Great Southern Railway, a system that challenges comparison with many of the great lines of the United States or any other country. That and the other lines that are as the nerves and tendons of the nation show how real and practical was British belief in the destinies of Argentina at a period when the Republic was less known and less prosperous than at present. Thoroughly believing that our distinguished visitor will note these evidences of racial energy which follow Anglo-Saxon blood the world over, we welcome Mr. Root as one of the race, as one of ourselves, and hope that among his numerous impressions of travel those received during his visit to Buenos Aires will rank as the most pleasing and enduring of all.

[Inclosure No. 10.]

[Cut from The Buenos Aires Herald of August 14, 1906.]

THE MISSION AND THE MAN.

The weather conditions that prevailed yesterday were not sufficient to prevent or spoil the welcome prepared for Mr. Root. The rain and its inseparable concomitants, mud and discomfort, did not prove sufficient to balk Buenos Aires in its desire to extend its traditional hospitality to a distinguished visitor. This fact, most gratifying in itself, is, however, one of distinctly secondary importance as an indication of the favorable change in public opinion that is taking place. What will particularly please Argentina's guest is the more cordial tone adopted by the leading Argentine papers of this metropolis. This change is marked and genuine, and it represents to us a triumph for that new diplomacy of which the minister is perhaps the most noted exponent. The art of the artist lies in concealing art. In the new diplomacy the merit of the diplomat consists of discarding every heartless Machiavellian maxim in favor of hearty and straightforward honesty in act and expression. Such a simple rule of diplomacy is apt to be regarded with distrust, especially where it has not before been seen in practice. Since his arrival in South America Mr. Root has confounded all the astute school of reasoners by his frank method of accounting for his presence and the purpose of his visit.

He has said that the mainspring of his action is to be found in the simple desire of his country to cultivate closer and more friendly relations with the other independent States of America. If such a thing appeared preposterous to South America, the sister States of which have never shown anything more than a recurring transient desire for closer acquaintance, Mr. Root can not be blamed for the circumstance. It was for him to introduce the plain way in his own way, and he has been persistently and consistently doing so since he first landed in Brazil. And if he wishes for any proof of success to reward him for his efforts we recommend to his notice this favorable change which shows itself in the tenor and tone of our metropolitan contemporaries. It would be affectation to pretend or to endeavor to make believe that there never was any hostile feeling evinced here toward Mr. Root's mission, or rather his supposed mission. Certain expressions of opinion cabled from Rio alarmed Argentina, whose people—reading between the lines, as is customary with them—saw the threat of Brazilian hegemony with the United States of America supporting, in secret, if not openly, that assumption of superiority. Doubtless the minister's meaning was not clearly grasped, or more likely his direct and honest assertions were construed according to the older and more subtle school of reasoners, and made to wear a Janus-like aspect, threatening and encouraging at the same time.

The sense of distance strengthened, the sense of chagrin aroused, and Mr. Root's supposed mission was rent in tatters and scornfully rejected. But gradually the personal character of the pioneer statesman became visible

through his uttered words, and now that Argentina stands face to face with her guest, she acknowledges that from him she need fear no double dealing or guile. Neither has she the slightest reason to anticipate any change of his policy of plain speaking. In a word, Argentina appreciates Mr. Root as a gentleman whose natural probity and sense of honor make him incapable of doing or saying anything calculated to mislead an honest mind. And to-morrow the Republic will recognize that Secretary Root has been chosen as the fittest instrument to the end in view, which must be, and is, of a nature that an honest and patriotic American gentleman need have no scruples in expounding or recommending. Mr. Root's mission and object are merely to sound the more remote States of America on the subject of American solidarity in defense of American interests. This implies neither a threat nor a hostile combination against any nation or power of America or Europe. Mr. Root represents that America of which we see little and hear less; the America that thinks along the lines the Pilgrim Fathers would favor. America is not all push and feverish commercial activity. In its better moments it is idealistic in a practical way, and there is always a powerful section of the mighty Republic governed by the nobler impulses. Mr. Root represents that section in a particular sense. He voices their aspirations and resolves which embrace a free America, and a rigid enforcement of that doctrine which has for its basic principle America for humanity at large.

[Inclosure No. 11.—Translation.]

[Clipping from La Prensa August 16, 1906.]

VISIT OF SECRETARY ROOT TO SOUTH AMERICA.

OUR GUEST'S OFFICIAL UTTERANCE.

Mr. Root's speech delivered at the banquet at the Government House deserves abundant praise, if we were to be just, without a shadow of reserve. It is in form and thought a production worthy of an experienced statesman and a magnetic orator. He defined his mission in a manner that leaves nothing to be desired, it seems to us, molding a harmonious whole, giving expression to the highest political ideals and to affectionate sentiments that breathe sincerity together with the diplomatic discretion peculiar to men trained in the most arduous public affairs. In order that this frank expression of our judgment may be complete, let us formulate it thus: It is the occasion on which the representative of the Government of the United States has, during his tour of South America, been more happy in his exposition of the fraternal aims and of the desires for the progress of the continent which the great country in whose name he speaks entertains.

Mr. Root, who has a perfect command of language, expounded on this solemn occasion the ripe convictions of the statesman in respect of the present condition and of the future of South America, giving free expression to the sentiments that palpitate on his soul. The Government and people of the United States can be sure that a public agent of theirs has never communicated to Latin America the thought of their country with more authority, with more eloquence, with more appeal to the public reason, fitting the destinies and apporportioning the desires of the Western Hemisphere to the zeal for the common ideal of progress on the basis of the calm dominion of sovereignties protected by right and justice.

La Prensa is pleased to observe that the interpretation which it gave the mission of Mr. Root, in its salutation of welcome, agrees absolutely with the conception that he himself attributes to it with a frankness and with a vision so clear of the destinies of the New World that they suffice to recommend the purposes of his visit to the consideration and applause of South America.

His doctrine of political alliance is beautiful. He conceives them without diplomatic pacts, concerted by the community of ideals and by the gravitation those economic interests that accord with the demands of civilization and in the open field of the commercial activity of the peoples. This is also the Argentine doctrine, in the application of which the diplomacy of frankness, that conciliates the brain through the heart, radiates its innate splendor.

The parallel which he traced between the great Republic, his country, and ours, contemplating them in their stubborn struggle for liberty and the posses-

sion of the soil disputed by the barbarity of civilized industries, was as clear as it was exact and generous. The similarity of the two tasks was outlined in a form so lofty that the colossus plan and at the same level as her sister of the Palat, in spite of the notable difference in size. At this point the loyal friend, the statesman of intense vision, and the diplomat tact rose to his full stature.

Our distinguished guest believes that his ideals and his sentiments are tempered in the very feelings of the Argentine spirit. In this sphere the reciprocity is perfect, because the coincidence of the views and aspirations to which he gave expression with those that animate the public life of this country that he feels in the sympathy which envelops him and the spontaneity of which can not escape his clear penetration, is true. We note them with pleasure for the political concept that fills them. Without any desire to recommend, overvalue them, let us recall that our peoples by nature are little given to effusion, so that its authentic hospitality proclaims its desire to strengthen the friendly bonds with the United States in accord with the noble call to fraternity in labor, in justice and right which they extend through the instrumentality of the eminent member of their Government who is with us in their name.

It is our most fervent desire to show to our guest, without reserve, all our endowment and all our economic and political thought, in connection with our public life, internal and external, for we have nothing to conceal, because, fortunately, we have no illegitimate interest to serve to the injury or detriment of the political or commercial interests of other sovereignties. We desire that Mr. Root report to his country that this is a people friendly to the United States, without a shadow in our souls that conceals our intentions, a people that seeks its own aggrandizement through the virtues of its institutions and the exploitation of its natural resources.

Thus we respond to the exalted ideas of his remarkable discourse, which we applaud, and for which we thank him in the name of the Argentine people.

Secretary of State to the Acting Secretary of State.

[Telegram.]

BUENOS AIRES.

Received 5.55 p. m. August 19, 1906.

I am leaving Buenos Aires this afternoon, after a most hospitable and friendly reception and entertainment. Owing to the terrible calamity in Chile I have advised Chilean Government that I will, with their permission, limit my visit to a simple call of condolence. I have expressed sympathy in personal call at Chilean legation here by telegraph.

Root.

AUSTRIA-HUNGARY.

RESTRICTIONS AGAINST THE IMPORTATION OF BEEF FROM NON-EUROPEAN COUNTRIES.

Ambassador Storer to the Secretary of State.

No. 294.]

AMERICAN EMBASSY,
Vienna, December 19, 1905.

SIR: I have the honor to report that the firm of Abeles Brothers, of Eger, Bohemia, have informed the embassy by letter dated December 5, but just received, a copy of which is inclosed, that a sample shipment of salted beef, consigned from Chicago to Eger, which had been duly inspected and certified by the United States Department of Agriculture, has been refused admittance to the dominions of Austria-Hungary by the customs officials of Eger, pursuant to orders of the Austrian ministry of the interior.

Without waiting to report the case to the department, I have ventured to ask for an explanation of this action of the customs officials, and beg to inclose a copy of my letter to the minister of foreign affairs.

I have, etc.,

BELLAMY STORER.

[Inclosure 1.—Translation.]

Abeles Brothers to the American Embassy.

Eger, Bohemia, December 5, 1905.

We had intended to import American salted beef from Chicago to Austria, and as an experiment had a cask of the said salted beef sent to us. The Austrian authorities, namely, the ministry of finance, in accord with the ministry of the interior, have prohibited us from importing this meat, although we furnished an inspection certificate from the American authorities; and also stated that we were ready to have the condition of the meat as regards health examined here in Austria.

The Austrian ministry of the interior has prevented the importation of this meat, although there is in existence no express (legal) prohibition for the same, and we beg to inclose herewith a copy of the official decision in this matter in order that you may learn the view of the Austrian ministry of the interior.

As the Government of the United States of America should have an interest in the exportation of large quantities of such meat, and in the importation into Austria especially, we bring to your knowledge the groundless prohibition of such importation on the part of the Austrian Government, and will be thankful to the embassy if it would induce the Austrian ministry of the interior to withdraw this import prohibition.

Very respectfully, yours,

ABELES BROTHERS.

[Inclosure 2.—Copy.]

*Ambassador Storer to the Minister of Foreign Affairs.*F. O.
No. 179.AMERICAN EMBASSY,
Vienna, December 19, 1905.

YOUR EXCELLENCY: I have the honor to bring to the attention of your excellency that it is reported to this embassy that the imperial and royal customs officials of Eger have recently refused to allow to enter into the imperial and royal dominions a cask of salted beef produced and prepared in the United States, which had been officially examined by the United States authorities before leaving the United States, and which has been consigned directly to Eger from Chicago, in the United States.

As I am ignorant of the reasons for this action on the part of the imperial royal customs authorities, and as the exclusion of this shipment of salted beef would appear to be in violation of the terms of the treaty of 1829 between Austria-Hungary and the United States, I have the honor to request your excellency to cause an investigation of the circumstances to be made, and if the facts are such as have been reported, to be good enough to inform me of the reasons for such exclusion.

I take this occasion, etc.,

BELLAMY STORER,
American Ambassador.

The Secretary of State to Ambassador Storer.

No. 196.]

DEPARTMENT OF STATE,
Washington, January 5, 1906.

SIR: The department has received your dispatch No. 294 of the 19th ultimo, with inclosures, relating to the complaint of the firm of Abeles Brothers, of Eger, Bohemia, respecting the refusal of admittance by the customs officials of Eger of a sample shipment of salted beef, consigned to that city from Chicago, which had been duly inspected and certified by the United States Department of Agriculture.

Your action in applying to the minister of foreign affairs for an explanation of the action taken by the local authorities is approved, and your further report touching the matter is awaited with interest.

I am, etc.,

ELIHU ROOT.

Chargé Rives to the Secretary of State.

No. 45.]

AMERICAN EMBASSY,
Vienna, August 27, 1906.

SIR: I have the honor to inclose the translation of a note received from the ministry of foreign affairs in reply to a note addressed to the said ministry in December, 1905, by the former ambassador, Mr. Bellamy Storer, requesting an explanation from the Imperial and Royal Government of the reasons for the refusal of the custom authorities at Eger to permit a cask of salted beef, produced and prepared in the United States, from entering the imperial and royal dominions.

As will be seen from the foreign office's note, a decree dated July 5, 1906, has been passed restricting the importation of cattle and of

fresh and prepared meat from non-European countries into Austria; and that importations are only permitted by special permit from the minister of the interior, and that an application must be made to the said ministry in every case, and under conditions fixed by the ministry.

I have, etc.,

GEORGE BARCLAY RIVES.

[Inclosure.—Translation.]

IMPERIAL AND ROYAL MINISTRY OF FOREIGN AFFAIRS,
53.723/9.

In compliance with the esteemed note of December 19, 1905, F. O., No. 179, the undersigned has not failed to request the competent ministries to make investigations regarding the refusal of the custom-house at Eger to admit a cask of salted beef, sent direct from Chicago. According to investigations made in this connection, it seems that the shipment in question consisted of a cask of salted beef (gross weight, 162 kilogrammes), which had arrived at the custom-house at Eger from Hamburg on November 15, 1905, addressed to the firm "Brüder Abeles."

The said custom-house, when acting in regard to this shipment, has taken the view that by the decree of December 4, 1891, Law Bulletin No. 168, the importation of pork meat, bacon, and sausages of all kinds from the United States of America has been especially permitted on condition that for such products an official certificate, corresponding to the regulations of the United States of America, and stating that their absolutely unobjectionable quality in sanitary respects has been ascertained by an examination as prescribed, will be submitted. At the time of the arrival of the said shipment, no such instructions for admission of beef imported from the United States existed.

The custom-house at Eger called the attention of the firm of "Brüder Abeles" to this state of affairs, as well as to the difficulties arising therefrom with regard to the treatment of the shipment; thereupon the firm of its own accord ordered the return shipment of the beef.

According to this statement it would seem that the shipment had not been really refused, nevertheless the imperial and royal ministry of the interior has considered the case in the light of a disagreeable occurrence and has stated that it is unlikely that such cases shall occur again in the future, as in the meantime precautions have been taken by the decree of July 5, 1906, Law Bulletin 138, that the competent imperial and royal authorities on the arrival of shipments of meat from non-European countries may take such measures as are required by circumstances.

The decree in question orders that the importation of cattle and of fresh and prepared meat of all kinds from non-European countries to the lands and provinces represented in Parliament be restricted, so that such an import is only permitted by special permit of the ministry of the interior—an application having been made in each case—and under conditions fixed by the said ministry.

The stipulations of the order of December 4, 1891, Law Bulletin 168, regarding the importation of pork, pork meat, bacon, and sausages from the United States of America are not changed for the present by the stipulations of this new decree, as is especially mentioned in the new order.

The statements published a short time ago in the newspapers regarding the conditions existing in the American, and especially in the Chicago, slaughter-houses (abattoirs), has not escaped the attention of the competent officials of this country, and it is not impossible that the question may come into serious consideration, whether a change of the decree of 1891, several times above referred to, might not be taken up for discussion.

Having the honor of bringing the above to the knowledge of the chargé d'affaires of the United States of America, Mr. George Barclay Rives, the undersigned avails himself, etc.,

For the minister:

MÉREY.

Vienna, August 7, 1906.

The Secretary of State to Ambassador Francis.

No. 40.]

DEPARTMENT OF STATE,
Washington, October 20, 1906.

SIR: Referring to your No. 45, of August 27 last, in regard to the Austrian decree of July 5, 1906, prohibiting the importation of meats from non-European countries into Austria except by special permit from the minister of the interior, I inclose a copy of a letter from the Secretary of Agriculture relative to the methods observed by his department for the inspection of meats and meat products intended for exportation. I also inclose two prints showing the regulations adopted by the Department of Agriculture for the inspection of these meats.

Secretary Wilson desires that the attention of the Austrian Government may be invited to the manner in which the inspection is conducted with a view to obtaining a modification of the decree so as to admit into Austria meats from this country which have been inspected and passed and which are accompanied by a certificate of inspection.

You will bring the matter to the attention of the Austrian Government.

I am, etc.,

ELIHU ROOT.

[Inclosure.]

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, October 10, 1906.

The SECRETARY OF STATE.

SIR: I have the honor to refer to your letter of the 1st instant, inclosing a copy of a dispatch from the American chargé d'affaires ad interim at Vienna, which inclosure refers to a decree dated July 5, 1906, whereby the Austrian Government permits the importation of meats from non-European countries only by special permit from the minister of the interior in each instance. Considering the fact that this Government passed a law under date of June 30, 1906, prohibiting the exportation of any meats which have not been inspected by officials of the Government and which, when sent to the Continent of Europe, are unaccompanied by a certificate of inspection, and as this law became fully effective on October 1 last, it is respectfully suggested that this matter be called to the attention of the Austrian Government with a view to obtaining a modification of the decree so as to admit into that country meats which have been so inspected and passed and which are accompanied by a certificate of inspection.

A copy of the law and the regulations governing inspection are inclosed herewith.

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

JAMES WILSON, *Secretary.*

**AUTONOMOUS CUSTOMS TARIFF AND COMMERCIAL TREATIES
WITH GERMANY, ITALY, BELGIUM, RUSSIA, SERVIA, AND
SWITZERLAND.**

Chargé Rives to the Secretary of State.

No. 311.]

AMERICAN EMBASSY,
Vienna, February 28, 1906.

SIR: I have the honor to report that after fruitless negotiations, continued for months past, between the Crown and the Coalition (Hungarian opposition), with the only result that the political situa-

tion became graver than ever before, affairs in Hungary have now reached a deadlock. The King has made a final effort to put an end to this situation by dissolving the Hungarian Parliament sine die on February 19. General Nyiri has been appointed by the King as royal commissioner of Hungary with unlimited powers and was ordered to carry out the decree of dissolution of Parliament. He nominated as his deputy Colonel Fabritius, who, with the assistance of troops and police, entered the Chamber of Deputies after the sitting was closed and read the royal decree of dissolution, and at the same time all the deputies and officials were turned out of the building by troops with fixed bayonets and the building closed indefinitely.

The Government of Hungary is now carried on by the King, the prime minister, Baron Fejervary, and his ministerial colleagues, without a parliament.

I have the honor further to report that the autonomous (general) customs tariff and the commercial treaty with Germany have been enforced in Hungary by a decree of the ministry signed by the prime minister only. This was done with regard to the advanced date, the 21st of February, as both the new customs tariff and the commercial treaty with Germany are to take effect from March 1, 1906, on, and there was no possibility of carrying this out in any other way owing to the present political situation in Hungary as above described.

At the same time the autonomous customs tariff and the commercial treaty with Germany have been put into force in Austria in the regular and legal manner. Also in Austria both the autonomous customs tariff and the commercial treaty with Germany take effect on March 1, 1906.

I have the honor to transmit to the Department of State, under separate cover and addressed to the Diplomatic Bureau, two copies of the autonomous customs tariff and the commercial treaties with Germany, Italy, Belgium, and Russia. (Not printed.)

The negotiations of the Austro-Hungarian Government with Switzerland and Servia for conclusion of commercial treaties are now in progress, and will probably soon be concluded. In the meantime—that is, from March 1 till the conclusion of the new commercial treaties with the said countries—a provisional arrangement on the basis of the most favored nation clause will take the place of the treaties with Switzerland and Servia.

I have, etc.,

GEORGE BARCLAY RIVES.

Chargé Rives to the Secretary of State.

No. 314.]

AMERICAN EMBASSY,
Vienna, March 17, 1906.

SIR: Referring to my dispatch No. 311 of February 28, 1906, reporting that negotiations of the Austro-Hungarian Government with Switzerland and Servia for the conclusion of commercial treaties were in progress, I now have the honor to report that the commercial treaty with Switzerland has been concluded and signed on the 9th of March, 1906.

This treaty came in force on the 12th of March in the form of a provisional agreement (provisorium), which will last until the rati-

fications have been exchanged, but not longer than the 30th of June, 1906.

I beg to inclose a clipping from the semiofficial "Fremden Blatt," which shows the principal tariff rates of this agreement. (Not printed.)

The negotiations with Servia have finally ended in the conclusion of a provisional commercial agreement on the basis of the "most-favored-nation clause," which will take effect on March 19, and continue until the definite conclusion of the commercial treaty between the two countries.

I have, etc.,

GEORGE BARCLAY RIVES.

FRANCHISE REFORM IN AUSTRIA.

Ambassador Francis to the Secretary of State.

No. 133.]

AMERICAN EMBASSY,
Vienna, December 28, 1906.

SIR: The question of universal suffrage in Austria has been a subject that has commanded the closest attention of the people of this monarchy during the last year. Public opinion generally, outside of the circles of nobility and of the large landowners' class, has enthusiastically favored the measure.

In November last the so-called "franchise reform bill" was considered by the lower house of Parliament, the Chamber of Deputies, and, during debate, many interesting sessions of that body occurred in which acrimonious charges and countercharges were made against each other by prominent members. The situation became acute, and was only relieved when Emperor Francis Joseph called together at the Imperial Palace the political leaders and strenuously advised the prompt passage of the reform measure; and it was a significant fact that the Chamber of Deputies passed the bill by a large majority on the fifty-eighth anniversary of His Majesty's accession to the throne—December 1.

The upper house of Parliament, or House of Peers, progressed the franchise bill through a second reading, but declined to place it on final passage until the Chamber of Deputies agreed to vote for an amendment to the constitution which would give the Emperor the authority to appoint for life not more than 170 nor less than 150 members of the higher legislative body. This pledge has already been given by the Austrian premier, Baron Beck. It is believed the Chamber of Deputies will surely pass such a bill within a few weeks and the House of Peers act affirmatively on the franchise reform measure, thus assuring to Austria in the near future the universal right of suffrage to every male above 24 years of age.

The proposed legislation, in order to avoid the conflicts which have frequently occurred in the past among the ten races residing in Austria, provides that separate constituencies shall be organized for electors of different races, so the Czech voters on a Czech register will vote only for a Czech, Germans will only vote for a German candidate, etc., and seats in the Chamber of Deputies will be allotted to the various races according to population and taxpaying capacity. In this way electoral struggles will be confined to political parties within racial limits, and the originators of the plan believe that it will

accord the different races in Austria opportunities of compromise and agreement among themselves and prevent the open racial quarrels in the Chamber of Deputies that have so conspicuously marked past sessions of that legislative body.

Austria is a country of multitudinous political parties as will be observed when it is stated that, upon the final passage of the franchise reform act in the Chamber of Deputies, the supporters of the measure included German Radicals, the young Czechs, Poles, most of the German Progressives, the Christian Socialist Antisemites, most of the Catholic Center, the southern Slavs, Italians, Social Democrats, and one Ruman. Those opposing the bill were the German Constitutional party of the large landed proprietors, with whom certain special privileges will be eliminated; the Bohemian Feudal party, the Pan-Germans, the Liberal Slovenes, the Czech Clericals, and a few German Progressives.

It is said that the new Parliament, elected under the provisions of the franchise reform bill, will probably be more Clerical in its composition than its predecessors have been, and, as a consequence, there will be less likelihood of "deadlocks" similar to those that have so marked many previous sessions of the Austrian national assembly.

I have, etc.,

CHARLES S. FRANCIS.

TRANSPORTATION OF EMIGRANTS FROM HUNGARY.

[NOTE.—Continuation of correspondence in Foreign Relations, 1905, pp. 51-61.]

The Secretary of State to Chargé Rives.

No. 199.]

DEPARTMENT OF STATE,
Washington, February 12, 1906.

SIR: I inclose copy of a letter from Mr. M. E. Martin, of 9341 Lyons avenue, Chicago, bringing to the department's notice the complaint of Mrs. Nic. Roman of the seizure of her prepaid steamship ticket and her arrest by the Hungarian authorities.

The action herein reported, namely, the stoppage of Mrs. Roman and the confiscation of her prepaid ticket via Rotterdam, bought in the United States, is in obvious disregard of the repeated assurances of the Hungarian Government that this class of emigration is not interfered with and calls for the rebuke of the superserviceable zeal of the minor authorities which the Hungarian Government has assured us is administered in such cases, with suitable reparations to Mrs. Roman.

I am, etc.,

ELIHU ROOT.

Ambassador Francis to the Secretary of State.

No. 97.]

AMERICAN EMBASSY,
Vienna, November 20, 1906.

SIR: The department, in No. 199, dated February 12, 1906, addressed my predecessor in the case of Mrs. Nic. Roman, of Chicago, Ill., who, returning to the United States, was arrested at Budapest by the police authorities. A prepaid steamship ticket via Rotterdam was taken from her and she was told that she could not proceed to her destination except by way of Fiume and the Cunard Line.

This embassy, under date of March 1, called the attention of the imperial and royal minister of foreign affairs to the facts in the case, requested an investigation as soon as possible, and that suitable reparation be made to Mrs. Roman.

The inclosed tardy communication, received by me to-day from the ministry of foreign affairs, is self-explanatory; and as no word has reached this embassy to the contrary, it is believed that Mrs. Roman's steamship ticket was restored to her and that she was permitted to proceed on her journey without further molestation.

I am, etc.,

CHARLES S. FRANCIS.

[Inclosure.—Translation.]

88.447/S.]

IMPERIAL AND ROYAL MINISTRY OF FOREIGN AFFAIRS.

Referring to the esteemed communication of March 1, 1906, F. O., No. 184, the undersigned has the honor to inform his excellency the ambassador of the United States of America, Mr. Charles S. Francis, of the result of the investigations made in the case of Mrs. Nikolaus Roman, which has been communicated to this department by the royal Hungarian ministry.

Mrs. Nikolaus Roman, when she arrived at Budapest on her journey to the United States, did not produce an American, but a Hungarian, passport; she also failed to mention the circumstance that her husband had acquired American citizenship, and furthermore she was not able to prove that the prepaid ticket which she held was sent to her by her husband from America.

If, therefore, the Hungarian authorities have proceeded against Mrs. Roman in accordance with the decree of the royal Hungarian ministry of the interior, No. 40000 of the year 1904, which is based on the Hungarian law of the year 1903, Article IV, the said lady has to bear all the blame of the misfortune she has suffered.

The royal Hungarian ministry of the interior, as soon as it received knowledge of the contents of the esteemed communication above referred to, issued the necessary orders to have the confiscated ship's ticket returned to Mrs. Roman without delay in case the same had not already been returned to her before.

The undersigned avails, etc.,

VIENNA, November 16, 1906.

For the Minister:

LAD MÜLLER.

Ambassador Hengelmüller von Hengervár to the Secretary of State.

[Translation.]

No. 1002.] IMPERIAL AND ROYAL AUSTRO-HUNGARIAN EMBASSY,

Bar Harbor, June 10, 1906.

EXCELLENCY: In a note, F. O., No. 124, dated in Vienna, December 30, 1904,^a the then ambassador of the United States, by direction of the State Department, lodged in the imperial and royal foreign office a complaint against the alleged confiscation by the Hungarian authorities of a "prepaid ticket" belonging to the American citizen Marie Hornyak and preferred an indemnity claim.^a

The imperial and royal foreign office did not fail to ask the Hungarian ministry of the interior to cause the matter to be investigated.

The investigation, as I am informed by my Government, has shown, contrary to some of Marie Hornyak's statements, the facts in the case to be as follows.

On the 13th of September, 1904, the said Hornyak, with her three children, called on the agent of the Cunard Steamship Company at

^a Not printed. See Foreign Relations, 1904, pp. 89-91.

Kassa, Hungary, and, after producing her certificate of American citizenship, asked for four steamship tickets for New York via Fiume, which were assigned to her upon payment of 160 kronen. She left the same day from Kassa. On her arrival at Fiume she called, on the 19th of September, 1904, at the office of the Steam Navigation Company, the *Adria*, agent for the Cunard Line, and asserted that her husband had sent her a prepaid ticket by the way of Bremen, which had been since confiscated. Her request to the *Adria* that her husband be cabled to send by telegram the amount wanted to make up the full cost of the tickets from Fiume to Eckley, Pa., was not complied with in view of her having but 80 kronen ready money at her disposal, but she was promised at the same time that her matter would be satisfactorily arranged.

Thereupon Mrs. Hornyak sought the intervention of the American consular agent at Fiume, Mr. Dela Guardia, who found among her papers the prepaid ticket via Bremen that she said had been confiscated.

As the woman objected to undertaking at that time the trip from Fiume to Bremen, Mr. Dela Guardia, to whom she had turned over the prepaid ticket via Bremen, succeeded in his effort to induce the regular agent of the Cunard Line at Fiume, upon security for the full payment of the ticket from Fiume to Eckley, Pa., to accommodate Mrs. Hornyak and her children on board the steamship *Ultonia*, sailing on September 22, 1904, for New York, and she did make the trip on that ship.

It appears from the foregoing:

First. That Mrs. Hornyak was not compelled to sail via Fiume;

Second. That her prepaid ticket by the way of Bremen was not confiscated;

Third. That the unpleasantness she underwent can only be ascribed to her ignorance or inexperience.

Under the circumstances the Royal Hungarian Government—and your excellency's true sense of justice will readily concur therein—does not hold itself liable to Mrs. Hornyak for an indemnity.

While venturing to beg that your excellency will kindly acknowledge the receipt of this note, I avail, etc.,

HENGELMÜLLER.

The Acting Secretary of State to Ambassador Hengelmüller von Hengervar.

No. 186.]

DEPARTMENT OF STATE,
Washington, July 19, 1906.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note No. 1002, of the 10th ultimo, communicating your Government's reply to the representations made by the American ambassador in Vienna regarding the complaint of Mrs. Maria Horniak, otherwise Hornyak, against the Hungarian authorities.

A copy of your excellency's note has been communicated, in translated form, to the American ambassador in Vienna; also to the Secretary of Commerce and Labor, and to Mr. John Horniak, the husband of the complainant.

Accept, etc.,

ROBERT BACON.

BELGIUM.

CONFERENCE FOR THE REVISION OF THE RULES RELATIVE TO SPIRITS IN AFRICA.

The Belgian Minister to the Secretary of State.

[Translation.]

LEGATION OF BELGIUM,
Washington, May 2, 1906.

MR. SECRETARY OF STATE: The powers represented at the conference that met at Brussels in 1899 to revise the regulations applicable to spirituous liquors in Africa have, by means of provisions in Articles I and II of the convention of June 8 of the same year, modified and raised the import duty that had been fixed in 1890 by the general act of Brussels.

Article I of the convention further provides that at the expiration of a period of six years the import duty on spirituous liquors shall be subjected to a revision based on the results shown by the preceding tariff rate.

Under Article V the convention went into effect on the thirtieth day after the date of the signature of the protocol of deposit of ratifications—that is to say, July 8, 1900. The term stipulated by Article I will thus expire on July 8, 1906.

The Government of His British Majesty has asked the Government of the King, my august sovereign, to consider the expediency of calling at an early date a conference at Brussels, whose mission would be to undertake the revision provided for in the said Article I.

In deference to this wish, the minister of foreign affairs has addressed to the Governments signatories to the convention of 1899 an invitation to be represented at a conference that would meet in Brussels before July 8, 1906.

As for the other Governments signatories to the general act of Brussels of 1890, and amongst them the Government of the United States, which, deeming that they had but a remote interest in the revision of the regulations applicable to spirituous liquors in Africa, did not send delegates to the conference of 1899, they would, now as then, have the faculty of subsequently adhering to the resolutions that may be adopted.

The exact date of a new meeting of plenipotentiaries would be fixed as soon as the data, upon an examination of which the Powers may shape their decisions, could be gotten together.

While bringing the foregoing to your excellency's knowledge, I gladly seize this opportunity, etc.,

BN. MONCHEUR.

The Counselor of the Belgian Legation to the Secretary of State.

[Translation.]

No. 477.]

LEGATION OF BELGIUM,
Lenox, September 2, 1906.

MR. SECRETARY OF STATE: I have the honor to advise your excellency that the conference for the revision of the rules relative to spirits in Africa, which should have met during the month of July, has been postponed until the 16th of October next, the statistical data, which were to serve as the basis of the plenipotentiaries' labors, not having been yet all furnished to the Government of the King. While assuming the initiative of the postponement, my Government deems it its duty to remark that no inconvenience can result therefrom in regard to restrictive measures applicable to the alcohol trade. It was agreed at the last conference and recorded in the protocol that if the customs duty provided for in Article I of the convention of June 8, 1899, had not been revised on the date set by the said article the duty would remain in force.

Accept, etc.,
For the Minister, absent,

E. HAVENITH,
Counselor of Legation.

The Secretary of State to Minister Wilson.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 8, 1906.

The text of a message from the President is communicated to the minister, and he is informed that the United States having adhered to the Brussels international convention of June 8, 1899, he should, after consulting the minister of foreign affairs, bring it, through the appropriate channel, before the forthcoming congress for the revision of rules to control spirits in Africa. The message is as follows:

Uttering the earnest wishes of the American people, expressed on many occasions, for the adoption of measures to protect the savages and uncivilized races in Africa and all parts of the world against intoxicants and injurious drugs, I extend to the congress about to convene my good wishes and my hope and conviction that the labors of this congress may still further open the door for the universal prevention of liquor and opium traffic with all uncivilized tribes and races.

THEODORE ROOSEVELT.

Mr. Wilson is further instructed to acquaint the congress, in the same manner, with the wide interest of the people of the United States in any measures of this kind, as evidenced by the Senate resolution of 1901, indorsed by Secretary Hay; and by numerous public hearings and testimonials. Copies of these publications are mailed, for the information of the congress, to the minister.

The Secretary of State to Minister Wilson.

No. 80.]

DEPARTMENT OF STATE,
Washington, October 9, 1906.

SIR: Supplementing my telegram to you of October 5, communicating a message from the President to the congress for the revision of rules to control spirits in Africa, I have to inclose, as therein stated, copies of publications^a showing the wide interest of the American people in the broad question of the adoption of measures to prevent traffic in liquor and injurious drugs with the savages in Africa and all parts of the world. I also inclose an original petition^a left with the President, expressing the wish for a universal treaty to prevent the sale of intoxicants and opiums to all uncivilized races.

These papers are transmitted to you for the information of the congress about to convene, and may be communicated through the appropriate channel, consulting the minister for foreign affairs.

I am, etc.,

E. Root.

Minister Wilson to the Secretary of State.

[Extracts.]

No. 119.]

AMERICAN LEGATION,
Brussels, October 22, 1906.

SIR: I have the honor to acknowledge the receipt of the department's ciphered telegram of October 9, (supra).

Immediately upon receipt of the department's cablegram, I called at the foreign office to ascertain, in compliance with the instructions contained therein, through what channel it would be deemed best to bring the message of the President and the views of the department to the knowledge of the conference.

The Chevalier Van der Elst, secretary-general of the foreign office, after some hesitation, advised me to address the president of the conference directly. I then waited until the day of the convening of the conference for the copies of the publications stated in your cablegram as having been mailed to me. As upon that date the documents had not put in appearance, I obtained a copy of the Senate resolution of 1901, and also a copy of Secretary Hay's indorsement thereon, and assuming that the documents en route were substantially the same I addressed a note to the president of the conference (copy inclosed) and annexed thereto the message of the President.

I also inclosed at the same time a printed memorandum from the American Reform Bureau, which arrived the same morning on which my note was sent.

The documents forwarded by the department have not yet arrived.

I inclose herewith copy and translation of the reply of the president of the conference to my note, which is sent by direction of the conference.

The conference has now been in session a week and will probably adjourn in two or three days.

I have, etc.,

HENRY LANE WILSON.

^a Not printed.

[Inclosure 1.]

Mr. Henry Lane Wilson to the president of the conference for the revision of the rules to control spirits in Africa. October 16, 1906.

MR. PRESIDENT: My Government, while not officially represented at the congress over which you have been called to preside, nevertheless is most deeply interested in the problems which are to be presented for its consideration, and will follow with lively concern the course of its deliberations, hoping that they may result in the procurement of adequate measures for the protection of the aboriginal races in Africa against unrestrained traffic in intoxicants and deleterious drugs. It will gladly give its moral aid and approval in support of an organized movement of the Christian and civilized nations of the world having for its purpose these high and humanitarian ends.

Public opinion in the United States relative to this question has found expression, both official and unofficial, and it may be considered superfluous to call attention to the resolution passed by the Senate, January 4, 1901, which is as follows: "*Resolved*, That in the opinion of this body the time has come when the principle, twice affirmed in international treaties for central Africa, that native races should be protected against the destructive traffic in intoxicants be extended to all uncivilized peoples by the enactment of such laws and the making of such treaties as will effectually prohibit the sale by the signatory powers to aboriginal tribes and uncivilized races of opium and intoxicating beverages."

Following this resolution, the Secretary of State, the Hon. John Hay, in replying to a letter from the chairman of the native races deputation, used the following language:

"Your suggestion that I call the attention of the nations concerned to the resolution of the Senate, adopted January 4, 1901, as likely to have influence by indicating the concurrent opinion of the two branches of the treaty-making power, the Senate and the Executive, has my cordial acquiescence. In view of the circumstance that the former representations to the other powers were made by the British Government as well as by our own, I shall initiate renewed overtures in the proposed sense by communicating the Senate resolution to the British Government, with the suggestion that it be made the basis of concurrently reopening the question with the powers having influence on commerce in the western Pacific, or in any other uncivilized quarter where the salutary principle of liquor restriction could be practically applied through the general enactment of similar laws by the several countries or through a conventional agreement between them."

The action of the Senate in passing this resolution has been reenforced and emphasized by the public declarations of Presidents Harrison, Cleveland, McKinley, and Roosevelt, and by a vast number of petitions from state legislatures and public bodies, to such extent as to warrant me in saying to the congress that the American people and Government are in full sympathy with its labors, and recognize that the work which is being begun is an expression of the highest and best sense of responsibility and duty among Christian nations.

In further evidence of the interest to which I have referred, I have the honor to inclose to the congress a copy of a cablegram which I have just received from the President of the United States, and which he instructs me to convey to you.

I also inclose a copy of a "Memorandum concerning concerted international restraint of the traffic in intoxicants and opium among aboriginal races," by Mr. Wilbur F. Crafts, superintendent of the International Reform Bureau, secretary of the native races deputation.

This memorandum has been prepared by these organizations for submission to the congress, and I trust that it may receive consideration at your hands, not only on account of its merits, but on account of the unselfish motives of those who have charged themselves with its preparation.

I avail, etc.,

HENRY LANE WILSON,
American Minister.

[Inclosure 2.—Translation.]

Mr. MINISTER: I have the honor to acknowledge the receipt of the letter your excellency has kindly addressed to me on the 16th instant, relative to the measures to be taken for the protection of the aboriginal races in Africa against unrestricted traffic in spirits.

I have hastened to bring its contents to the knowledge of the international conference now in session at Brussels.

It is very gratifying to me, Mr. Minister, to have the honor and pleasure of expressing to you, on behalf of the conference, its thanks for the kind interest the American Government has manifested in its labors and aims.

I will also beg your obliging intervention for the transmission to His Excellency the President of the United States of America of the expression of our profound gratitude for the wishes he has personally extended to the conference and for the highly humanitarian motives which inspired his message.

I avail, etc.,

CAPELLE.

Minister Wilson to the Secretary of State.

No. 125.]

AMERICAN LEGATION,
Brussels, November 3, 1906.

SIR: I have the honor to acknowledge the receipt of department's No. 80, of the 9th ultimo, inclosing copies of publications showing the interest of the American people in the questions to be considered by the conference for the revision of rules to control spirits in Africa, and instructing me to communicate the same through the appropriate channel.

As reported to the department in my No. 119, I was compelled to act upon its telegraphic instructions, without awaiting the arrival of its confirmatory dispatch inclosing the publications referred to.

The department's wishes, however, appear to have been practically carried out.

I have, etc.,

HENRY LANE WILSON.

Acting Secretary of State Bacon to Minister Wilson.

DEPARTMENT OF STATE,
Washington, November 13, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 119, of the 22d ultimo, transmitting a copy of the note by which you communicated to the International Conference to Control the Traffic in Intoxicants in Africa the President's cablegram of the 8th of the same month, and a copy of the reply thereto of the president of the conference.

The Department commends the way in which you brought the President's message before the conference and appreciates its reception by that high body.

I am, etc.,

ROBERT BACON.

NOTE.—To be continued in Foreign Relations, 1907.

CLAIM OF "EL ORIENTE" TO MONEY CAPTURED FROM FILIPINO
INSURGENTS.

The Belgian Minister to the Secretary of State.

[Memorandum.]

LEGATION OF BELGIUM,
Washington, May 27, 1905.

The German firms of Baer, sr., and E. Weber, and the Belgian firm of El Oriente filed five years ago with the United States Government a request for the refunding of some very important sums of money, which after having been seized upon by the Philippine insurgents were afterwards retaken by the American troops.

According to a report which the Belgian minister heard; the War Department, after ordering an inquiry into the case by a commission in the Philippine Islands, refused to take a final decision itself and sent the matter over to the State Department for a final award.

Baron Moncheur begs to recommend this case to the kind attention of Judge Penfield.

He mentions especially:

(a) The argument which M. Guislain, Belgian consul-general at Manila, addressed to Governor-General Wright, January 28, 1904.

(b) The letter from the same consul-general to Governor-General Wright, November 4, 1904, and in which he makes sundry observations on the report of the committee appointed to make a further inquiry into the *Saturnus* case.

Copies of these documents have been handed by Baron Moncheur to Judge Magoon and must accordingly be inclosed in the brief.

The Secretary of State to the Belgian Minister.

[Memorandum.]

DEPARTMENT OF STATE,
Washington, February 15, 1906.

The Department of State has the honor to acknowledge the receipt of the Belgian minister's memorandum of May 27, 1905, in regard to the claim of the Belgian firm, El Oriente, and in reply to say:

The Belgian firm El Oriente Tobacco Company seeks to recover \$40,000 in silver, the amount which was taken from the steamship *Saturnus* by the Filipino insurgents in July, 1899, at San Fernando, a port of northern Luzon. A like amount claimed as the property of two German firms, Baer, sr., & Company, and E. A. Weber, is also stated to have been taken at the same time.

The money was taken to the insurgent headquarters at Tarlac, Aguinaldo's capital, where it merged with other funds in the insurgent treasury. When the insurgents abandoned Tarlac the funds remaining in the treasury were carried to the vicinity of Binalonan. On November 26, 1899, Capt. George A. Dodd, U. S. Army, captured near San Nicolas, about 15 miles from Binalonan, money chests containing \$56,567.01 in silver, which it is claimed is the property of the

Belgian and German firms. In a note to the Department of State, of November 27, 1902, Baron Moncheur stated:

The claim I am instructed by my Government to present to your excellency would not be justified if the demand were on the United States to make good with its own funds the losses sustained by the Belgian firm, El Oriente, but the point is merely to obtain restitution of a sum of money taken from the Belgian firm by the insurgents and recovered from the latter by the American troops.

This claim has been investigated at four different times by different claims boards at Manila and reported on adversely each time.

The claimants, on the one hand, have been unable to identify the funds taken by the insurgents in July with those captured by Captain Dodd the following November, and in the several investigations there has been no testimony tending to confirm this claim. On the other hand, it was fully established by the evidence presented to the last claims board at Manila that the moneys which Captain Dodd captured at San Nicolas were funds that had been collected from the Filipinos of northern Luzon under requisition of the insurgent government. The principal witness at this hearing was a Filipino captain named Rodriguez, who had been intrusted with the transportation of the money and in whose charge it was when captured by the United States forces. He gave the investigating board the entire history of the matter, beginning with his receiving the money at the hands of the insurgent authorities of the Province of Cagayan, and traced his itinerary from place to place until his approach to San Nicolas, where he hid the money on being apprised of the presence of the United States forces in the vicinity. His statements were corroborated by two other witnesses who were his companions on the journey.

The committee reported in the final hearing, dated August 29, 1904, that they regarded it as affirmatively proved that the moneys captured by Captain Dodd were the moneys brought by Rodriguez from the Province of Cagayan, and, therefore, were no part of the moneys taken by the insurgents from the *Saturnus*. The findings of the committee were approved by the Philippine Commission January 9, 1905.

The Department of State concurs in the finding of the committee as above stated.

The Belgian Minister to the Secretary of State.

[Memorandum.]

LEGATION OF BELGIUM,
Washington, March 8, 1906.

The Belgian minister acknowledges receipt of the memorandum of the State Department dated February 15 relative to the claim of the Belgian Company El Oriente at Manila, in the *Saturnus* case.

The minister regrets to learn that, for the present, the State Department does not find the claim substantiated.

He has just heard that Mr. Michener, counsel for the German firm of Baer, senior, of Manila, has now filed with the State Department a brief presenting new arguments in favor of the German and Belgian firms, which have suffered through the plundering of the *Saturnus*.

Furthermore the Belgian minister notes that the memorandum of the State Department does not seem to have considered some very important points made in two letters written by the Belgian consul at Manila to Governor Wright.

These letters dispute the findings of the various "claim boards" in the Philippines, which rejected the claim of the El Oriente Company.

The Belgian minister had furnished copies of these letters to Judge Magoon, when this official had the *Saturnus* case under consideration in the War Department, but he is afraid that these copies may not have been transmitted, together with the other papers, when the case was referred from the War Department to the State Department.

The minister therefore has the honor to appeal to the Secretary of State's usual kindness, with the request that the State Department make a new examination of this claim, which is of the highest importance for the Belgian firm in the case.

The Belgian Minister to the Secretary of State.

LEGATION OF BELGIUM,
Washington, March 8, 1906.

DEAR MR. SECRETARY OF STATE:

Following upon the conversation which we had this morning, I beg to submit the inclosed documents for your examination of the claim of the Belgian firm El Oriente in re "*Saturnus*:"

1. A memorandum of the legation on the subject.
2. A copy of the brief already submitted to the State Department by Mr. Michener, counsel for the German firm Baer, senior, whose case is identical with that of the El Oriente.
3. A letter from the Belgian consul-general at Manila, written to Governor Wright on January 28, 1904, disputing the findings of the committee charged with the examination of the claim of the El Oriente Company.

I deeply appreciate, dear Mr. Secretary, your kindness in consenting to take this case under your personal examination.

I beg to offer you my earnest thanks, and remain with highest consideration, etc.,

B. N. MONCHEUR.

[Memorandum on the *Saturnus* case presented by the Belgian Minister to the State Department.]

In reply to the claim of the Belgian firm El Oriente, in re *Saturnus*, the State Department made it known that the United States Government rejected all responsibility for the damage suffered by the claimants at the hands of the Philippine insurgents, both on strictly legal grounds and on the broad grounds of equity.

On legal grounds, however, it seems that the evidence adduced before the various "claim boards" in the Philippine Islands would hardly prove acceptable in any court of justice, because the evidence rested exclusively on hearsay testimony and ex parte affidavits, as it is shown in the brief presented by Mr. Michener, counsel for the German firm of Baer, senior, in the same *Saturnus* case.

The Belgian claimants, therefore, can not accept the statement that it has been shown conclusively that the moneys found in the possession of the insurgents were not the identical funds plundered by the insurgents from the steamer *Saturnus*.

On the broad grounds of equitable justice, the United States Government would hardly dispute the fact that it has benefited by the precise amount of money found in the hands of the insurgents and taken from them by the American troops.

Whatever may be the origin of these funds, even supposing they were not the identical moneys plundered from the *Saturnus*, the claimants in the case have at least a claim to a pro rata of these funds, and consequently a claim on the Government who was benefited by the confiscation of that money.

The State Department, in order to reject the present claim, seems to lay stress upon the decision of an English court of law, in re West Rand Central Gold Mining Company, Ltd., *v.* The King, as reported in 2 K. B., page 391, of the Law Reports, 1905. But it appears that this decision can hardly be stretched so as to cover the present claim, owing to the fundamental difference in the circumstances of the cases.

The English decision held that "There is no principle of international law by which, after annexation of conquered territory, the conquering State becomes liable, in the absence of express stipulations to the contrary, to discharge financial liabilities of the conquered State incurred before the outbreak of the war.

But the essential difference between the cases grows out of the fact that, whereas the late South African Republic was a foreign country in a state of war against Great Britain, the Philippine Islands, on the contrary, were possessions of the American people, on which a number of American subjects were not waging war but only in a state of rebellion against the authority of the country's lawful government. The United States Government seems to have had so little doubt of its ability to restore public order in its possessions that, toward the end of July, 1899, General Otis, commanding the army of the United States in the Philippines, granted to the steamer *Saturnus* permission to sail for the Philippine ports of her destination, without any warning or reservation as to possible risks from the rebellion.

It appears, therefore, in equity at least, that the United States Government tacitly guarantee the shippers in the case against any molestation at the hands of its own subjects, in parts of its dominions where it undertook to preserve public order and to crush rebellion, and that the same Government, having failed to protect these shippers against such molestation, can not disclaim liability for the loss incurred.

Department of State to the Belgian Legation.

[Memorandum.]

DEPARTMENT OF STATE.

Washington, March 19, 1906.

The Department of State has the honor to acknowledge receipt of the memorandum of the Belgian minister dated March 8, 1906, concerning the claim of the Belgian firm El Oriente, and has also received the minister's note relating to the same subject, of the same date, and the three inclosures transmitted thereby.

The Department of State begs to say that a careful reexamination has been made of all the documentary evidence, including the exhibits inclosed with the Belgian minister's notes, and regrets to inform the minister that it has been unable to perceive any reason to change the views expressed in its memorandum dated February 15, 1906; and that this Government must, therefore, decline to assume any responsibility in the premises.

EXCLUSION OF LOUIS WYTHOUCK FROM THE UNITED STATES.

The Belgian Minister to the Secretary of State.

[Translation.]

453.]

LEGATION OF BELGIUM,
Hamilton, August 6, 1906.

MR. SECRETARY OF STATE: By order of my Government I have the honor to have recourse to your obliging intercession on behalf of one of my fellow-countrymen under the following circumstances:

One Louis Wythouck, of Belgian nationality, came to the United States to live in 1888. In the same year he married Leonie Dien-saert of the Boesinghe (East Flanders, Belgium) at New York.

About 1897 he settled in Philadelphia and had been residing there for eight years, at No. 712 Bodine street, when, on May 15, 1905, he temporarily left that place for the purpose of settling family affairs in Belgium.

A few months later he embarked to return to the United States, to his wife and two children, but on his arrival at New York he was denied permission to land because the authorities, considering him as a mere immigrant, found that, on account of his age (67 years) he did not seem to have sufficient means of support.

In vain did he protest to the authorities that he was not an immigrant and had been but temporarily absent in Belgium. He was compelled to return to Belgium.

On May 7, 1906, he heard that his wife was dead, leaving his two children alone and without protection in this country. The two children are only 16 and 7 years old.

He then tried again to come back to them, but the Navigation Company at Antwerp refused to take him, fearing, no doubt, that the authorities at Ellis Island would again deny him admission.

I am therefore instructed, Mr. Secretary of State, to call on your customary obligingness in order to obtain for the hapless Wythouck permission to join his children in the United States.

This is not, indeed, the case of an ordinary immigrant. Wythouck came to this country to live in 1888; he married here and has always lived here. He only made a temporary absence of a few months merely in Belgium in 1905, and there would seem to be excessive harshness in forbidding him, after such a short absence, to return to the United States, where he has his home and family.

The situation of the Wythouck family is worthy of interest, and further raises, as observed by the minister of foreign affairs, a question of principle.

The question, indeed, is whether a Belgian, established in the United States and temporarily returning to Belgium, is to be subjected when he again comes to the United States to the provision of the immigration laws of the United States like an ordinary immigrant.

In submitting these remarks to your favorable consideration, I gladly embrace this opportunity, etc.

BN. MONCHEUR.

Acting Secretary of State Bacon to the Belgian Minister.

No. 386.]

DEPARTMENT OF STATE,
Washington, August 22, 1906.

SIR: Referring to your note of the 6th instant, in which you requested the good offices of the department in securing the admission to this country of Louis Wythouck, a Belgian subject, who lived at 712 Bodine street, Philadelphia, for eight years, and was refused admission to the United States, where his family reside, after a business trip to Belgium, I have the honor to say that I am advised by the Secretary of Commerce and Labor that Wythouck was excluded by the board of special inquiry on the ground that he was likely to become a public charge.

No appeal having been taken from the decision of the board, the Department of Commerce and Labor is not in a position to review its findings; but there is nothing to prevent Mr. Wythouck's return to a port of the United States and the renewal of his application for admission, subject to appeal to the Department of Commerce and Labor in case he should be excluded again.

Accept, etc.,

ROBERT BACON.

EMIGRATION AGENTS OF SOUTH CAROLINA IN EUROPE.

Minister Wilson to the Secretary of State.

No. 54.]

AMERICAN LEGATION,
Brussels, December 30, 1905.

SIR: I have the honor to advise the department that one Oscar Van der Meersch, claiming to be a special delegate for Belgium and Holland of the department of agriculture, commerce, and emigration of the State of South Carolina, and actually holding a commission in that character from the governor of South Carolina, is at present in Belgium actively engaged in encouraging emigration to the State of South Carolina.

While engaged in this work he has come in conflict with the Belgian authorities for violation of that section of the Belgian code which requires special governmental authorization for agents of this character.

Mr. Van der Meersch has, by letter and in person, requested my intervention to procure him the necessary authority for the prosecution of his work; this I have declined to do, for the following reasons:

1. Official propaganda encouraging emigration is not viewed with favor by the Belgian Government.
2. The encouragement of emigration to the United States is contrary to public policy, as defined in the recent presidential message.
3. I have no instruction from the Department of State to render assistance to the agent of the governor of South Carolina.

I have, etc.,

HENRY LANE WILSON.

The Acting Secretary of State to Minister Wilson.

No. 43.]

DEPARTMENT OF STATE,
Washington, January 15, 1906.

SIR: I have to acknowledge the receipt of your dispatch, No. 54, of the 30th ultimo, in which you state your reasons for declining to use your influence to facilitate the work of Mr. Oscar Van der Meersch in procuring emigration from Belgium to South Carolina, for which purpose he holds a commission from the governor of South Carolina as special delegate for Holland and Belgium of the department of agriculture, commerce, and emigration of the State of South Carolina.

In reply, I have to advise you that your course in the matter is correct, in the absence of a request from the State of South Carolina to this department and the department's instruction—especially in view of the fact that official encouragement of emigration is objectionable to the Belgian Government.

Of course the department would give due consideration to any request it might receive from the State.

I am, etc.,

ROBERT BACON.

The Secretary of State to Minister Wilson.

No. 45.]

DEPARTMENT OF STATE,
Washington, January 19, 1906.

SIR: Referring to your No. 54, of the 30th ultimo, and the department's reply thereto under date of the 15th instant, I inclose herewith a letter addressed to the department by the governor of South Carolina, in regard to the work of Mr. Oscar Van der Meersch in procuring emigration from Belgium and other countries to South Carolina.

You will inform the Belgian Government of this employment of Mr. Van der Meersch, and request for him such courteous facilitation of the purposes of his mission as may be in accordance with the laws of Belgium and due to the official agent of a constituent State of the American Union.

I am, etc.,

ELIHU ROOT.

[Inclosure.]

STATE OF SOUTH CAROLINA,
EXECUTIVE CHAMBER,
Columbia, January 11, 1906.

SIR: This will introduce to you Mr. R. Beverly Herbert, of our State department of agriculture, commerce, and immigration. Mr. Herbert's mission is for the purpose of having the minister plenipotentiary of the United States in Brussels officially notified of the mission of Mr. Oscar Van der Meersch, the State representative of our department of immigration, now in Holland and Belgium.

Mr. Herbert will inform you concerning his visit to you, and I shall appreciate any consideration you may be able to give him.

I have the honor to be, very respectfully, yours,

D. C. HEYWARD, *Governor.*HON. ELIHU ROOT,
Secretary of State, Washington, D. C.

[SEAL.]

Minister Wilson to the Secretary of State.

No. 66.]

AMERICAN LEGATION,
Brussels, February 25, 1906.

SIR: I have the honor to acknowledge the receipt of department's No. 45, of January 19, instructing me to secure from the Belgian Government for Mr. Oscar Van der Meersch, emigration agent for the State of South Carolina, such courteous facilitation for the purposes of his mission as might be in accordance with the laws of Belgium and due to the official agent of a constituent State of the American Union.

I inclose herewith a copy of my note to the Belgian minister for foreign affairs, sent conformably to the department's instructions, and the copy and translation of the reply thereto.

I have upon this date informed Mr. Van der Mersch of the action taken by the Belgian Government.

I have, etc.,

HENRY LANE WILSON.

[Inclosure 1 to dispatch No. 66.]

Mr. Wilson to the Belgian Minister for Foreign Affairs, February 8, 1906.

MR. MINISTER: I have the honor to inform your excellency that Oscar Van Der Meersch is at present in Belgium with a commission from the State of South Carolina, one of the constituent States of the American Union, as a special delegate of the department of agriculture, commerce, and immigration of said State.

I am instructed by the Department of State at Washington to request from your excellency's Government such courteous facilitation of the purposes of the mission of Mr. Van Der Meersch as may be in accordance with the laws of Belgium.

Etc.,

HENRY LANE WILSON.

[Inclosure 3 to dispatch No. 66.—Translation of inclosure No. 2.]

MR. MINISTER: I have the honor to acknowledge the receipt of the letter of the 8th. instant, by which your excellency has kindly informed me that the department of agriculture, commerce, and immigration of the State of South Carolina has a special delegate in Belgium, to furnish information to persons intending to emigrate to the said State.

My department has taken notice of this information, which it has brought to the knowledge of the competent authorities with a view of facilitating the mission intrusted to Mr. Van Der Meersch.

I believe it is useful, Mr. Minister, to annex to this note a copy of a pamphlet containing the text of the laws and regulation in matter of emigration now in force in Belgium.

Etc.,

DE FAVEREAU.

[Circular.]

DEPARTMENT OF STATE,
*Washington, August 11, 1906.**To the diplomatic officers of the United States in Europe.*

GENTLEMEN: The department is advised by the governor of South Carolina that Mr. E. J. Watson, the head of the department of agriculture, commerce, and immigration of that State, has been commissioned to proceed to Europe in the prosecution of the work with which his department is charged by the state legislature.

Upon the arrival of Mr. Watson at the capital at which you reside you will inform the Government to which you are accredited of his employment and request for him such courteous facilitation of the purpose of his mission as may be in accordance with its laws and due to the official agent of a constituent State of the American Union.

I am, gentlemen, your obedient servant,

ALVEY A. ADEE, *Acting Secretary.*

Minister Wilson to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Brussels, September 8, 1906.

Watson, commissioner emigration South Carolina, has made formal application Belgian Government to be permitted to advance passage money Belgian emigrants; advances made by State to be repaid by emigrants. Watson states in application that this method has approval of Sargent and Government, and has asked me to exert influence with foreign office here. This have refused to do without express instructions from the department. A hurry answer is requested, as 500 emigrants are ready to sail.

WILSON.

The Acting Secretary of State to Minister Wilson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 10, 1906.

Yours of the 8th. Commerce and Labor makes reply:

In reply to your letter ninth instant inclosing copy of cablegram from minister at Brussels, payment passage of aliens by state agent will not necessarily operate to bring about their rejection, but will place on them the burden of establishing that they are not likely to become public charges. They will be examined, of course, upon arrival at a port of this country under all provisions of law applicable.

BACON.

[Telegram.—Paraphrase.]

Acting Secretary of State Adee to Minister Wilson.

DEPARTMENT OF STATE,
Washington, September 17, 1906.

(The minister is informed, relative to immigration to South Carolina, that the advance of passage money to an alien does not violate the contract-labor law, but that an alien must prove affirmatively that he will not become a public charge and submit to examination as to other legal requirements.)

Minister Wilson to the Secretary of State.

[Extract.]

No. 114.]

AMERICAN LEGATION,
Brussels, September 21, 1906.

SIR: I have the honor to acknowledge the receipt of the department's circular dispatch of August 11 ultimo, instructing me to inform the Belgian Government of the appointment of Mr. E. J. Watson as immigration agent of the State of South Carolina and to request for him such courteous facilitation of the purpose of his mission as may be in accordance with the laws of Belgium and due to the official agent of a constituent State of the American Union.

About the date of the receipt of the department's dispatch I received a telegram from Mr. Watson requesting me to obtain for him an interview with the Belgian minister of foreign affairs. As he failed, however, to state the purpose for which the interview was requested, I did not think it incumbent upon me to take the step without express instructions from the department.

After his arrival here Mr. Watson informed me that he had requested permission from the Belgian Government to be permitted to advance the steamship fares to selected Belgian emigrants to the United States, and that he desired me in my capacity as diplomatic representative of the United States to support his request, stating that the purpose of his mission had the approval of Mr. Sargent, Commissioner of Immigration, and the sympathy of the Government. As, however, I did not construe the department's circular instruction as authorizing me to lend diplomatic aid in furtherance of the plans of the bureau of immigration, I declined to identify the legation with the request of Mr. Watson without express instruction from the department. I agreed, however, to ask instructions by cablegram, and on September 8 sent the department the following cablegram:

Watson, commissioner of immigration, South Carolina, has made formal application Belgian Government to be permitted to advance passage money Belgian emigrants. Advances made by State to be repaid by emigrants. Watson states in application that this method has approval of Sargent and Government and has asked me to exert influence with foreign office here. This have refused to do without express instructions from the department. A hurry answer is requested as 500 emigrants are ready to sail.

To this the department replied September 11 as follows:

Yours of the 8th. Commerce and Labor makes the following reply: "In reply to your letter 9th instant inclosing copy cablegram from minister at Brussels, payment passage of aliens by State agent will not necessarily operate to bring about their rejection, but will place on them the burden of establishing that they are not likely to become public charges. They will be examined, of course, upon arriving at a port of this country under all provisions of law applicable.

As in my cablegram I had suggested the desirability of sending me express instructions on the premises, and as the department's reply contained simply an interpretation of the immigration law and no express instructions, I felt reluctant to go farther with the affair. I however, promised Mr. Watson to go with him to the department of foreign affairs and request an early decision in the matter which he had submitted for its consideration. I accordingly visited the

foreign office yesterday, and he has since informed me that everything has been arranged to his entire satisfaction.

I have, etc.,

HENRY LANE WILSON.

Chargé Boutell to the Secretary of State.

No. 119.]

AMERICAN LEGATION,

The Hague, Netherlands, September 21, 1906.

SIR: I have the honor to acknowledge the receipt of department's circular instruction, dated August 11, 1906, informing the legation that Mr. E. J. Watson, the head of the department of agriculture, commerce, and immigration of the State of South Carolina, has been commissioned by the governor of that State to proceed to Europe in the prosecution of the work with which his department is charged by the State legislature, and instructing the legation, upon Mr. White's arrival at The Hague, to notify the Netherlands of his employment and request for him such courteous facilitation of the purposes of his mission as may be in accordance with its laws and due to an official agent of a constituent State of the American Union.

In reply I have the honor to inform you that on the 14th instant Mr. Watson transmitted to the legation his credentials from the governor of South Carolina, and in his accompanying letters stated that he feared he would be unable to come to Holland, and that therefore he had appointed Dr. S. Davidsee as special delegate for this country, and further requested that the legation give him any advice, aid, and assistance in its power. Mr. Watson also notified this office that it would soon receive official notice of Doctor Davidsee's appointment through the Department of State.

Shortly after the receipt of the above-mentioned letter from Mr. Watson, Mr. Davidsee, who is a naturalized citizen of the United States but a Hollander by birth, called in person and presented his commission signed by Mr. Watson, appointing him special delegate for this country.

As this legation is, up to the present time, without any official notification regarding Doctor Davidsee's appointment, and as the department's circular instruction specially mentions Mr. Watson, I have deemed it proper to await further instructions before taking any steps toward officially presenting Doctor Davidsee to the authorities here.

For the information of the department I inclose herewith a circular and a pamphlet furnished by Doctor Davidsee and intended for broadcast distribution, which show the method which he intends to pursue.

Awaiting the department's further instruction, I have, etc.,

ROGER S. G. BOUTELL.

Acting Secretary of State Adee to Minister O'Brien.

No. 42.]

DEPARTMENT OF STATE,

Washington, September 26, 1906.

SIR: I inclose a copy of a letter from the department of agriculture, commerce, and immigration of South Carolina, requesting the

department to notify you that it has appointed Mr. George E. C. Bahncke its agent to solicit immigration to South Carolina.

You are requested to facilitate Mr. Bahncke's mission in every proper way.

I am, etc.,

ALVEY A. ADEE.

[Same mutatis mutandis to Chargé Boutell at The Hague, No. 43.]

[Inclosure.]

[State of South Carolina, department of agriculture, commerce, and immigration.
E. J. Watson, commissioner. R. B. Herbert, Clerk.]

COLUMBIA, S. C., *September 21, 1906.*

DEPARTMENT OF STATE,
Washington, D. C.

HONORED SIR: Commissioner E. J. Watson, of the department of agriculture, commerce, and immigration for the State of South Carolina, now in Europe, has appointed Geo. E. C. Bahncke agent for this department, to be located in Aalborg, Denmark, with instructions to advertise and solicit immigration for this State at that point. Please notify the American minister before whom matters arising in this territory would come.

Also Commissioner Watson has appointed Dr. S. Davidsee agent for this department to travel through Holland and to advertise the advantages of this State and solicit immigrants. We would be glad if you would instruct the proper authorities on Holland of Dr. S. Davidsee's mission.

Please have these instructions as to both Mr. Bahncke and Doctor Davidsee forwarded at once.

Yours respectfully,

R. B. HERBERT, *Clerk.*

The Secretary of State to Chargé Boutell.

No. 45]

DEPARTMENT OF STATE,
Washington, October 4, 1906.

SIR: I have to acknowledge the receipt of your No. 119, of the 21st ultimo, relative to the mission to the Netherlands of Dr. S. Davidsee, agent of the State of South Carolina, to solicit immigration to that State.

Your dispatch crossed the Department's instruction No. 43 of September 26 last, directing you to facilitate Doctor Davidsee's mission.

I am, etc.,

E. ROOT.

Minister O'Brien to the Secretary of State.

No. 121.]

AMERICAN LEGATION,
Copenhagen, October 8, 1906.

SIR: I beg to acknowledge receipt on this date of your No. 42 of the 26th ult.

The Mr. Bahncke referred to in your dispatch and the inclosure has been in this country for some little time, and I have been in correspondence with the minister for foreign affairs touching his right

to act as representative of South Carolina and some other states in respect to emigration from this country.

It seems to be the policy of this country to discourage active efforts along the line in question, and under date of September 29 I have a communication from the foreign minister directing my attention to two provisions of the Danish law, which, if enforced, would greatly limit, if not entirely prevent, any activity on the part of Mr. Bahncke. I saw the latter on the 6th inst., and am still intending to press the matter for a modification of the rule. He has written Mr. Watson, the commissioner of South Carolina, to visit Denmark, and it is hoped that he may be able to do so.

I have, etc.,

T. J. O'BRIEN.

[Inclosure—Dispatch No. 121.]

Translation of a part of act of May 1, 1868:

“No person shall act as an emigration agent without special permission.

“Any person shall be regarded as an emigration agent who, on his own account or on account of others, undertakes the transportation of emigrants to foreign parts of the world. No one except authorized agents and their subdelegates shall be permitted to make contracts concerning transportation with emigrants, nor offer his assistance to the making of the same. This act shall, however, have no reference to the direct transportation from Danish seaports as long as the number of passengers does not exceed 25 persons.”

A part of act No. 52 of March 25, 1872, amending the foregoing:

“SECTION III.—Without such authority nobody shall solicit emigrants, nor publicly offer his assistance toward emigration, nor give any advice in regard to emigration.”

The Secretary of State to Mr. Peirce.

No. 15.]

DEPARTMENT OF STATE,
Washington, October 9, 1906.

SIR: I inclose a copy of a letter from the department of agriculture, commerce, and immigration of the State of South Carolina, requesting this department to notify you that it has appointed Messrs. George E. C. Bahncke and S. Davidsee as its agents to solicit immigration to South Carolina.

You are requested to facilitate their mission in every proper way, in accordance with the department's circular of August 11, 1906.

I am, etc.,

E. Root.

[Same to American diplomatic representatives in Russia and Sweden.]

[Inclosure.]

[State of South Carolina, department of agriculture, commerce, and immigration. E. J. Watson, commissioner. R. B. Herbert, clerk.]

COLUMBIA, S. C., October 4, 1906.

SIR: I have the honor to request that you inform the United States ministers at Stockholm, Christiania, and St. Petersburg of the appointment as delegates of Messrs. Geo. E. C. Bahncke and S. Davidsee.

Upon request of this department you informed me by letter of September 26 that the ministers in Denmark and the Netherlands had been informed of the appointments of these gentlemen as agents in those countries, respectively. In view of the fact that it may be necessary to send these agents into Finland, Sweden, and Norway, we will appreciate it if you will give the ministers of those countries the proper instructions.

I am, etc.,

R. B. HERBERT, *Clerk.*

HON. ALVEY A. ADEE,

*Second Assistant Secretary, Department of State,
Washington, D. C.*

The Secretary of State to Minister Wilson.

DEPARTMENT OF STATE,
Washington, October 23, 1906.

SIR: Referring to your No. 114, of the 21st ultimo, I inclose for your information copy of a letter from the Secretary of Commerce and Labor in regard to the probable classification of immigrants for whom passage money has been paid in advance by Mr. Watson, immigration agent for the State of South Carolina.

I am, etc.,

E. ROOT.

[Same, mutatis mutandis, to American diplomatic representatives in Denmark, Netherlands, Norway, and Sweden.]

[Inclosure.]

The Secretary of Commerce and Labor to the Secretary of State.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, October 10, 1906.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, No. 907-11, with which you forward a copy of a dispatch received from the American minister at Brussels in regard to the efforts of Mr. E. J. Watson, immigration agent of the State of South Carolina, to secure the emigration of Belgian families to this country by the payment of their passage money in advance.

Referring to previous correspondence had with your department on this subject, I beg to reiterate the views therein expressed to the effect that the prepayment by Agent Watson of the passage of the aliens will not necessarily, under the immigration laws, result in the rejection of the applicants upon arrival at ports in this country. The effect of such action is to place the aliens within that class described in section 2 of the act approved March 3, 1903, as those who shall be excluded from admission into the United States on the ground that they are persons whose passage is paid for with the money of another, or who are assisted by others to come, unless it is affirmatively and satisfactorily shown that such persons do not belong to one of the classes named in the said section. If, therefore, upon arrival at a United States port any of these prospective settlers should be found upon examination to belong to any one of the classes named in the said section of the act—for instance, if they should be found to be "persons likely to become a public charge," or persons under "promises or agreements to perform labor or service"—it would be necessary to refuse them admission.

Mr. Watson, in his efforts to secure settlers for the State of South Carolina, is doubtless proceeding under the exception contained in the proviso of section 6 of the act of March 3, 1903, reading:

"*Provided*, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively."

Respectfully,

V. H. METCALF.

TAXATION OF CORPORATIONS IN BELGIUM.

Minister Wilson to the Secretary of State.

No. 81.]

AMERICAN LEGATION,
Brussels, March 26, 1906.

SIR: I have the honor to report to the department that the Anglo-American Chamber of Commerce at Brussels recently presented, through the medium of the British legation, to the Belgian ministry a protest against the enactment of proposed legislation relative to the taxation of corporations doing business in Belgium, alleging that the proposed legislation was in the nature of a discrimination against foreign corporations. A copy of the protest was filed with this legation, together with a note requesting my good offices in the premises.

I confined my efforts, however, to the transmission of the protest to the ministry for foreign affairs, with the simple request that it might receive the attention of the proper department.

I inclose herewith a translation of the verbal note of Count de Smet de Naeyer, minister of finance, in reply to the protest.

The original in the French text has been forwarded to the Anglo-American Chamber of Commerce.

The reply of Count de Smet de Naeyer ^{*} seems to me to be convincing and conclusive.

I have, etc.,

HENRY LANE WILSON.

[Inclosure.]

Verbal note from the ministry for foreign affairs of Belgium to Mr. Wilson for transmission to the Anglo-American Chamber of Commerce at Brussels.

The Anglo-American Chamber of Commerce at Brussels has requested the elimination of paragraph 3, article 6, of the proposed bill relative to the licensing of insurers and limited companies.

This paragraph reads as follows:

"Deduction on account of expenses of administration, or otherwise, will only be admitted when such expenses have been incurred in Belgium."

The petitioners' claim is that the effect of this stipulation will be to compel limited foreign companies located in Belgium to bear a heavier burden of taxation than similar Belgian companies, the latter being authorized to deduct from their gross profits all expenses of administration, including those made outside the limits of Belgium. From this it is concluded that the proposed bill makes a discrimination contrary to the principle of commercial treaties.

The argument is not sound.

The proposed bill taxes the foreign limited companies located in Belgium at the same rate as that levied upon similar Belgian companies and upon the same fundamental principle.

If the proposed bill limits the expenses in the manner indicated above, it is only because no other system is practicable.

It would be opening the door to abuses to permit foreign companies to deduct from profits realized in Belgian establishments expenses incurred for administration purposes at the home offices for Belgian branches. The statement of expenses made by the agents of the companies could be wholly arbitrary in the absence of means for the Belgian authorities to determine its accuracy.

It is conceivable that the Belgian fiscal authorities should be bound to make investigations at London, New York, Paris, Hamburg, etc., of the expenses of administration of the English, American, French, and German companies located in Belgium.

On the one hand, the acceptance without investigation of the taxpayer's declaration would be contrary to the essential principle underlining the whole of our fiscal legislation; in no case does the latter admit the undisputed acceptance of the taxpayer's declaration. On the other hand, the Belgian administration has neither the power nor practical means to verify abroad the exactitude of expenses of administration which it might be claimed had been made for the Belgian branch.

The Belgian legislator, in deciding a question closely related to the fundamental principle of taxation, can and must take into account these special considerations.

As a matter of fact, the expenses referred to in the petition of the Anglo-American Chamber of Commerce are generally very slight, so that their exclusion will have very little weight in the determination of the sum total of taxable profits.

In support of its position the Anglo-American Chamber of Commerce cites the fact that the Province of Brabant will admit its contention, so far as the proportion of tax for the Province is concerned. The provincial resolutions do not mention such decision and the argument is, moreover, irrelevant.

In the conception and application of their fiscal regulations the Provinces are more active in securing resources than in observing the rules of law, to which the State, on the contrary, must remain faithful in order to be consistent.

The provision established by paragraph 3, article 6, is moreover so rational and so equitable that it will be applied to foreign branches of Belgian companies in the determination of the profits realized in these establishments. (Art. 9 and following of the bill.)

For these reasons the Government can not take into consideration the protest of the Anglo-American Chamber of Commerce.

INTERNATIONAL MARITIME CONVENTION IN REGARD TO COLLISIONS AND SALVAGE AT SEA.

[Continued from Foreign Relations, 1905, pp. 69-78.]

LEGATION OF BELGIUM,
Washington, January 4, 1906.

MEMORANDUM.

The delegates of the countries represented at the conference of maritime law in Brussels signed, on October 20 last, a protocol^a submitting for the approbation of their respective governments two drafts of agreements for the unification of certain rules on the subjects of collision and salvage.

The Belgian Government is prepared, as far as its own interests are concerned, to adopt both agreements immediately, and it entertains the hope that the Government of the United States will take a similar action.

The signing of these two agreements would be a first step toward the very important work of the unification of maritime law.

Communications to the same end have also been made by the foreign office to H. E. Mr. Henry Lane Wilson at Brussels.

^a Printed in For. Rels., 1905, pp. 74-78.

MEMORANDUM.

The Department of State has received the memorandum of the 4th instant from the Belgian legation, wherein is expressed the hope that this Government will see its way to adopt, at an early date, the conventions relating to salvage and collisions at sea, submitted by the recent international maritime conference of Brussels.

These conventions are being considered by the Department of Commerce and Labor, to which a copy of the memorandum has been referred.

JANUARY 12, 1906.

The Secretary of State to Minister Wilson.

No. 47.]

DEPARTMENT OF STATE,
Washington, January 29, 1906.

SIR: The department is in receipt of a letter, dated December 30, 1905, from Judge William W. Goodrich, stating that he is advised by Mr. Franck, of Belgium, who was secretary of the international maritime conference held in Brussels last October, that "a third session will be held within a delay which shall not exceed one year, unless the different governments may see in the meantime their way to notify the Belgian Government by the diplomatic way their adhesion without further deliberation."

The department has also received a letter, dated the 18th instant, from the Secretary of Commerce and Labor, from which I quote as follows:

In principle this department desires that Congress hereafter shall appropriate money for the adequate compensation as well as for the necessary expenses of all persons sent abroad as American representatives to international conferences upon matters relating especially to this department, such as the Brussels conference to promote uniform international rules in the settlement of cases of collision and salvage. This department, however, is uncertain whether there is to be a third session of the Brussels conference. I have the honor to suggest, therefore, that your department ascertain, if practicable, whether such a session is probable.

The department will be pleased if you will inform it as to this, in order that Congress may be asked to provide for expert American representation at the conference.

The Secretary of Commerce and Labor also desires to be advised as to what governments, if any, have adopted the conventions submitted by the October conference.

I am, etc.,

ELIHU ROOT.

Minister Wilson to the Secretary of State.

No. 67.]

LEGATION OF THE UNITED STATES,
Brussels, February 27, 1906.

SIR: I have the honor to acknowledge the receipt of department's No. 47, of January 29, instructing me to ascertain the views of the Belgian Government relative to the holding of a third session of the Brussels international maritime conference, and to report what governments, if any, have adopted the conventions submitted by the October conference.

I inclose herewith a copy of a note which, in compliance with your instructions, I addressed to the Belgian minister for foreign affairs, and a copy and translation of the reply thereto, from which it will be seen that definite action has not been taken relative to the holding of a third session, and that the only powers which have announced their adhesion to the conventions are Belgium and the Independent State of the Kongo.

I have, etc.,

HENRY LANE WILSON.

[Inclosure 1.]

Mr. Wilson to the Belgian Minister for Foreign Affairs, February 15, 1906.

MR. MINISTER: The Department of State at Washington has been advised, through unofficial channels—the information, I believe, came from Secretary Frank, in the course of a correspondence with Judge Goodrich, one of the American delegates—that a third session of the international maritime conference will be held within a delay which shall not exceed a year, unless the different Governments may see, in the meantime, their way to notify the Belgian Government, by diplomatic channels, their adhesion without further deliberation.

My Government will be pleased to know whether this unofficial information which it has received expresses an actual intention and purpose, in order that Congress may be asked to provide for expert American representation at the conference.

I am also instructed to ascertain what Governments, if any, have adopted the conventions submitted by the October conference, and I will be obliged to your excellency for the information.

Etc., etc., etc.

HENRY LANE WILSON.

[Inclosure 2.]

The Belgian Minister for Foreign Affairs to Mr. Wilson, February 26, 1906.

[Translation.]

MR. MINISTER: I have had the honor of receiving the letter that your excellency has kindly addressed me on the 15th instant, relative to the international maritime conference.

The Government of the King still continues to hope that the complete study which the conference has made, during the course of its sessions, will make it possible for the different States represented to sign the conventions regarding collision and salvage without resorting to a third meeting.

The calling of a third session has not yet been proposed.

The Governments of the interested countries have not yet made known their views relative to the projects of conventions referred to.

I may, however, declare from now on that the Government of the King is disposed to proceed to the signature of the two conventions. The Government of the Independent State of the Kongo has made the same declaration.

Etc., etc., etc.

DE FAVEREAU.

Baron Moncheur to the Secretary of State.

[Translation.]

LEGATION OF BELGIUM,
Washington, March 26, 1906.

MR. SECRETARY OF STATE: In continuation of the memorandum I had the honor to address to your excellency on January 4 respecting

the conventions relative to collisions and salvage at sea, I am instructed to call your favorable attention again to the question of the adhesion of the United States to the proposed agreements.

If the drafts should gain from the interested powers the favorable reception it is permissible to look to, the Government of Belgium believes that they might receive diplomatic sanction without its becoming necessary to call a third session of the conference.

I should be thankful to your excellency if you would kindly acquaint me with the views of the Cabinet of Washington in this respect, and gladly embrace this opportunity to tender the renewed assurances of my very high consideration.

BN. MONCHEUR.

The Secretary of State to Baron Moncheur.

No. 362.]

DEPARTMENT OF STATE,
Washington, April 2, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 26th ultimo, in which you refer to the memorandum of January 4 last, wherein you expressed the hope that the United States would unite with your Government in adopting the two agreements for the unification of certain rules on the subjects of collision and salvage, submitted by the conference on maritime law to the Governments represented at the said conference, and request an expression of the views of this Government as to the proposal that it adhere to the said conventions.

In reply, I have the honor to say that the Secretary of Commerce and Labor, whose department is the one most interested in the subject-matters of the conventions, is of the opinion, in which this department concurs, that, in view of the small number of adhesions to the conventions, it would not be opportune to submit the conventions to the Senate at this time.

This Government's information is that adhesion to the conventions has been announced only by Belgium and the Independent State of the Kongo.

Accept, sir, etc.,

ELIHU ROOT.

[Translation.]

Baron Moncheur to the Secretary of State.

LEGATION OF BELGIUM,
Washington, May 5, 1906.

MR. SECRETARY OF STATE: In continuation of the communication I had the honor to address to your excellency on March 26 last, respecting the proposed convention relative to collisions and assistance at sea, I am instructed to inform you that Brazil, the Dominican Republic, and Roumania have notified their adhesion to the draft.

I gladly embrace this opportunity, etc.,

BN. MONCHEUR.

Minister Wilson to the Secretary of State.

AMERICAN LEGATION,
Brussels, June 6, 1906.

SIR: I have the honor to inclose, under separate cover with this mail, six copies of the corrected and revised proceedings of the two sittings of the international maritime conference, held, respectively, from the 21st to the 25th of February and from the 16th to the 20th of October, 1905.

This publication has just been transmitted to me from the Belgian foreign office, for the use of the American Government and its delegates to the conference.^a

I have, etc.,

HENRY LANE WILSON.

[Translation.]

Baron Moncheur to the Secretary of State.

LEGATION OF BELGIUM,
Hamilton, Mass., July 8, 1906.

MR. SECRETARY OF STATE: As you are aware, it was decided, when the second session of the international conference on maritime law that met at Brussels in October, 1905, at which the United States was represented, that a final meeting would be called by the Belgian Government within a year if the powers should not in the meanwhile agree to sign the draft conventions relative to collisions and assistance at sea, framed by the conference.

As already pointed out by my Government, there would not seem to be any imperative necessity for another meeting, the question having been elaborately discussed. If, however, the governments interested should think that the draft conventions require final joint examination, the Belgian Government would readily assent to reconvening the delegates of the several States.

In view of arrangements that would have to be made, my Government is very desirous of knowing what are, in this respect, the intentions of the States that were represented last year at the Brussels conference. I am therefore instructed, Mr. Secretary of State, again to bring this matter to your favorable attention. My Government would attach the highest importance to knowing as soon as possible the views of the Government of the United States on this point.

Since I had the honor of addressing you my communication of May 5 last, the Government of Chile may be added to the list of the powers which have adhered to the two drafts of convention framed by the Brussels conference.

Be pleased to accept, etc.,

BN. MONCHEUR.

The Acting Secretary of State to Baron Moncheur.

No. 380.]

DEPARTMENT OF STATE,
Washington, August 2, 1906.

SIR: Referring to your note of the 8th ultimo, in which you inquire whether the United States is of the opinion that another session of

^a Not printed.

the international maritime conference should be held, I have the honor to advise you that this Government does not think a third session of the Brussels conference is necessary.

Accept, sir, etc.,

ROBERT BACON, *Acting Secretary.*

[Translation.]

Mr. Havenith, Chargé d'Affaires of the Belgian Legation, to the Secretary of State.

No. 474.]

LEGATION OF BELGIUM,
Lenox, August 29, 1906.

MR. SECRETARY OF STATE: By order of my Government, I have the honor to inform your excellency that the department of foreign affairs of Germany has notified the minister of Belgium at Berlin that the Imperial Government does not propose to suggest any change in the text of the resolutions passed in October last by the Brussels international conference on maritime law.

Owing to the modifications that may be proposed hereafter by other powers, the German Government deems it best, however, to withhold its final answer until all the States concerned shall have made their intentions known.

Accept, etc.,

E. HAVENITH, *for the Minister.*

Minister Moncheur to the Secretary of State.

[Translation.]

No. 555.]

LEGATION OF BELGIUM,
Washington, October 28, 1906.

MR. SECRETARY OF STATE: Your excellency knows that the Belgian Government, in the discharge of the mission with which it was intrusted, has transmitted to the several States concerned the two drafts of conventions concerning collisions and salvage at sea born of the deliberations of the international conference that met last year in Brussels.

The Government of the King has not, thus far, been furnished with the answers of all the powers, but it appears from communications already received that important adhesions are even now assured to the labors of the conference. The contemplated conventions have gained the approval of Germany, Belgium, Brazil, Chile, the Republic of Cuba, the Dominican Republic, the Independent State of Kongo, the United States of America, Mexico, Nicaragua, Roumania, and Russia. As for the governments which have not yet declared their views, they are at present engaged in studies and inquiries which justify the hope that they will likewise be induced to adhere to the resolutions of the Brussels Conference.

Such being the situation, it has been suggested to postpone until next spring the last meeting which, under the recommendation adopted by the conference at its session of October 20, 1905, was to

take place within one year, that is to say, before the end of this month. This course would enable the States that have not yet reached a decision to complete the examination of the drafts, and would thus afford some assurance of the adhesions already declared and the expressions of favorable disposition be taken into consideration, that the next conference would have no other duty to perform than that of finally sanctioning the agreement among the maritime powers by signing the conventions.

I have the honor, Mr. Secretary of State, to bring the foregoing to your excellency's knowledge, in compliance with the instructions of the minister for foreign affairs, and embrace this opportunity to renew, etc.,

BN. MONCHEUR.

The Secretary of State to the Minister of Belgium.

No. 400.]

DEPARTMENT OF STATE,
Washington, November 15, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo, by which you make known to me the suggestion which has been made to postpone until next spring the last meeting of the Brussels international maritime conference, and to inform you that a translation of your note was duly communicated to the Department of Commerce and Labor.

This department is informed by the Acting Secretary of that department that the subject of your note will receive his department's consideration. At the same time, with reference to the statement made in your note that the two drafts of conventions concerning collisions and salvage at sea have received the approval of the Government of the United States, he informs this department that his department has no knowledge of such approval having been given by this Government.

Accept, etc.,

ELIHU ROOT.

[Translation.]

Minister Moncheur to the Secretary of State.

No. 646.]

LEGATION OF BELGIUM,
Washington, December 17, 1906.

MR. SECRETARY OF STATE: YOUR excellency was pleased to answer on November 15 the dispatch by which I had the honor to acquaint you with my Government's proposition to postpone until next spring the last meeting of the Brussels international conference.

Your excellency informed me at the same time that the Secretary of Commerce and Labor, to whom a translation of my dispatch had been transmitted, remarked, with reference to a passage in my dispatch mentioning the United States as one of the Governments that had given the approval to the two drafts of convention, "that his department had no knowledge of such approval having been given by the Government of the United States."

There seems to be in this some misunderstanding that it is proper to dispel.

The sentence found in my dispatch of the 28th of October, which I had the honor to address to your excellency by direction of the minister of foreign affairs at Brussels did not in any way mean that the Government of the United States had finally adhered to the two drafts of convention under consideration. But inasmuch as your excellency told me in your dispatch of August 2 last that the American Government did not deem a third meeting of the conference necessary, the department of foreign affairs at Brussels thought it could infer therefrom that the Government had no remark to submit concerning the texts drawn up at the second session, and that its adhesion could be secured in principle, subject, of course, to the attitude the other interested States might assume.

Be pleased to accept, etc.,

BN. MONCHEUR.

The Secretary of State to Minister Moncheur.

DEPARTMENT OF STATE,
Washington, December 21, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 17th instant, by which you advise the department that you did not mean to imply, in your note of October 28 last on the subject, that the United States had finally adhered to the draft conventions adopted by the international maritime conference, but that you had inferred from the statement in the department's note of August 2 last that the United States did not deem a third meeting of the conference necessary, that this Government had accepted the said drafts in principle, subject to the attitude of the other powers concerned.

In reply I beg to say that I have had the honor to communicate your note to the Secretary of Commerce and Labor.

Accept, etc.,

ELIHU ROOT.

**ARRANGEMENT FOR THE UNIFICATION OF FORMULAS FOR
HEROIC MEDICINES.**

The Belgian Minister to the Secretary of State.

No. 50.]

LEGATION OF BELGIUM,
Washington, February 2, 1903.

MR. SECRETARY OF STATE: The international conference for the unification of formulas of heroic medicines which was held at Brussels from the 15th to the 20th of September last, resulted in the signing of a final protocol submitting a draft of an arrangement to the approval of the interested governments.

I have the honor to forward to your excellency three copies of the volume which contains the acts of the conference in question.

My Government thought it to be in accordance with the wishes of the interested States to now prepare a draft of an arrangement in the ordinary form of the acts stipulating international agreements and destined to give the diplomatic sanction to the resolutions of the con-

ference of Brussels. Your excellency will find herewith five copies of this document. The list of heroic medicines figuring in article 1 of the draft does not mention as regards the titles: "Aconiti tinctura" and "Belladonæ extractum," the committee instructed by the conference to fix the alcaloidique strength of these substances or the system employed to determine this strength. The decisions of this committee can not modify the main body of the prescriptions adopted by the conference nor even that already fixed for the tincture of aconite and the extract of belladonna. This committee, which moreover appears to have been instituted only in order to defer the solution of a question of scientific interest, the study of which is not sufficiently advanced, will not be able to finish its work before a date relatively distant.

Under these conditions, my Government think it may propose the text figuring in the draft herewith as to the preparation of the tincture of aconit and the extract of belladonna.

The King's Government would be happy to learn, Mr. Secretary of State, that the Government of the United States would be inclined to give its approval to the draft of arrangement in question.

I avail, etc.,

BN. MONCHEUR.

The Belgian minister to the Secretary of State.

[Translation.]

LEGATION OF BELGIUM,
Washington, January 19, 1906.

MR. SECRETARY OF STATE: In connection with a communication addressed to the Department of State by the legation of the King on February 2, 1903, I have the honor to inclose herewith five copies of the draft agreement intended to give diplomatic sanction to the resolutions adopted by the conference which met at Brussels September 15 to 20, 1902, with a view to the unification of the formula for heroic medicines.

As you will observe, Mr. Secretary of State, certain changes have been made in the draft, the text of which accompanied the legation's note of February 2, 1903.

With reference to the table embodied in Article I, note is made of a decision rendered by the committee empowered by the conference to determine the percentage of alkaloid in certain medicines, the decision fixing at 0.05 per cent, instead of 0.025 per cent, the said percentage for the tincture of aconite.

The provisions of Article V, relative to ratifications, have been omitted. In virtue of the representations made on this subject by various countries, the Belgian Government thinks that it would be preferable not to insist upon ratification, but to fix a date for putting the agreement in force.

To this end it has fixed upon the 1st of July, 1906. It is understood, however, that the provisions of articles 1, 2, and 3 shall not become obligatory for each of the States until the publication of a new edition of a supplement of its pharmacopœia.

Finally, the reservations formulated by certain Governments are the subject of a draft of a procès verbal, the signature of which is to follow that of the draft agreement. This procès verbal will be signed, like the principal act, by the representatives of the adhering States, and the signatures shall be preceded by the official title of the signers.

I should be gratified if your excellency would kindly advise me if the inclosed text meets with no objection on the part of the Government of the United States.

The choice of a date for the signature of this international act is necessarily subordinate to the approval of the project by the interested powers.

I avail, etc.,

BN. MONCHEUR.

The Belgian minister to the Secretary of State.

[Translation.]

No. 379.]

LEGATION OF BELGIUM,
Hamilton, Mass., June 26, 1906.

MR. SECRETARY OF STATE: Under date of January 19 last I had the honor to transmit to your excellency the text of the draft of an arrangement for the unification of the formula of heroic medicines.

A number of States have advised my Government that they are in position to proceed with the signature of the contemplated arrangement. They are—apart from Belgium—Germany, Spain, France, Great Britain, Greece, the Grand Duchy of Luxemburg, the Netherlands, and Switzerland.

The Imperial German Government has waived the insertion in the protocol of signature of the second paragraph of the reservation that is now embodied in the draft.

On the other hand, it has expressed the wish that some changes, of form only, be made in the text of its declaration, which would be worded as follows:

The Imperial Government does not assume, from its signing the present arrangement, of any obligation other than that of exerting its influence at the proper time—that is to say, when the German Pharmacopœia is next recasted, so as to have it agree with the present arrangement.

At the same time, the Imperial Government reserves the right of making in the provisions of the said arrangement such changes as may be deemed necessary on the one hand to take notice of the advance of the sciences of medicine and pharmacy, and would on the other hand be desirable from the standpoint of the unification of the German Pharmacopœia.

For its part, the British Government has asked that the following declaration regarding the adhesion of British colonies, which is already found in other diplomatic arrangements concluded by Great Britain with foreign countries, be inserted in the protocol:

The Government of His Britannic Majesty declares that it reserves the right to adhere to and denounce the arrangement for each one of the British colonies or possessions separately.

As your excellency is aware, the draft of the protocol contains the reservation, herein below quoted, also formulated by the British Government. It would precede that which I have just mentioned.

The Government of His Britannic Majesty declares it reserves the right to make in the provisions of the present arrangement such minor changes as may be required from time to time by the advance of the sciences of medicine and pharmacy.

Several of the States hereinbefore named have asked that a similar reservation be inserted on their behalf.

This request is in perfect harmony with the spirit in which the resolutions framed at the Brussels conference were adopted, and it seems that it might be met by embodying in the protocol, immediately after the reservations of the several Governments, a declaration worded as follows:

At the point of proceeding with the signature of the present procès-verbal, the undersigned declare they agree in recognizing that the right considered in the first of the reservations formulated by the British Government belongs to all signatory powers.

I am instructed to bring the foregoing to the knowledge of the American Government and to acquaint it with the great importance the Government of the King would attach to knowing at the earliest date that it is ready to proceed with the signature of the instrument intended to give the diplomatic sanction to the resolutions of the Brussels conference.

The signing of that instrument would be all the more opportune as the pharmacopœias recently published by the Netherlands and Belgium have been made with due regard to all the decisions of the Brussels conference and the new Austrian Pharmacopœia is in accordance with the same decisions, except the points concerning which the Austrian Government had announced its intention to make reservations. The Pharmacopœia Commission of the United States has, on many points, been inspired by the same decisions.

Under the circumstances, it seems highly desirable that all the Governments should, without delay, enter into an engagement with which some of them have already complied in full.

I beg your excellency to accept, etc.,

BN. MONCHEUR.

Acting Secretary of State Bacon to the Belgian Minister.

No. 378.]

DEPARTMENT OF STATE,
Washington, August 1, 1906.

SIR: Replying to the inquiry in your note of June 26 last, I have the honor to inform you that the United States is ready to proceed with the signature of the instrument intended to give diplomatic sanction to the resolutions of the Brussels conference for the unification of the formula of heroic medicines, with the reservation that the United States does not assume from the signing of the said instrument any obligation other than that of exerting its influence, when the American Pharmacopœia is next revised, to have it agree with the instrument; and with the further understanding that the reservation of the British Government of "the right to make in the

provisions of the present arrangement such minor changes as may be required, from time to time, by the advance of the sciences of medicine and pharmacy," be extended to all the signatories, as suggested in your note.

Accept, etc.,

ROBERT BACON.

The Belgian minister to the Secretary of State.

[Translation.]

No. 567.]

LEGATION OF BELGIUM,
Washington, November 3, 1906.

MR. SECRETARY OF STATE: I have the honor to inform your excellency that the several States concerned, except Bulgaria, Roumania, and Sweden, have notified my Government that they are ready to proceed with the signature of the projet of arrangement for the unification of the formula of heroic medicines under the reservations lastly formulated. The replies of the Bulgarian and Swedish Governments will undoubtedly reach the Government of the King at an early date. As for Roumania it greatly regrets that, on grounds of procedure, it has found it impossible to adhere to the said arrangement.

The department of foreign affairs has ordered a reprint of the text of the projet of arrangement and procès verbal of signature with the modifications I brought to your excellency's notice in my previous communications. Your excellency will please find four copies of that document herewith.^a

The procès verbal of signature previously communicated to the several countries contained a declaration formulated by the United States in the following words:

The Pharmacopœia of the United States being subject to periodical revision by a commission over which the American Government has no control, that Government is not in position to enforce the present arrangement, but being disposed, in principle, to adhere thereto, it engages to exert its influence to have the Pharmacopœia of the United States agree with the said arrangement in all its essential points. The Minister of the United States of America proceeds with the signature of the instrument, subject to this declaration and under that reservation.

The wording, as your excellency will see, has been changed in accordance with the text transmitted on your official note of the 1st of August last. The second reservation made by your excellency in your communication dated on the same day has also been compiled with. Indeed your excellency will notice that at the end of the procès verbal it is expressly declared that the signatory powers declare they agree to admit that the right adverted to in the first reservation formulated by the Government of His Britannic Majesty appertains to all the signatory governments.

The reservation of Austria concerning *opii pulvis*, provisionally mentioned in the schedule I had the honor to transmit to your excellency under date of May 8, 1904, was inserted in the procès verbal of signature at the request of the Austrian Government.

^a Not printed.

On the other hand, the Russian Government, in forwarding its adhesion, expressed a desire that it be understood that the contracting States which may avail themselves of the right of making in the provisions of the arrangement such minor changes as may from time to time be required by the advancement of medical and pharmaceutical science, shall reciprocally acquaint one another with such changes.

It seemed that this wish could meet with no objection on the part of the contracting countries and a clause in that sense has therefore been added to the procès verbal of signature.

I further have to point out that, at the request of Austria-Hungary, the words "Governments" or "contracting parties" have been substituted in articles 1, 2, 3, 4, and 5 for the words "States" or "countries" which appeared in the original text.

Lastly, instead of fixing a date for the enforcement of the arrangement, it seemed preferable to stipulate that it shall go into effect one month after the date of signature. It is thus provided in the new article 5.

My Government hopes to be shortly in position to submit to the several powers propositions in regard to the date of the signature of the diplomatic instrument under consideration. In its communication to the Governments of Bulgaria and Sweden urging an early final reply, the Government of the King advised them that the date would probably be selected in the second half of the coming month of November.

Accept, etc.,

BN. MONCHEUR.

Minister Wilson to the Secretary of State.

No. 142.]

LEGATION OF THE UNITED STATES,
Brussels, December 20, 1906.

SIR: I have the honor to report the signing on November 29 last of the "Arrangement pour l'Unification de la Formule des Médicaments Héroïques" by all the represented powers, except Portugal, whose plenipotentiary, under instructions from his Government, declined to affix his signature.

It will be observed that the reservation which I made, according to your instructions, have been duly noted in the agreement and procès verbal of signature.

I transmit herewith a certified copy of the agreement, together with three additional copies, and a certified copy of the procès verbal, together with three additional copies.

I have, etc., etc., etc.,

HENRY LANE WILSON.

[Inclosure.—Translation.]

Agreement respecting the unification of the pharmacopœial formulas for potent drugs.

The Governments of Great Britain, Germany, Austria and Hungary, Belgium, Bulgaria, Denmark, Spain, the United States of America, France, Greece, Italy, the Grand Duchy of Luxemburg, Norway, the Netherlands, Portugal, Russia, Servia, Sweden, and Switzerland, having recognized the utility of concluding an agreement with a view to the unification of the pharmacopœial formulas for

potent drugs on the basis indicated in the final protocol signed on the 20th September, 1902, as a result of the conference held at Brussels, the undersigned, duly authorized thereto, have agreed upon the following stipulations:

ARTICLE 1.

The medicinal substances inscribed in the table given below shall be designated in the Pharmacopœia published by each of the contracting Governments by the Latin names employed in this table and shall conform with the directions indicated in the column opposite.

Latin names and synonyms of drugs and preparations.	Pharmaceutical directions.
Aconitum napellus (L.) Aconiti tuber seu Tuber aconiti.....	Use only the tuber of the current year, dried. Powdered drug to be used entire, without separation of residue.
Aconiti tinctura seu Tinctura aconiti.....	Prepare by percolation with alcohol (70 per cent by volume). Tincture to be standardized to 0.05 per cent of total alkaloids.
Atropa belladonna (L.) Belladonnae folium seu folium belladonnae.....	Use only the leaf, dried. Powdered drug to be used entire.
Belladonnae tinctura seu Tinctura belladonnae.....	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent).
Belladonnae extractum seu Extractum belladonnae.....	Prepare a solid extract (containing about 10 per cent of water) by means of alcohol (70 per cent).
Colchicum autumnale (L.) Colchici semen seu Semen colchici..... Colchici tinctura seu Tinctura colchici.....	Use only the seed. Strength 10 per cent. Prepare by percolation with alcohol (70 per cent).
Digitalis purpurea (L.) Digitalis folium seu Folium digitalis.....	Use the leaf of the second year. Powdered drug to be used entire.
Digitalis tinctura seu Tinctura digitalis.....	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent).
Uragoga ipeacuanha. <i>Baill.</i> Ipeacuanhae radix seu Radix ipeacuanhae.....	Powder only the root-bark, rejecting the woody portion. The powder should have an alkaloidal strength of 2 per cent.
Ipeacuanhae tinctura seu Tinctura ipeacuanhae.....	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent).
Ipeacuanhae sirupus seu Sirupus ipeacuanhae..... Hyoscyamus niger (L.) Hyoscyami folium seu Folium hyoscyami..... Hyoscyami tinctura seu Tinctura hyoscyami.....	Prepare with 10 per cent of the tincture.
Hyoscyami extractum seu Extractum hyoscyami.....	Use only the leaf. Strength 10 per cent. Prepare by percolation with alcohol (70 per cent).
Strychnos nux vomica (L.) Strychni semen seu Semen strychni seu nux vomica. Strychni tinctura seu Tinctura strychni; Nucis vomicae tinctura seu Tinctura nucis vomicae.	Prepare a solid extract (containing about 10 per cent of water) by means of alcohol (70 per cent).
Strychni extractum seu Extractum strychni; Nucis vomicae extractum seu Extractum nucis vomicae.	Alkaloidal strength (of powdered drug) 2.5 per cent.
Opil pulvis seu Pulvis opil.....	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent). Alkaloidal strength 0.25 per cent.
Opil extractum seu Extractum opil..... Opil tinctura seu Tinctura opil.....	Prepare by means of alcohol (70 per cent). Alkaloidal strength 0.16 per cent.
Opil tinctura crocata seu Tinctura opil crocata seu Landanum sydenhami. Opil et ipeacuanhae pulvis compositus seu Pulvis doveri. Opil tinctura benzolea seu Tinctura opil benzolea. Strophanthi tinctura seu Tinctura strophanthi.....	Powder to be dried at 60° C. Strength in morphine 10 per cent.
Sclerotium claviceps purpae <i>Tul.</i> seu Claviceps purpureae <i>Tul.</i> sclerotium. Secale cornutum seu Ergotum secale.....	Strength in morphine 20 per cent.
Secalis cornuti extractum seu Extractum secalis cornuti; Ergoti extractum seu Extractum ergoti.	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent). Strength in morphine 1 per cent.
	Strength in morphine 1 per cent.
	To contain 10 per cent of Pulvis opil.
	Strength in morphine 0.05 per cent.
	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent). Seeds not to be freed from fat.
	Ergot to be not more than one year old and kept whole.
	Prepare a watery extract and make up with alcohol (60 per cent).

Latin names and synonyms of drugs and preparations.	Pharmaceutical directions.
Secalis cornuti extractum fluidum seu Extractum fluidum secalis cornuti; Ergoti extractum fluidum seu extractum fluidum ergoti.	Strength 100 per cent.
Acidum hydrocyanicum dilutum.....	Strength 2 per cent.
Laurocerasi aqua seu Aqua laurocerasi.....	Strength 0.10 per cent.
Amygdalae amarae aqua seu Aqua amygdalae amarae.	Strength 0.10 per cent.
Phenoli solutio seu Aqua phenolata.....	Strength 2 per cent.
Arsenas sodii seu Sodii arsenas; Arsenicum natrium seu Natrium arsenicum.	The crystallized salt, containing 36.85 per cent of arsenic acid.
Arsenicalis liquor Fowleri seu Liquor arsenicalis Fowleri seu Kali arsenicosi liquor.	Strength in arsenious acid 1 per cent.
Ferri iodidi sirupus seu Sirupus iodeti ferrosi seu Sirupus ferri iodati.	Strength in anhydrous ferrous iodide 5 per cent.
Cantharidis tinctura seu Tinctura cantharidis.....	Strength 10 per cent. Prepare by percolation with alcohol (75 per cent).
Iodi tinctura seu Tinctura iodi.....	Strength 10 per cent. Prepare with alcohol (95 per cent).
Lobellae tinctura seu Tinctura lobellae.....	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent).
Cocainum hydrochloricum.....	The anhydrous salt.
Hydrargyri unguentum seu Unguentum hydrargyri.	Strength 30 per cent.
Antimonialia vinum seu Vinum antimoniale; Stibiatum vinum seu Vinum stibiatum.	Strength in tartar emetic 0.40 per cent.

ARTICLE 2.

So far as regards substances other than those which appear in the table contained in article 1, and which may hereafter be included in the pharmacopœias, the contracting Governments undertake that the following rules shall apply:

(a) No potent drug shall be directed to be prepared in the form of a medicinal wine (*vinum*).

(b) Tinctures of potent drugs shall be directed to be prepared of the strength of 10 per cent and by percolation.

(c) Fluid extracts of potent drugs shall be prepared of the strength of 100 per cent.

ARTICLE 3.

The contracting Governments shall adopt a normal drop measure, the external diameter of whose outlet tube shall be exactly 3 millimeters; that is to say, which, at a temperature of 15 degrees centigrade and with distilled water, shall yield 20 drops to the gram.

ARTICLE 4.

Governments which have not taken part in the present agreement shall be allowed at their own request to signify their adhesion to it. Such adhesion shall be notified, through the proper diplomatic channel, to the Belgian Government, and by it to the other signatory Governments.

ARTICLE 5.

The present agreement shall come into force one month after the date of its signature. It is understood, nevertheless, that the stipulations of articles 1, 2, and 3 shall not become binding upon any one of the contracting parties until the publication of a new issue, or of a supplement, of its Pharmacopœia.

ARTICLE 6.

In case one or other of the contracting parties shall denounce the present agreement, such denunciation shall take effect only so far as regards itself, and then only six months after the day upon which such denunciation shall have been notified to the Belgian Government.

In witness whereof the undersigned have signed the present agreement.

Done at Brussels, the 29th November, 1906, in a single instrument, of which an exact copy shall be delivered to each of the signatory Governments.

[Here follow signatures.]

PROCÈS VERBAL OF SIGNATURE.

The undersigned, duly authorized, have met together on the 29th November, 1906, at the Belgian ministry for foreign affairs in order to proceed to the signature of the act intended to give diplomatic sanction to the resolutions adopted by the conference which assembled at Brussels in the month of September, 1902, with a view to the unification of the pharmacopœial formulas for potent drugs.

At the moment of affixing their signatures to the said act, the representatives of Germany, Austria-Hungary, the United States of America, Great Britain, Portugal, and Sweden have formulated, in the name of their respective Governments, the following reservations:

I.—*Reservations formulated by the German Government.*—The Imperial Government does not impose upon itself, by the fact of signing the present agreement, any other obligation beyond that of exercising its influence, when the proper time arrives—that is to say, at the date of the next revision of the German Pharmacopœia, in order to bring the latter into conformity with the present agreement.

At the same time, the Imperial Government reserves to itself the right of introducing into the stipulations of this agreement any modifications which, on the one hand, appear necessary in order to take account of the progress of medical and pharmaceutical science, and which, on the other hand, may be desirable from the point of view of the unification of the German Pharmacopœia.

II.—*Reservations formulated by the Austrian Government.*—So far as regards *opii pulvis* the Austrian Government reserves to itself the right of permitting the sale of the pure drug containing, as a maximum, 12 per cent of morphine.

III.—*Reservations formulated by the Government of the United States of America.*—The Government of the United States does not assume by the fact of signing the present agreement any other obligation beyond that of exercising its influence in order that, at the next revision of the American Pharmacopœia, the latter may be brought into harmony with the said agreement.

IV.—*Reservations formulated by the Government of His Britannic Majesty.*—The Government of His Britannic Majesty declares that it reserves the right of introducing into the stipulations of the present agreement such modifications in detail as the progress of medical and pharmaceutical science may render necessary from time to time.

The Government of His Britannic Majesty further declares that it reserves the right of adhering to the agreement and of denouncing it, with reference to each of the British colonies or possessions separately.

V.—*Reservations formulated by the Portuguese Government.*—The resolutions of the international conference held at Brussels for the unification of the pharmacopœial formulas of potent drugs shall be applied in Portugal. Nevertheless the vernacular Portuguese name of each substance shall appear in the text of the pharmacopœia, and shall be adopted as the primary denomination; one of the Latin names inscribed in the table contained in article 1 of the present agreement shall be used as the first synonymous denomination.

VI.—*Reservations formulated by the Swedish Government.*—1. The denominations of the potent drugs enumerated in the present agreement differing entirely from those employed in the Swedish Pharmacopœia shall not be inscribed in the text itself of that Pharmacopœia, but shall appear in a special supplement to the new issue of the Pharmacopœia which is in course of preparation;

2. The denomination of the medicinal wine *vinum glycyrrhizæ opiatum* shall be maintained in Sweden;

3. As the preparation of tinctures of drugs by percolation involves an increase in the price of these products, this method seems not altogether suitable for employment in a general manner.

At the moment of proceeding to the signature of the present procès verbal the undersigned declare themselves in accord in recognizing that the right referred to in the first reservation formulated by the Government of His Britannic Majesty is acquired by all the signatory Governments.

* The Government of the Grand Duchy of Luxemburg has declared that Luxemburg, which, by arrangement with Germany, has adopted the German Pharmacopœia, has signed the agreement under the reservations formulated by the German Government.

It is understood that the contracting parties which exercise this right will inform each other, reciprocally, through the intermediary of the Belgian Government, of any modifications introduced into the stipulations of the agreement.

In witness whereof the undersigned have drawn up the present procès verbal.

Done at Brussels the 29th November, 1906, in a single instrument, of which an exact copy shall be delivered to each of the signatory Governments.

[Here follow signatures.]

INVESTIGATION OF AFFAIRS IN THE KONGO FREE STATE.

[Continued from Foreign Relations for 1905, p. 87.]

Acting Secretary of State Bacon to Minister Wilson.

No. 55.]

DEPARTMENT OF STATE,
Washington, March 2, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 64 [not printed], of the 15th ultimo, transmitting two copies of the full report in French, together with two translations in English, of the committee appointed to investigate the administration of the Independent State of the Kongo, which have also been received.

I inclose, for your information, a copy of a letter of the Secretary of State to the Hon. Edwin Denby concerning conditions in the Kongo Free State.

I am, etc.,

ROBERT BACON.

[Inclosure.]

The Secretary of State to the Hon. Edwin Denby.

DEPARTMENT OF STATE,
Washington, February 20, 1906.

DEAR SIR: I have your letter of the 15th regarding the widespread feeling among your constituents that our Government ought to do something to bring about an international inquiry with a view to authoritative adjudication of the issues to which the conditions supposed to exist in the Kongo Free State are related.

Your inquiry expresses the difficulty in the way. It is not clear that the United States is in a position to bring about such an international inquiry and adjudication. We are parties to a general act for the suppression of the slave trade and the regulation of the firearms and liquor traffics in central Africa, but that act relegates and confines all power and functions to those ends to the several powers having possessions or spheres of influence in Africa. The United States has neither, and its participation in the general act was on the distinct understanding that we had no territorial or administrative interest in that quarter. Our only potential function is in relation to the search and capture of slave vessels within certain waters of the African coast, and no occasion has arisen to exercise that function.

We are not parties to the other more commonly cited general act of the Kongo (signed at Berlin on February 26, 1885). Our treaty relation to the Kongo State is that of one sovereign to another, wholly independent of any relations created by or deducible from the general act of Berlin, which applies only to its signatories. It is questionable whether the treaty rights of the signatories extend to intervention by any one or more of them in the internal affairs of any of them. The Kongo State absolutely denies any right on their part to intervene in its affairs, and none of the other signatory powers appears to controvert that denial. However this may be, it is certain that the United States has no treaty right of intervention. We could not rightfully summon or participate in any international conference looking to intervention, adjudication,

or enforcement of a general accord by other African powers against the Kongo State.

Moreover, we are without opportunity or power to investigate conditions in the Kongo. We have no diplomatic or consular representatives in that country. We could not send anyone there except with the consent of the Government of the Kongo—to do otherwise would be an invasion of its sovereignty. Other powers, being parties to the general act of Berlin, have made investigation through their authorized representatives, and the Kongo Government also has sent investigating commissions. The information we have on the subject of Kongo misrule comes at second hand through opposed channels.

Whenever complaint has been made by American interests in the Kongo that the administrative conditions there impair American rights or endanger American establishments the matter has been brought promptly and forcibly before the Kongo Government and has been met with the assurance of investigation and, if substantiated, full redress. In taking this course we act within our sovereign rights, directly and without subordinating them to the judgment of any third parties. So far as we have rights of our own in the Kongo, it would be impossible to submit them to an international conference.

I most sincerely wish that some way could be found by which the whole of central Africa could be rightly administered by the several powers ruling or exercising a controlling influence therein, so as to realize the intention of those powers when they framed the general act of the Kongo. Much may be, and doubtless is, desirable in the way of good government in that vast region elsewhere than in the Kongo. If the United States had happened to possess in Darkest Africa a territory seven times as large and four times as populous as the Philippines, we, too, might find good government difficult and come in for our share of just or unjust criticism. No such responsibility falls upon us. That pertains to the powers who have assumed control and undertaken, by mutual agreement, to regulate its exercise.

Very truly, yours,

ELIHU ROOT.

HON. EDWIN DENBY, M. C.,
Washington, D. C.

Minister Wilson to the Secretary of State.

[Extracts.]

No. 70.]

LEGATION OF THE UNITED STATES,
Brussels, March 5, 1906.

SIR: I have the honor to inclose, under separate cover, a copy of a treatise^a upon the administration of the Independent State of the Kongo, by Félicien Cattier, professor of the University of Brussels. The publication of this book has created a profound sensation in Belgium and has called out an animated discussion by the press and spirited debates in the Belgian House of Representatives.

On February 20 the leader of the Socialist party, Mr. Vandervelde, interpellated the Government as to its attitude toward the charges contained in Mr. Cattier's book and made his interpellation the occasion for a fierce and eloquent attack upon the administration of the Kongo.

Making Mr. Cattier's book the text of his speech, Mr. Vandervelde directly charged the Kongo administration with the maintenance of the institution of domestic slavery in the Kongo regions; with cruel and barbarous practices toward the native tribes; with a system of taxation amounting practically to confiscation; with violation of the stipulations of the treaty of Berlin guaranteeing

^a Not printed.

equal trade facilities and rights to all nations; with perversion of the revenues derived from Belgian loans to the Kongo to the King's private exchequer; with subornation of the press, and the maintenance of an organized bureau of corruption. It is regarded here as peculiarly significant and as confirming in a large measure the serious charges contained in the book of Mr. Cattier, that after interpellation the Government should have made no reply to his radical and serious charges, except in the way of simple denial.

After some days of discussion, Mr. Beernaert, minister of state and conservative deputy, offered the following resolution:

The House, in harmony with the ideas governing the foundation of the Independent State of the Kongo by the act of Berlin, renders homage to all those who have devoted themselves to this work of civilization, and in view of the conclusions of the commission of inquiry into the administration of the State of the Kongo, and relying upon the improvements which the commission on reforms is at present studying, and also upon the future execution of the same, decides to proceed without delay to the consideration of the project of law of August 7, 1901, for the administration of the colonial possessions of Belgium.

It is to be noted that the resolution of Mr. Beernaert was adopted after the House had rejected an amendment to that motion calling upon the administration of the Kongo for all documents, accounts, and reports bearing upon the matters in debate for the information of Congress.

The debates had in the House, the trend of expression in the press, the discussions in clubs, literary organizations, and at social gatherings indicate that Cattier's book has crystallized the spirit of discontent with the administration of the Kongo which has been for a long time prevalent, but without the opportunity of utterance.

While Mr. Cattier's book is too voluminous to permit of a full translation by this legation, a general outline may be found useful.

The author starts out with a statement that the existing maladministration of the Kongo is due essentially to the initial error of attempting to administer the finances of a colony for the welfare of interests in the motherland rather than for the good of the colony itself.

The character of the administration is thus described:

The clearest and most incontestable truth resulting from this study is that the State of the Kongo is not a colonizing State; that it is scarcely a State at all; it is a financial enterprise. The primary objects of those in control of its administration have been financial, viz:

Increased revenue by taxation; rapid drainage of the natural richness of the country; the construction of such public works only as would increase the productivity of the soil, such was the policy of the State. All beyond that has been simply subsidiary. The colony has been administered neither in the interests of its inhabitants, nor yet in the economical interests of Belgium. Procure for the sovereign King a maximum of revenue, this has been the inspiration of the Government's zeal.

Nor, according to the evidence offered by Mr. Cattier, does the Government appear to have been very scrupulous in its choice of the means of enlarging the Kongo revenue. He states that the stipulations of the Berlin conference guaranteeing free commerce to all nations have been nullified:

Free commerce does not exist in the Kongo, in any of the five regions just enumerated, and which form the total area of the territory of the State.

Relative to the recruiting of workmen and soldiers by force, Cattier says:

Generally the most tender course of procedure consisted in the purchase of domestic slaves from the native chiefs, who were taken to the stations chained together with iron collars.

The following letter, published by Consul Casement in his report, is worthy of production in this connection:

"The chief N'Gulu, of Wangata, is sent to Maringa to buy slaves for me. I beg the agents of the Abir (a commercial organization) to kindly report to me any wrongs he may commit while en route.

"(S.)

SARRAZZYN.

"The Commandant,
"Coquilhatville, May 1, 1896."

It is admitted that since 1896 there has been an improvement in many ways, but the author states, and seems to prove, that taxation has steadily increased and is now exorbitant.

According to the figures of author, the taxation of the native population of the Kongo during the six years passed has amounted to 55.3 per cent of all visible resources.

The rate of taxation for adjacent African colonies is shown to be as follows:

British East African Protectorate, 1902-3, 1.6 per cent; 1903-4, 6 per cent.

German East African Colony, 15 per cent.

Kameroun, 3.5 per cent.

French Kongo, 4 per cent.

Mozambique Company, 11 per cent.

Every native of Mongola yields an annual profit into the treasury of the Kongo companies or to the royal exchequer of 756 francs (\$152).

But—

Continues Mr. Cattier—

one of the strangest creations of the sovereign King is the judicial person to whom is given the name of "Domain of the Crown." The domain of the crown was established by a secret decree of March 8, 1896, and was not made public before 1902; in that year an abstract of the decree appeared in the Official Bulletin, together with one of a new decree of December 23, 1901. The texts of these two royal decrees have not been made public, and it is not yet known whether the decree of 1901 simply made additions to the patrimony of the domain of the crown, or whether it completes and modifies its organization. The abstract of the two decrees published in the Official Bulletin gives no details.

The area of the domain of the crown, as shown by Mr. Cattier, is immense:

Calculated with the greatest care, it amounts to 289,375 square kilometers, which is a territory equal to ten times the area of Belgium, to half the area of France, and 2½ times that of England. It covers more than one-fourth of the rubber zone worked during the last ten years (1,026,875 square kilometers).

The revenue of the domain of the crown from 1896 to 1905 makes an enormous total. Mr. Cattier makes two estimates of the sum total, obtaining, respectively, 80,738,000 francs and 85,270,000 francs. The revenue of the domain for that period may therefore be moderately estimated at 70,000,000 francs.

The purposes for which this large accumulation of money was designed was to some extent explained by the prime minister, Count

de Smet de Naeyer, in the Belgian House of Representatives, July 3, 1903. He stated that the present object was the creation and endowment of public institutions and works in Belgium, as well as in the Kongo, it being the ultimate purpose to extend the benefits and privileges now held exclusively by the King to Belgium, and eventually to incorporate the Kongo with Belgium.

Mr. Cattier also presents evidence that the domain of the crown has purchased in the districts of Brussels and Ostend property valued at about 25,000,000 francs.

Commenting on these expenditures, Mr. Cattier says:

It would be a fundamental error to admit that the finances of a colony are not to be administered in its exclusive interest and solely for its development. Even if the revenues of the domain of the crown had been obtained without abuses and without crimes, the sovereign King should not have the right to expend them in luxurious works in Belgium. Belgium is rich enough to bear the expense of all her useful and necessary works.

Moreover, upon occasions when reforms have been demanded, the government of the Kongo, while admitting their necessity, has declined to realize them on the ground of poverty. Its budget has been closed with a deficit while millions belonging to the same were wasted in Belgium in the execution of works of luxury, in the purchase of consciences, and in dubious and dark dealings.

Analyzing the State of the Kongo budget, Mr. Cattier says:

If we compare the receipts of the State with the expenses, ordinary and extraordinary, the acknowledged deficit is only 27,000,000 francs. Nevertheless, the nominal capital of loans of all kinds made amounts to 130,000,000. The State has thus borrowed 130,000,000 to cover a deficit which by its own estimate amounts to 27,000,000.

Relative to the difference between the official statements of the Kongo government and the report of the commission of inquiry, Mr. Cattier says:

Nothing is more striking than the contrast between the official statements of the Kongo government and the report of the commission of inquiry:

“Report of the secretaries-general to the sovereign King.”

JULY 15, 1900.

“The judiciary statistics demonstrate the vigilance exercised by the investigating magistrates, in ascertaining infractions of the law, and their efforts are so directed as to lead to the punishment of all offenses.”

“Report of the committee of inquiry.”

“The offenses committed under the compulsory system have rarely been referred to justice.”

The book of Mr. Cattier gives several illustrations like the above of the difference between the official reports and the report of the committee on inquiry.

Relative to government employees and agents, Mr. Cattier says:

The Kongo State dispenses systematically with the services of the most distinguished of its agents. Valuable services rendered, instead of gaining the recognition and approval of the administration, only engender suspicion, and eventually bring about retirement. Not a single distinguished colonial was placed upon the recently organized reform commission.

Speaking of the attitude of the press toward the Kongo State, Mr. Cattier alleges the existence of a press bureau, and says:

This organization prepares most of the articles appearing in the newspapers friendly to the Kongo State. It is only fair to admit that certain Belgian newspapers belonging to the three great political parties have resisted the solicitations of the Kongo officials, and refused the gold of the domain of the

crown. The State has thought it wise and proper to remunerate not only the devotion of newspapers and magazines, but also that of certain correspondents and reporters.

Commenting upon the evidence against the Kongo administration which has recently been accumulated, Mr. Cattier says:

Whosoever would have a year ago charged a tenth part of the facts now definitely established would have exposed himself to prosecution and would have found it practically impossible to prove his accusations. His conscience might have absolved him, but the judges would have convicted him.

That his motives in formulating the charges contained in his book may not be misunderstood, Mr. Cattier says:

To avoid any misunderstanding of my intentions, I wish to declare formally that I have been guided in the work I have presented by a double conviction—I believe that under prevalent political conditions in Europe the monarchical form of government is that which best serves the interests of the people. I firmly believe that not only is the Kongo useful and necessary to Belgium, but that the latter could not decline to accept its incorporation without incurring the charge of moral decadence and incapacity.

While Mr. Cattier does not demand the abandonment of the Kongo, he believes that the present régime of operating it through the juridical person, called the domain of the crown, should be abolished, and that free commerce should be established.

The salvation of the natives and the economical prosperity of the State can be obtained only in this way.

The author pronounces himself categorically for the annexation of the Congo to Belgium:

Immediate annexation is the sole honorable issue of the present situation. This question will demand solution very soon under difficult circumstances for the dynasty, when the problem of the succession to the thrones of Belgium and the Kongo must be determined. To-day the whole matter might be adjusted without danger.

It is probable, on account of the great interest taken in the Kongo question in England, that an English translation of Mr. Cattier's interesting work will be made. If I learn of the existence of an English translation I will obtain the same and forward it to the department.

I have, etc.,

HENRY LANE WILSON.

The Belgian minister to the Secretary of State.

LEGATION OF BELGIUM,
Washington, March 6, 1906.

DEAR MR. SECRETARY OF STATE: I have the honor to inform you that I cabled to the government of the Kongo Free State in Brussels a summary of your letter of February 20, 1905, to the Hon. E. Denby, M. C., concerning conditions in the Kongo.

The King's secretary-general for the foreign affairs of the Kongo Free State now instructs me to thank you for that expression of your learned opinion on the subject.

I take great pleasure in doing so at once, and I beg, etc.,

BR. MONCHEUR.

Mr. Henry Lane Wilson to the Secretary of State.

No. 74.]

AMERICAN LEGATION,
Brussels, March 15, 1906.

SIR: In acknowledging the receipt of the department's No. 55, of March 2, inclosing a copy of a letter of the Secretary of State to the Hon. Edwin Denby concerning conditions in the Kongo Free State, I have the honor to report that this letter had, prior to the receipt of the department's No. 55, been given general circulation by the Belgian press. The full text has been printed by almost every respectable newspaper in Belgium, and the editorial comments have been uniformly expressive of high appreciation and approval of the position assumed by Mr. Root.

I inclose a copy and translation of an editorial excerpt from *Indépendance Belga*, the leading daily paper of Brussels, and also a translation of a part of an article by Kurt Wolff in the German magazine *Handel und Industrie*, bearing upon the subject treated by Mr. Root in his letter to Mr. Denby. (Not printed.)

The Kongo Government are greatly pleased with the attitude of the United States, as outlined by Mr. Root, as it has recently had to meet attacks not only from foreign sources but also from Belgium. It has issued a pamphlet in English containing Mr. Root's letter, and has had the same translated into French and German.

I have, etc.,

HENRY LANE WILSON.

Minister Wilson to the Secretary of State.

No. 79.]

AMERICAN LEGATION,
Brussels, March 20, 1906.

SIR: In inclosing to the department the last number of *La Vérité sur le Congo*, I beg to call attention—in connection with my No. 70—to an English translation of the reply of Baron de Favereau, Belgian minister for foreign affairs, to the interpellation of Mr. Vandervelde, the leader of the Socialist party. It will be noted by the department that the line of argument adopted by the Belgian minister is in some measure identical with that contained in the letter of the Secretary of State to Mr. Denby.

There is likewise in the magazine an English translation of an article upon colonial courts which the department may find of interest.

I have, etc.,

HENRY LANE WILSON.

[Inclosure.]

THE KONGO STATE IN THE BELGIAN PARLIAMENT—SPEECH BY MR. DE FAVEREAU,
MINISTER FOR FOREIGN AFFAIRS.

[From *La Vérité sur le Congo*, March 15, 1906.]

The interpellation of the socialist deputy, Mr. Vandervelde, on the relations which unite Belgium to the Kongo was discussed in the Belgian Chamber on the 20th, 27th, and 28th of February. Mr. de Favereau, minister for foreign affairs in Belgium, had no trouble in proving that the Belgian Government

has no more the right of intervention than any other foreign government in the internal administration of the Kongo State, an independent and sovereign power. We reproduce his speech:

"GENTLEMEN: The Hon. Mr. Vandervelde has just now asserted that the circumstances under which he has just put consecutive questions to the Government concerning the administration of the Kongo has never been more favorable to the cause which he upholds.

"This assertion surprises me, gentlemen, for if ever an interpellation has appeared to me as being opportune it is undoubtedly this one. As a matter of fact, gentlemen, we see that the Free State is manifesting its most earnest desire to investigate the shortcomings and defects of its administration together with the remedies and improvements which are necessitated by the circumstances.

"It is just at the time when the Kongo Free State has instituted a commission to inquire into the charges which have been directed against it, at the time when it is publishing the results of this investigation, at the time when it has appointed a commission to study the practical reforms, yes, it is just at this time that the honorable member associates with a scandalous press campaign which has not shrunk from resorting to libel.

"Gentlemen, these are the points on which the Hon. Mr. Vandervelde desired to question the Government:

"(1) The duties of Belgium as signatory power to the act of Berlin of 1885; (2) drawbacks for Belgium for a system of personal union with the Kongo Free State; (3) officers and officials paid by Belgium and placed at the disposal of the Free State.

"The questions were thus most cleverly put. The honorable member, if acquainted with the juridical relations mutually existing between Belgium and the Kongo, knows that there are two distinct governments, and that we can not be held responsible for acts in which we have not taken part. This is also why he has chosen the three points which I have indicated, which are not the real object of the interpellation but are only to serve as a pretext, since he could not bring the Free State to account without seeking to engage the responsibility of the Belgian Government. And he thus delivered a speech before this tribune in which the grievances were set forth with a spirit of parti pris and sadly exaggerated.

"What is our claim to the right of intervention in the internal affairs of the Free State? The Hon. Mr. Vandervelde has quoted article 6 of the general act of Berlin. This provision is couched in the most general terms.

"Where does the honorable member find that the Berlin conference has given the signatory powers the mutual right of controlling the execution of the engagements contained in this article? If the Hon. Mr. Vandervelde knew anything about the protocol of these diplomatic sittings he would also know that the constant preoccupation of the plenipotentiaries assembled at Berlin was a desire to respect the sovereignty of the occupying powers in the basin of the Kongo. It would be contrary to all principles of international law to allow a government to intervene in the interior administration of a sovereign State.

"The duty of a possessory State in the conventional basin is to realize in its legislation the engagements which it has contracted by adhering to the act of the conference of Berlin. But when the legislation of this State has complied with the provisions of such act it has fulfilled the obligations which it has contracted.

"Has the Kongo fulfilled this duty?

"The following is the opinion of a man whose competence in the matter is beyond suspicion. Lord Cranborne, under-secretary of state for foreign affairs in England, has not hesitated to acknowledge 'That the laws of the Kongo State leave little room for improvement. They are full of provisions with a view to protecting the natives against bad treatment and improving their material condition. There is no doubt that the administration of the Kongo Government has to a high degree been marked with a certain progress.'

"Gentlemen, you must please not lose sight of the fact that the territories of the State do not alone constitute the Kongo conventional basin; there are other possessory powers which by reason of the general terms of the act of Berlin would be submitted to the same obligations of control.

"If a similar contention, based on no precise text, were raised, it would evidently be contrary to the principles of international law, which were expressed with so much authority by the Duke of Wellington at the Congress of Verona:

“His Majesty’s Government is of opinion that to censure the interior conditions of the Free State, unless these conditions interfere with the essential interests of His Majesty’s subjects, is incompatible with the principles according to which the British Government has always acted in all questions relating to the interior affairs of other countries.”

“If, by right, we have no power to intervene in the internal affairs of the Kongo, as a matter of fact, as I mentioned before, our intervention would even, if possible, be still less justified.

“I have just reminded you that the Free State had ordered a thorough and conscientious inquiry to be made into its own administration. In this way it has only been following the example of other countries, who under similar circumstances have not hesitated to adopt a similar method of investigation.

“Does not the Hon. Mr. Vandervelde, who has read Mr. Cattier’s book, remember the passage in which the author acknowledges, ‘That it is only fair to add that the Kongo Government has, from this moment, seconded the commission of inquiry in every way.’

“The commission acknowledges this in its report by saying:

“During the whole of our stay in the Kongo the officials and agents of the Kongo, and also the commercial agents and missionaries of every denomination, have afforded us the utmost support.

“Every document which the commission considered might be useful in the elucidation of the truth, such as political reports, administrative or judicial documents, copies of letters, private correspondence, were handed to us immediately at our request, and in some cases spontaneously, without the commission having in a single instance to exercise the right of seizure conferred upon it.”

“Foreign governments have also paid a tribute to the sincere desire of the Kongo Free State to bring the whole matter to light.

“Lord Lansdowne wrote: ‘The memorandum which we have received from the Kongo Government proves that it is decided to bring the whole truth to light by all means that do not imply the intervention of a foreign power in the interior affairs of the Free State.’

“Thus you see that the fair way in which the commission has been instituted has been acknowledged not only by Belgium but also abroad, and more especially by England.

“The commission has, moreover, been composed, as the Hon. Mr. Vandervelde acknowledged himself, in the best way for the mission it had to fulfill.

“This was again acknowledged by the British Government in a letter which Lord Lansdowne wrote to Sir Constantine Phipps:

“The high position occupied by the members of this commission, together with their juridical competence, are conducive to the investigation being crowned with success and characterized by a perfect impartiality.

“After having appointed the commission the decree invests its members with the power to hear the necessary evidence and, if it is necessary, to commit to trial the offenses which have been established by the inquiry. His Majesty’s Government trusts that the broadest interpretation will be given to this provision of the decree, and that all the authorities in the Kongo will endeavor to facilitate the inquiry.”

“Such is the spirit of the inquiry which has been made in the Kongo with the help of all the officials to whom the commissioners applied. We have further evidence of this in the report which Mr. Harris, one of the most ardent and passionate opponents of the Kongo, after having been heard by the commission, sent to the British consul at Boma. This is what he wrote:

“We hardly think better or fairer men could have been chosen than Mr. Janssens, Baron Nisco, and Doctor Schumacher. The two secretaries, Mr. Denyn and Doctor Grégoire, are very good men, and we owe the latter a debt of gratitude for the patience and ability shown in translating.

“Mr. Janssens is a very brave man to undertake such a task at his age. This patience, whenever we desired to put a question to witnesses, was very marked. This applied, in fact, to every member of the commission.”

“Gentlemen, such is the tribute which one of the most determined opponents of Kongo administration paid to the work of the commission.

“The desire of the Free State to throw a true light on all the accusations which have been brought against its administration has thus been established by the fact of the commission being constituted, by its institution, by the way in which it has fulfilled its mission, and by its report. This desire has once

again been confirmed by the institution of a commission of studies, appointed to examine the recommendations of the commission of inquiry and the way of carrying them out. The Hon. Mr. Vandervelde has severely criticised the composition of the commission.

"It only numbers four members who are not interested in Kongo matters, and also numbers too many officials. But in a study of administrative reforms is it not necessary to apply to men who by their functions possess a knowledge of the question in view and are able to express their opinion on the expediency and applicability of the proposed reforms?"

"Would it not have been wiser and fairer to wait until the commission of inquiry had accomplished its work before condemning it?"

"In his speech the honorable member disregards what appears to me to be the chief point of the matter, namely, that it is impossible for a population to rise out of a state of barbarity in which it has been living for so many centuries, and which is morally lowered and degraded, without a considerable effort which is repugnant both to its nature and to its inveterate habits.

"The Hon. Mr. Vandervelde suggests to the Belgian Government different modes of action with regard to the Free State. I have given the motives which prevent our intervention, motives of right and de facto.

"You can, says the honorable speaker, withdraw the authorization given to the King in 1885 appointing him Sovereign of the Free State.

"You will understand that, when the proposal was made by the Hon. Mr. Beernaert in 1885, doubts were expressed on the consequences which this measure might have on the international situation of Belgium.

"These fears were at the time indorsed by both chambers, but as you know, gentlemen, these fears were scarcely entertained by our legislative assemblies and the bill was unanimously voted, minus one voice.

"But is there still reason for doubt, considering that after twenty years the union of these two crowns has caused no confusion, no error in the province of international relations?"

"Gentlemen, the personal union has caused no inconvenience, no confusion from an international point of view.

"The Hon. Mr. Vandervelde has spoken about a conflict which is said to have arisen between the Free State and England in the Bahr-el-Ghazal region. We fancy that the interpretation of the convention of 1894 has on several occasions given rise to an exchange of views between the two States. We do not know how negotiations stand at the present moment, but we have no reason to doubt that the two parties, in a common desire for conciliation, will solve the matter in a fair and satisfactory way.

"Recall," says the Hon. Mr. Vandervelde, "the officers and officials who are at the disposal of the State."

"Under the ministries, at all epochs of our history, the Belgian Government has consented to put its officers and officials at the disposal of foreign States, and we should refuse to lend assistance to a State founded by our Sovereign and for Belgium, whilst on the other hand we lend assistance to China and Persia and to the different countries who apply to us.

"No, gentlemen, no one will look at it in this light. The Kongo, for which the blood of our fellow countrymen has been shed, must remain a Belgian undertaking. * * *

"I shall not refer again to the way in which the Hon. Mr. Vandervelde has reviewed the report of the commission of inquiry. The honorable member has had time to prepare his speech, and has presented the report of the commission of inquiry under the most unfavorable aspect for the Kongo administration. All readers of the report will see that there is an intentional exaggeration on the part of the honorable member. * * *

"The honorable member forgets to say that the commission only demands the fair interpretation and application of the laws conferring on the blacks the possession of land which they occupy by authority of their chiefs. The importance of this conclusion will more especially appeal to you, as it implies that if the legislation had been applied in the proper spirit it would have prevented the occurrence of abuses pointed out in the report and which the honorable member has put before us.

"The obligation for the natives of having to gather different quantities of rubber, here 5 kilos, there 15 kilos * * * is considered by Mr. Vandervelde to be unjust.

"The honorable member forgets to add that if the commission has stated the fact, it has not, as far as I can remember, condemned it; this it could not do,

considering that all regions are not equally rich in rubber lianas, and that to compel the blacks to supply an equal quantity of rubber in all regions would be a most iniquitous and unjust proceeding.

"Mr. Cattier, who does not know the revenue of the crown 'domaine,' in order to arrive at an estimate has indulged in calculations based on different suppositions.

"Seventy to eighty millions is his estimate for the last ten years. This amount is evidently exaggerated. The very basis of the calculation is wrong. As a matter of fact, the different regions of the Kongo are not equally rich in rubber lianas. Mr. Cattier has, however, based his assertion on the total proceeds of the total collected throughout the whole extent of the state and crown 'domaine' territory.

"He moreover claims that the 'domaine' of the Crown has been exploited since 1896.

"This is a huge mistake and a new source of exaggeration; the exploitation of this 'domaine' is much more recent.

"It can thus be rightly stated that all these calculations and display of figures do not hold together.

"Here is another inaccurate figure.

"Mr. Cattier first, and then the Hon. Mr. Vandervelde, have contended that the loan, with prizes, has brought in fifty millions to the Kongo. But, gentlemen, I put it to you, is this assertion possible after the formal statement made only eight months ago by my honorable colleague of the finance department? The loan brought in at the utmost seven to eight millions.

"The Hon. Mr. Vandervelde has mentioned the project of shortly summoning an international conference. I do not know what project he is alluding to. To my knowledge there is at the present moment only a question of revising the convention of 1899 concerning the liquor traffic in Africa, according to the provisions and stipulated delays.

"Gentlemen, I conclude * * * by regretting that in the very heart of the Belgian Parliament a work such as the Kongolese enterprise, to which those who have devoted both soul and body all honor is due, should be attacked by a leader of one of the parliamentary parties, who thus furnishes weapons to those who are conducting a shameful press campaign against this grand work.

"I am very pleased to see that the chambers have decided to distribute a copy of the report to each one of the members of this assembly. What I ask the members is to peruse the report in a calm and unprejudiced manner and judge impartially, * * * to note the contents without parti pris.

"This great work is above mean attacks, both owing to the spirit which has guided it and the thought which dictates the improvements and reforms to be carried out.

"Thanks to the work of the commission of inquiry, thanks to the work of the the commission of studies, our future colony will be successfully endowed with an administration which will compare favorably with that of the best administered colonies."

Minister Wilson to the Secretary of State.

[Extracts.]

No. 85.]

AMERICAN LEGATION,
Brussels, April 24, 1906.

SIR: The department has been advised in my No. 70 of the agitation in Belgium against the present administration of the Kongo, of the debates in Parliament precipitated by the interpellation of Socialist and Liberal members, and of the rapidly growing sentiment in favor of the annexation of the Kongo to Belgium.

Soon after the publication of Mr. Cattier's book on the Kongo, and the debates and agitation following, Senator Wiener, the King's "avocat" and his special and most trusted adviser, was summoned to the Riviera, where the King has been passing the last four months,

for consultation and review of the existing situation. Senator Wiener returned to Brussels yesterday, and to-day paid me a visit for the purpose of discussing some method of allaying the severe and apparently unjust criticisms made by a certain portion of the American press of the administration of the Kongo.

As the opposition in Parliament are almost unitedly in favor of annexation, and as the Government will naturally throw its influence in favor of a policy agreeable to the King, it may be assumed that we are upon the eve of a definite and authoritative movement by all the Belgian political forces looking to the solution of the existing difficulties in the administration of the Kongo by its annexation and political incorporation with the Kingdom.

I have, etc.,

HENRY LANE WILSON.

Acting Secretary of State Bacon to Minister Wilson.

No. 61.]

APRIL 28, 1906.

SIR: I inclose a copy of a letter from Mr. A. McLean, president of the Foreign Christian Missionary Society, of Cincinnati, in which he complains that the officials of the Kongo Free State are not willing to sell land to the society for the location of schools, chapels, homes, and hospitals.

You are requested to inquire as to this matter, and report to the department the results of your investigation.

I am, etc.,

ROBERT BACON, *Acting Secretary.*

[Inclosure.]

Mr. A. McLean to the Secretary of State.

APRIL 16, 1906.

DEAR SIR: The Foreign Christian Missionary Society, the representative of the Disciples of Christ, has been engaged for some ten years in mission work on the Kongo. Our station is at Bolgeni. We wish to branch out, but the State officials are not willing to sell us any land upon which to erect schools and chapels and homes and hospitals. This is to confine our labors to one station. We believe that the action of the officials is in violation of the spirit if not the letter of the treaties. This society respectfully asks you to use your good offices to the effect that we may be able to buy land where needed in the prosecution of our work. We shall be very grateful to you for any assistance you may render us in this time of need.

On behalf of the society, I remain, etc.,

A. MCLEAN.

The Belgian minister to the Secretary of State.

[Extract.]

WASHINGTON, D. C., June 4, 1906.

DEAR MR. SECRETARY OF STATE: I am glad to take this opportunity of pointing out to your attention the fact that amongst the 15 members of the commission appointed by His Majesty to

devise the necessary reforms for the Kongo administration only two may be considered as owning financial interests in some of the Kongo companies. The bulk of the commission's membership is made up of experienced officials of the administration, both civil and military. Furthermore, the three most important members of the commission are Chief Justice van Maldeghem, of the supreme court of Belgium; Attorney-General Janssens, of the same court, who was president of the commission of inquiry sent out to investigate the conditions in the Kongo; and Associate Justice Nys, of the Brussels court of appeals, who is a member of the permanent court of arbitration of The Hague.

I beg to remain, etc.,

BN. MONCHEUR.

Minister Wilson to the Secretary of State.

[Extract.]

No. 99.]

AMERICAN LEGATION,
Brussels, June 14, 1906.

SIR: I have the honor to transmit herewith to the department two copies of the Bulletin Officiel de L'Etat Indépendant du Congo, containing in the French text the report of the committee on reforms in the Kongo State, the decrees carrying the same into effect, and a letter from His Majesty King Leopold addressed to the secretaries general.

I also inclose printed extracts in the English text of the decrees of the Sovereign, which have just been published in an English paper here. These decrees practically embody the whole of the measures advocated by the committee, and by the Sovereign's signature have de facto passed into law.

From a study of the decrees it will be noted that two important principles are laid down. The first of these secures to the natives the possession of the soil already occupied by them. The second principle prohibits the exercise of force in the collection of rubber, and substitutes therefor detention within certain limitations until the labor tax is discharged.

Concurrently with the issuance of the decrees His Majesty has published an open letter to the secretaries general, which is considered in diplomatic circles to amount to a manifesto to the powers. It certainly is susceptible of that interpretation, but it may also—and perhaps with more accuracy—be described as an autocratic declaration to the Belgian people.

Here follows a translation of the most significant parts of the King's letter:

I grant you the situation is without precedent and unique, but so also was the creation of the Free State. All the responsibilities and the organization of a government unfettered by other authority have been left to my care. The Kongo is essentially a personal undertaking. There is no more legitimate or honorable right than that of reaping the fruit of one's own labor. The powers accorded their good will to the birth of the new State, but not one was called upon to participate in my efforts; hence it follows that none has the right of intervention, which nothing could justify. The powers were duly notified of the choice made by the State as to the régime of neutrality and other limitations. No objections were raised at the time. The law of nations regulates the relations between sovereign powers; there is no special international law for the

Kongo State. The Berlin act made certain stipulations with respect to the conventional basin of the Kongo. These regulations apply equally to other states with holdings there, but they in no sense affect the rights of possession. The questions of territorial sovereignty—that is, precisely those which underlie the constitution of states—were expressly and by common accord omitted from the programme of the Berlin conference. My rights in the Kongo are indivisible; they are the product of personal labor and expense. You must miss no opportunity of proclaiming these rights; they alone can render possible and legitimate my bequest of the Kongo to Belgium, which has no title but what reverts to her through my person. If I allow them to be contested, Belgium would be deprived of any power to make good such title.

The letter cites the immense extension of internal communication by rail and water, and the great progress made in the moral and material welfare of the native population.

By a codicil, of which the text is published with the decrees, His Majesty confirms his bequest of the Kongo to the nation, and instructs his legatees to continue unchanged his administrative policy.

I have the honor, etc.,

HENRY LANE WILSON.

[Inclosure.]

Decrees of King Leopold to carry into effect reforms in the Kongo.

THE OCCUPATION OF THE LAND.

ARTICLE 1. The land belongs to the natives who inhabit, cultivate, or exploit it in conformity with local customs and usages according to the decree of September 14, 1886. The method of determining such rights shall be fixed by the governor-general, and the delimitation of the various territories shall be deposited in the archives of the district commissary.

ART. 2. The governor-general or district commissary shall, with a view of encouraging native industry, allot to each village a superficial area three times as large as that already occupied by such village.

Article 3 provides for certain contingencies in application of preceding clause.

ART. 4. The natives can not dispose of such land to third parties without the consent of the Government.

ART. 5. In order to encourage agriculture the governor-general will place at the disposal of natives certain seeds, plants, etc.

Article 6 defines the limits within which the natives may cut wood, fish, etc., on lands other than those occupied by them.

DIRECT AND PERSONAL TAXATION.

ARTICLE 1. Every adult and able-bodied male is required to pay taxes, either individually or collectively. The governor-general shall fix the amount payable according to local conditions. The total amount payable shall be not less than 6 francs nor more than 24 francs per annum. The tax is payable monthly, but latitude for payment is given in special cases. The native may pay either in kind or in labor. The district commissioners fix the article which shall be accepted in payment and the equivalent in cash; also the kind of work which will be accepted as payment, the rate per hour, the method of gathering the product, etc., but in such a way that the number of hours of labor shall in no case exceed forty per month per head.

ART. 2. Each year before September 1 the district commissioner shall assess the amount of taxes payable for the following year, and a supplementary census is made on March 1. Part or all of the tax may be remitted in special circumstances. Cattle and domestic animals are not accepted in payment unless by special permission, nor is the ordinary station labor. Payment may be enforced by chiefs of the district or state agents nominated by the governor-general and controlled by district commissioners. It may be effected either directly or with the cooperation of native chiefs. It is forbidden to arm "capitas" or sentries with breech-loading or improved rifles in enforcing

payments overdue. To encourage the taste for work the natives are remunerated on a given basis when delivering the products in kind or in exchange for their labor.

ARTS. 3 and 4. In case of refusal of payment in kind the native may be detained, with forced labor, until the amount has been worked off; such constraint may only be applied by the district commissioner or other authorized official, and can not exceed one month in duration. For repeated offenses the period may be extended to three months. A fortnight's notice for payment is given, and force is only applied at the end of a second fortnight. The arrest must be effected by the authorized tax collector, and only in case of default. A penalty of fines ranging from 100 francs to 2,000 francs is inflicted on any agent exceeding his functions, either by demanding an excess rate or using illegal means in obtaining payment.

COLLECTIVE TAXATION.

ARTICLE 1. Taxes may be made payable collectively under article 28 of the decree of November 18, 1903.

Article 2 establishes the rules for grouping the population and assessing the amount payable by each group.

Article 3 compels native chiefs to furnish lists of able-bodied taxpayers.

Article 4 refers to duties allotted to chiefs.

Article 5 defines limits within which constraint is applied.

Articles 6 and 7 deal with remuneration as per article 2 in personal taxation, and penalties for nonpayment as also therein laid down.

Articles 8 to 11 define individual responsibilities in respect of collective taxation, which are virtually the same as those already cited.

THE CARRYING OF ARMS.

Article 1 invests in the governor-general or his representatives the right of granting a license to carry arms; it may be specially stipulated that the permit only refers to certain places or establishments, and is not valid elsewhere. The number of permits for establishments directed by Europeans must not exceed twenty-five rifles of newest pattern. Requests for a license must explicitly state the object for which the rifle is destined. The use of breech-loading or improved rifles is forbidden to natives who are charged to carry on commercial operations with their fellow-countrymen.

ARTICLE 4. District commissioners are charged to control the proper use of arms granted under license. Any infraction of the rules is liable to punishment.

The decree regulating the establishment of state warehouses stocked with merchandise suited to native wants is contained in a single article. A credit of 300,000 francs (£12,000) is opened for this object.

NATIVE CHIEFDOMS

ARTICLE 1. Every native is reputed to form part of a group under the authority of a chief.

Article 2 defines the status of a chief as head of his village.

Articles 3, 4, 5, and 6 deal with nominations and investiture of a chief and the rights and duties of natives in respect to their tribe.

Articles 7 to 11 define the prerogatives of a chief, and his duties toward the central authority. His remuneration is fixed at a sum which can not exceed 5 per cent of the total remuneration granted to natives under article 2 already cited.

Article 12 defines the duties of a chief toward his people. He is responsible for good order in his village, and must report crime, epidemics, and other matters pertaining to the general welfare.

Articles 15 and 16 deal with penalties incurred by chiefs for nonfulfillment of their obligations.

Articles 17 and 18 relate to the service of native messengers.

HIRING SERVICE.

A native less than 14 years old can not be compelled to sign a contract for more than two years of ordinary work, and for three years of domestic service.

RECRUITING FOR THE PUBLIC SERVICE.

ARTICLE 1. The annual levy of soldiers is divided into two sections, of which the second includes those who are also employed on public works.

ART. 2. These recruits serve for a maximum period of five years, in one or several periods, and at completion are exempt from all similar obligations.

ART. 3. They are liable to civil penalties; revolt or desertion is punished by five years' penal servitude or a fine not exceeding 1,000 francs.

JUSTICE.

Tribunals.—ARTICLE 1. In addition to the common court (tribunal de première instance) in the Lower Kongo, similar courts are established at Leopoldville, Coquilhatville, Stanleyville, and Nyangara. The functions of magistrates are fulfilled by procureurs d'état, nominated by the sovereign. These magistrates are placed under the surveillance of a procureur-general, also nominated by the Sovereign. The procureur-general discharges the duties hitherto undertaken by the procureur d'état at the court of appeal.

ART. 2. The ordinary sessions shall be held at such places as may be fixed by the governor-general, who shall also determine the minimum number of such sessions.

ART. 3. In their respective departments the officers of the public ministry, doctors of law, shall exercise, according to a summary procedure and without the assistance of a recorder, the functions of a judge, within the limits laid down in article 6, whenever an ordinary court or territorial tribunal is not available for the purposes of justice.

Administrative powers.—ART. 4. The common courts have plenary power in civil and commercial as well as criminal cases, excepting where otherwise stipulated by law. Their decision is without appeal when the value at issue does not exceed 200 francs (£8). They are also entitled to pass sentence, to the exclusion of other courts and notably courts-martial, for misdemeanors or crimes committed by Europeans involving the death penalty.

ART. 5. Territorial tribunals take cognizance of (1) misdemeanors by non-Europeans, and (2) by Europeans when the penalty does not exceed five years or is only a fine.

ART. 6. Officers of the public ministry (magistrates) are competent to judge without appeal civil and commercial cases to the value of 100 francs and for crimes committed by non-Europeans in cases laid down in the penal code (clauses cited) and for misdemeanors for which the penalty does not exceed seven days or a fine of 200 francs.

ART. 7. In penal matters the judgments of higher courts are without appeal when offenses are committed by non-Europeans involving sentences of not more than seven days or a fine of 200 francs.

ART. 8. The court of appeals takes cognizance of verdicts given in the ordinary courts and in criminal cases of the verdicts passed in the higher courts.

ART. 9. The governor-general will determine by decree the territorial competence of the different courts of justice, the rule to be observed to fix their competency in civil and commercial cases, and the procedure to be followed by each.

POLICE AND MILITARY OPERATIONS.

ARTICLE 1 defines the term "police operations" as bearing on the maintenance of order and public security.

ART. 2. Excepting the governor-general, only the district commissioners are entitled to order out the police.

ART. 3. The employment of firearms is prohibited, excepting in case of legitimate defense of self or another.

ART. 4. In case of aggression, actual or imminent, the public force can intervene simply at the bidding of the chief of the district. Its mission is strictly limited to the protection of persons or property menaced, and the arrest of persons committing violence.

ART. 5. Empowers the public force to intervene in special cases.

ARTICLE 6 gives the district commissioner power to convert a police operation into a military operation in special circumstances.

MILITARY OPERATIONS.

ART. 7. "Military operations" are offensive movements of the public force against native populations, and can be undertaken when the inhabitants of a given district are in a state of revolt or hostility, as shown by acts of violence on persons or property, or refusal to obey the law.

ART. 8. No military operation can be undertaken until after an effort has been made to bring rebels to obedience by persuasion.

ART. 9. Only the governor-general or district commissioners or their appointed representatives are competent to order military expeditions.

ART. 10. The decision to carry out such expeditions must be proclaimed with due publicity, and will involve placing the district under martial law.

ART. 11. In no case can the direction of police or military operations be confided to a native.

ART. 12. Any person ordering a military expedition who is not duly qualified to do so is liable to not more than five years penal servitude and a fine not exceeding 1,000 francs.

A series of three articles under the heading "Infraction of public order" empowers any agent exercising territorial functions to arrest without further authority any native guilty of an offense against public order; he must give due notice thereof to the authorities, and can not imprison any native for more than one month without bringing him to trial.

CURRENCY.

ARTICLE 1 provides for introducing a currency of the value of 1,000,000 francs (£40,000) in coins to be determined hereafter.

STATE INSPECTORS.

Three articles provide for the nomination of at least three state inspectors, who are charged to watch over the due execution of the laws concerning the natives, and to see that the relations between natives and public agents are legally observed. The governor-general assigns the districts of inspection and dates of visit. The inspectors are to come into direct contact with the natives and hear all complaints; they will be intrusted with the necessary powers to carry out their mission.

TRADING SOCIETIES.

ARTICLE 1. Limited liability companies will pay an annual tax of 2 per cent on their net profits.

ART. 2. Foreign companies with branches in the Kongo pay 1 per cent.

Further decrees regulate the tutelage of native children in the schools who remain until completion of their twenty-first year. In technical schools young persons are received from the ages of 12 to 20 on the request of their parents.

NATIONAL DOMAIN.

ARTICLE 1. The properties and mines administered as a monopoly (en régie) by the state, and the mines not worked by concession, constitute the national domain.

ART. 2. This domain is managed under a special administration whose members are nominated and whose functions are revocable by the sovereign.

ART. 3. The revenues of the national domain, after deduction of all administrative and working expenses, are paid into the treasury in so far as is required to cover the ordinary expenses of the budget which are not met through other sources. The balance is applied as follows: One-fifth toward repaying loans advanced, one-fifth to a reserve fund, and the surplus to works of public utility either in the Kongo or in Belgium, such as defense works in the Kongo, development of instruction, erection of hospitals, charitable institutions for the natives, and in Belgium institutions for forming a colonial staff, the prosecution of colonial studies, subsidies for the creation of a Belgian merchant navy, of artillery for colonial defense, etc. No portion whatever of the revenue from the colonial domain can be applied to other than works of public utility.

ART. 4. A council is nominated for the national domain composed of six members. The first is nominated by the sovereign, the others from lists furnished to the sovereign by the secretary of state, and by vote. Their mandate is for ten years.

ART. 5. The council is charged to watch over and develop the revenue of the national domain. No cession, concession, or alienation can be effected without the council's consent.

A "council of the Kongo" is nominated by a separate decree composed of nine members, including the president. It acts as an advisory body and reports on all questions submitted by the Government.

A prize of 200,000 francs (£8,000) is offered to the person, of whatever nationality, who discovers a cure for the sleeping sickness. A further credit of 300,000 francs (£12,000) is set aside for prophylactic research.

Minister Wilson to the Secretary of State.

[Extract.]

No. 100.]

AMERICAN LEGATION,
Brussels, June 17, 1906.

SIR: I have the honor to acknowledge the receipt of department's dispatch No. 61, of April 28, inclosing a copy of a letter from A. McLean, president of the Foreign Christian Missionary Society of Cincinnati, and instructing me to bring to the attention of the Independent State of the Kongo the matters therein complained of.

Upon receipt of the department's dispatch I immediately addressed a note (copy inclosed) to Secretary-General de Cuvelier, inclosing a copy of the letter of Mr. McLean. After a long delay an answer has just been received (copy inclosed).

I have the honor, etc.,

HENRY LANE WILSON.

[Inclosure 1.]

Mr. Wilson to Mr. de Cuvelier, secretary-general of the Independent State of the Kongo, May 19, 1906.

MR. SECRETARY-GENERAL: I am in receipt of a dispatch from the Department of State at Washington, inclosing a copy of a letter from Mr. McLean, president of the Foreign Christian Missionary Society, of Cincinnati, in which the complaint is made that the officials of the Kongo Free State decline to sell land to the society for the location of schools, chapels, homes, and hospitals. The station of this society is at Bolengi, but no information is furnished as to the location of the land desired.

I will thank you, Mr. Secretary-General, for information as to the present attitude of the Kongo Free State relative to applications of this character. I inclose herewith a copy of the letter of Mr. McLean.

Please accept, etc.,

HENRY LANE WILSON.

[Inclosure 2—Translation.]

Mr. de Cuvelier to Mr. Wilson, June 16, 1906.

MR. MINISTER: By your letter of May 19 last, your excellency has kindly brought to my knowledge the contents of a letter addressed by Mr. McLean, president of the Foreign Christian Missionary Society, of Cincinnati, to his excellency the Secretary of State at Washington, in which Mr. McLean complains of the refusal of the authorities of the Independent State of the Kongo to sell land to the society in question.

After investigation I am able to state that there is no trace in the archives of the Government of a request for land addressed by the authorities of the Foreign Christian Missionary Society, and not more than your excellency have I any information as to the land desired by this association. I have not failed to request information on this point from the local government.

I may add, Mr. Minister, that the interpretation of Mr. McLean of the "spirit if not the letter of the treaties" calls for some reserves: If, in virtue of these treaties, American citizens enjoy in the Kongo the right of purchasing land, these treaties do not establish for them nor others the right to compel owners to sell.

I avail myself of this opportunity, etc.,

DE CUEVELIER.

BOLIVIA.

BOUNDARY DISPUTE BETWEEN BOLIVIA AND PERU—RETIREMENT OF BOTH PARTIES FROM THE HEATH TERRITORY.

Minister Sorsby to the Secretary of State.

No. 252.]

AMERICAN LEGATION,
La Paz, Bolivia, July 14, 1906.

SIR: I have the honor to report that the Peruvian minister here, acting upon instructions from his Government, has protested, orally, to the Bolivian foreign office against the occupation by General Pando, ex-president, and the actual Bolivian delegate (governor) to the Beni and upper Acre regions, of the territory pertaining to the river Heath, a tributary of the Madre de Dios; the said protest being upon the ground that said territory forms a part of the disputed territory under arbitration between the respective countries, and is now being actually considered by the arbitrator, the President of the Argentine Republic.

The Bolivian minister of foreign affairs has stated to me that his Government would retire from the disputed territory provided that Peru would also retire pending the result of the arbitral decision, it appearing, according to the information and belief of the Bolivian Government, that Peruvian forces are also in occupation of the disputed territory. Both the Bolivian minister of foreign affairs and the Peruvian minister here express confidence that an amicable arrangement will be had pending the decision of arbitration.

I have, etc.,

WILLIAM B. SORSBY.

LAW GRANTING RELIGIOUS LIBERTY IN BOLIVIA.

Minister Sorsby to the Secretary of State.

No. 260.]

AMERICAN LEGATION,
La Paz, Bolivia, September 12, 1906.

SIR: Referring to previous dispatches relative to religious liberty in Bolivia, I have the honor to report that on August 24 last the Bolivian Congress voted to reform Article II of the Political Constitution as per inclosed copy of congressional and executive decrees.

I have, etc.,

WILLIAM B. SORSBY.

[Inclosure—Translation.]

Ismael Montes, Constitutional President of the Republic of Bolivia.

Whereas the National Congress has sanctioned the following law:

The National Congress decrees:

ARTICLE 1. Declaring the necessity of the reform of Article II of the Political Constitution of the State, consequently the constitutional law is sanctioned as follows:

“The State recognizes and sustains the Catholic, Roman Catholic religion, permitting the public exercise of every other religious worship.”

To be communicated to the Executive for the consequent constitutional purposes.

Hall of Sessions of the Honorable Congress, La Paz, August 24, 1906.

(Signed)

VALENTIN ABECIA.

(Signed)

ISAAC ARANIBAR.

(Signed)

JOSE CARRASCO,

Secretary of the Senate.

(Signed)

CASTO RIOS.

(Signed)

AURELIO GAMARRA. G.

Wherefore it is promulgated as a law of the Republic.

Palace of the Government in La Paz, August 27, 1906.

(Signed)

ISMAEL MONTES.

(Signed)

ANIBAL CAPRILES,

Minister of Government and Public Works.

PARCELS-POST ARRANGEMENT BETWEEN BOLIVIA AND THE UNITED STATES. TRANSIT THROUGH PERU.

Minister Sorsby to the Secretary of State.

[Extract.]

No. 226.]

AMERICAN LEGATION,
La Paz, Bolivia, February 22, 1906.

SIR: I have the honor to report with respect to our treaty with Bolivia for the interchange of postal parcels, that while such parcels have all along been sent from the United States to Bolivia without inconvenience, owing to some objection, the exact nature of which I have been unable to ascertain, Peru refuses to allow the transit of post parcels from Bolivia destined for the United States.

This matter was called to my attention the early part of last year and I took it up with the Peruvian minister here and the Bolivian minister for foreign affairs, and we thought that the matter had been arranged; but recently I found that Peru still refuses to permit the transit of parcels for the United States, and I again saw the Peruvian minister here and the minister for foreign affairs, and the Peruvian minister has again taken up the matter with his Government, recommending that transit be allowed.

I have the honor, etc., etc.,

WILLIAM B. SORSBY.

Minister Sorsby to the Secretary of State.

No. 230.]

AMERICAN LEGATION,
La Paz, Bolivia, March 15, 1906.

SIR: Referring to my No. 226 of February 22 last, relative to Peru's previous unfavorable attitude toward the execution of the

parcels-post treaty between Bolivia and the United States, I now have the honor to report that I am informed by the Bolivian minister of foreign affairs that Peru has finally consented to facilitate the transit of all postal parcels between the United States and Bolivia and that instructions to that effect have been given to the respective subordinate authorities.

I have the honor, etc., etc.,

WILLIAM B. SORSBY.

VISIT OF SECRETARY ROOT TO SOUTH AMERICA.

[Telegram.]

Minister Sorsby to the Secretary of State.

LA PAZ, May 8, 1906.

Government of Bolivia extends through the legation cordial invitation Secretary of State to visit Bolivia during his southern trip. Bolivian minister at Washington also has been instructed.

SORSBY.

The Secretary of State to the Bolivian Minister.

DEPARTMENT OF STATE,
Washington, May 12, 1906.

MY DEAR MR. CALDERON: I regret very much that on a careful reexamination of the engagements which I have already made for my journey to South America next summer and a computation of the time necessary to keep those engagements, I find it quite impossible for me to make a visit to La Paz and keep within my limits.

I am very sorry, for I am most anxious to see your beautiful and romantic country and to become acquainted with your distinguished public men. I believe Bolivia, under the wise and statesmanlike policy which now directs her Government, is destined for a great and prosperous future, and I should be glad to increase the pleasant association between Bolivia and the United States by a personal visit. I hope that at some other time that may be possible.

In the meantime I beg to convey to your Government an expression of my thanks and of my high appreciation of the courtesy and kindness which has led to the invitation handed to me by you.

With kind regards, I am, etc.,

ELIHU ROOT.

BRAZIL.

COFFEE VALORIZATION AND EXPORT TAX ON COFFEE.

Ambassador Griscom to the Secretary of State.

[Extract.]

No. 16.]

AMERICAN EMBASSY,
Petropolis, August 17, 1906.

SIR: Referring to my dispatch No. 12, of July 4 last,^a relative to the scheme for the valorization of coffee in the States of São Paulo, Rio de Janeiro, and Minas Geraes, I inclose herewith a copy and translation of the executive decree of August 6, officially promulgating the law, as well as a copy of the convention of February 26 and the amendment of July 4 last.

In order to put the law into force, the contracting States are now seeking to secure a loan of fifteen million pounds sterling.

I have, etc.,

LLOYD C. GRISCOM.

[Inclosure.]

Decree No. 1489, of August 6, 1906.

[Translation.]

Approves the convention which took place between the presidents of the States of São Paulo, Rio de Janeiro, and Minas Geraes on the 26th of February, with the modifications of the agreement signed by the same presidents on July 4 of the current year.

The President of the United States of Brazil.

I make known that the National Congress has decreed and I have sanctioned the following resolution:

ARTICLE 1. The convention which took place on the 26th of February of the present year between the presidents of the States of São Paulo, Rio de Janeiro, and Minas Geraes, with the modifications of the agreement signed by the same presidents on July 4 of the same year, is hereby approved. The clause referring to the caixa do emissãoouro e conversão (gold issue and conversion department) is excluded from this approval, as its creation is dependent on a resolution of the National Congress.

ART. 2. All dispositions to the contrary are hereby revoked.

Rio de Janeiro, August 6, 1906, 18th of the Republic.

FRANCISCO DE PAULA RODRIGUES ALVES.
LEOPOLDO DE BULHÕES.

[Copy.]

Convention between the States of Rio de Janeiro, Minas Geraes, and São Paulo, with the object of valorizing coffee, regulating its trade, and promoting its increased consumption, and the creation of a caixa de conversão (note issue and conversion department) for the fixing of the value of the currency.

ARTICLE 1. During the term that may be convenient, and which may be reduced or extended by mutual accord, the contracting States bind themselves to maintain in the Brazilian markets the minimum prices of 55 to 65 francs

^a Not printed.

gold, or the equivalent in currency, per bag of 60 kilos of coffee, American type No. 7, during the first year; this price may later be raised to the maximum of 70 francs, according to the conveniences of the markets.

For the higher qualities, according to the American classification, the prices indicated will be augmented proportionally during the same periods.

ART. 2. The contracting governments will endeavor to prevent by adequate measures the exportation to foreign countries of coffee inferior to type No. 7, while favoring as far as may be possible the development of their consumption within this country.

ART. 3. The contracting States oblige themselves to organize and maintain a regular and permanent service of coffee propaganda with the object of increasing the consumption, by the development of the actual markets, by the opening and conquest of new ones, and by defensive measures against fraud and falsification.

ART. 4. The contracting governments, whenever it may be judged opportune, will establish national types, promoting the creation of exchanges of syndical chambers for the coffee trade; in accordance with these types will then be fixed the prices referred to in article 1.

ART. 5. Means will be placed at the disposal of producers for improving the quality of their product by mechanical treatment.

ART. 6. The contracting governments bind themselves to create a surtax of three francs (subject to augmentation or diminution) per bag of coffee exported by any of their States, and also to maintain the laws which impede by sufficiently high taxes the increase of the areas of land planted with coffee within their territories during the period of two years.

ART. 7. The products of the surtax, referred to in the preceding article, will be collected by the union, and is destined to the payment of interest and amortization of the capital necessary for the execution of this convention, the surpluses being applied to defray the expenses demanded by the services of the said convention, and the collection of the surtax will begin after the realization of the dispositions contained in article 8.

ART. 8. For the execution of this convention the State of S. Paulo is from this date authorized to promote in this country or abroad, with the guarantee of the surtax of three francs referred to in article 6, and with the conjoint responsibility of the three States the necessary credit operations up to the amount of 15 millions sterling, which will be applied as a gold reserve for the department for the emission and conversion of gold notes, which may be created by Congress for the fixing of the value of the currency.

1. The product of the emission against this reserve will be applied, in terms of this convention, to the regularization of the coffee trade and its valorization, without prejudice to other endowments created by law.

2. In case there should be need of the indorsement or guarantee of the Union for these credit operations, the dispositions of Clause X of article 2 of law 1452 of December 30, 1905, will be observed.

3. The State of São Paulo, before closing the credit operations indicated above, will submit the terms and conditions to the knowledge and approval of the Union and of the contracting States.

ART. 9. The organization and direction of all the services of this convention will be intrusted to a commission of three members nominated by each of the States and a president chosen by the three States, who will only have a casting vote.

1. Each director will have a substitute to replace him when absent, the nomination of these substitutes being also made by the respective States.

ART. 10. The commission referred to in the preceding article will organize all the departments and nominate all the functionaries necessary for the execution of this convention, and it may intrust, in part, its execution to some national association or company (empresa) under its immediate control, in accordance with the respective regulations.

ART. 11. The domicile of the commission will be the city of São Paulo.

ART. 12. For the execution of the objects of this convention the commission will organize the necessary regulations which will be submitted to the approval of the contracting States, which will be considered to approve them if they do not state their objections within fifteen days.

ART. 13. The responsibilities and advantages of this convention will be divided among the contracting States in proportion to the quota of surtax paid on the coffee from each of them.

ART. 14. The contracting States recognize and accept the President of the Republic as arbiter in any questions that may arise between them in the execution of this convention.

ART. 15. The present convention will come into force from the date of its approval by the President of the Republic, in terms of No. 16 of article 48 of the Constitution.

Town hall of Taubaté, February 26, 1906.

(Signatures)—Nilo Peçanha; Francisco A. Salles; Jorge Tibiriça.

—

Modifications and amendment to convention of Taubaté.

The presidents of the States of Rio de Janeiro, Minas Geraes, and São Paulo have agreed and resolved to modify the convention of Taubaté and to add the following clauses, which shall now be a part of the convention :

I.

Article 1 of the convention shall be substituted by the following: During such period as shall be judged convenient the contracting States undertake to maintain in national markets a minimum price of 37\$000 per bag of 60 kilos of coffee of New York type No. 7 in the first year; this minimum price can later be raised to a maximum of 40\$000, according to the exigencies of the market.

As regards superior qualities, according to the same New York classification, prices will be raised proportionately during the same period.

II.

If the credit operations necessary for the carrying out of this convention are undertaken by the three States without consent or guarantee of the Federal Government the surtax of 3 francs, referred to in article 8 of the said convention, will be collected by the States and the proceeds deposited for the purposes laid down in article 7.

III.

The date for the commencement of the collection of the 3 francs surtax shall be determined by the contracting States.

IV.

So long as the caixa de emissão e conversão has not been created or is not in working order the States are empowered to apply the proceeds of the loan directly to the valorization of coffee.

V.

The government of the State of São Paulo, before making the final arrangements relative to the operations of credit, which are mentioned in article 8 of the convention, will submit the conditions and clauses of the contract for the knowledge and approval of the governments of the other contracting States and to the Government of the Union, in the case of a federal guaranty, in order that the exact responsibility of each may be clearly defined in the operation, which will depend on that approval.

VI.

The present convention will remain in force after the date of its approval according to the terms of No. 16 of article 48 of the Federal Constitution.

Bello Horizonte, July 4, 1905.

(Signed)

JORGE TIBIRIÇA.
FRANCISCO A. SALLES.
NILO PEÇANHA.

ELECTION AND INAUGURATION OF DR. AFFONSO PENNA AS
PRESIDENT.

Chargé Richardson to the Secretary of State.

No. 153.]

AMERICAN EMBASSY,
Petropolis, March 3, 1906.

SIR: I have the honor to report that on March 1 Dr. Affonso Penna was elected President and Dr. Nilo Peçanha Vice-President of the Republic for the period of four years commencing November 15 next.

I have, etc.,

CHARLES RICHARDSON.

Ambassador Griscom to the Secretary of State.

[Telegram.—Paraphrase.]

PETROPOLIS, *November 15, 1906.*

(The inauguration, November 15, of Affonso Penna as President and the continuation of Baron Rio Branco as minister for foreign affairs are reported.)

The Secretary of State to President Penna.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 16, 1906.

In behalf of President Roosevelt and in his name, interpreting his sentiments toward the United States of Brazil and toward yourself personally, I send hearty congratulation upon your inauguration as President of the Republic and sincere good wishes for a happy and glorious administration.

ELIHU ROOT.

The President of Brazil to the Secretary of State.

[Telegram.]

RIO, *November 16, 1906.*

I thank you cordially for the kind words sent to me on behalf of President Roosevelt, now traveling in the South. You are well acquainted with the friendly feelings of the Government and people of Brazil toward the United States of America.

AFFONSO PENNA.

Ambassador Griscom to the Secretary of State.

[Telegram.—Paraphrase.]

PETROPOLIS, *November 16, 1906.*

(The ambassador reports that President Affonso Penna in his inaugural address made unusual mention of the relations of Brazil with the United States, and quotes him as follows: "The Pan-

American conference in Rio de Janeiro and the visit with which the eminent statesman, Mr. Elihu Root, Secretary of State of the United States, honored our and other South American countries are facts of extraordinary political accomplishment, marking a new era in the relations of the people of the New World." Also, "In the formative period of our political existence Brazilian statesmen understood the high desirability of close relations with the young and flourishing Republic of the United States of America, which first among the colonies of the New World proclaimed its independence. This traditional policy has in recent times received a great impulse, and will continue, I am convinced, to merit the careful attention of both peoples." The President expressed confidence that the supreme tribunal of Brazil would show itself worthy of its great model, the Supreme Court of the United States. In his concluding paragraph he advised his compatriots to devote all their efforts to attaining the prominent position predicted for them by Mr. Root "in the prevision of the remarkable American statesman." The fact that the United States was the only foreign nation mentioned in the address is remarked upon.)

The Secretary of State to Ambassador Griscom.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 17, 1906.

Express the thanks of this Government and of myself personally to President Penna for the kind and helpful expressions of his inaugural address.

ROOT.

PREFERENTIAL TARIFF CONCESSIONS IN FAVOR OF AMERICAN PRODUCTS.

Ambassador Griscom to the Secretary of State.

[Telegram.—Paraphrase.]

PETROPOLIS, July 4, 1906.

(States that the Brazilian Government, on July 4, proclaimed a tariff reduction of 20 per cent, to take effect the 1st instant and terminate December 31 next, in favor of the following goods emanating from the United States: Flour, condensed milk, types of rubber, watches and clocks, inks except for writing, varnishes, typewriters, refrigerators, scales, windmills, and pianos.)

Ambassador Griscom to the Secretary of State.

[Extracts.]

No. 13.]

AMERICAN EMBASSY,
Petropolis, July 14, 1906.

SIR: I have the honor to confirm a telegram addressed to you on the 3d instant which, deciphered, reads as follows:^a

Mr. Richardson transmitted to you in his No. 165 of May 16^b a copy of a note of inquiry which he addressed to the foreign office pursuant to your cable instruction of the 15th of May. After waiting a month for a reply to Mr. Richardson's inquiry I made several verbal inquiries at the foreign office without producing any result, and finally, on the 30th of June, addressed to the minister of foreign affairs a note, a copy of which I inclose herewith, asking him to give me a reply to the very simple question as to whether the 20 per cent reduction had as yet gone into effect. My inquiry was immediately followed by the publication on the 3d of July of a presidential decree, a copy and translation of which I inclose herewith, putting into effect a 20 per cent preferential reduction in favor of the following goods imported from the United States: Flour, condensed milk, types of rubber, watches and clocks, inks except for writing, varnishes, typewriters, refrigerators, scales, pianos, and windmills.

I am now engaged in collecting some statistics to show the effect of the operation of the 20 per cent reduction in our favor which was in effect from April 15, 1904, until January 1, 1905. At an early date, therefore, I will have the honor of making a further report to the department on this subject.

I have, etc.,

LLOYD C. GRISCOM.

[Inclosure 1.]

Ambassador Griscom to the minister of foreign affairs.

JUNE 30, 1906.

MONSIEUR LE MINISTRE: I have the honor to refer to your excellency's note No. 15 of May 19 last to Mr. Richardson, in which, after acknowledging the receipt of his note of the 16th of that month inquiring whether the promised reduction of 20 per cent in the customs duties on certain American articles had as yet gone into effect, your excellency promised to make urgent inquiries in the premises from the ministry of fazenda.

Since the receipt of the above-mentioned note this embassy has heard nothing more about the matter from your excellency's Government, and as this reduction of 20 per cent in the customs duties is of considerable importance to my Government, I must beg of your excellency to be good enough to communicate to me the answer to this simple question at the very earliest possible moment.

I take advantage of the opportunity to renew, etc.,

LLOYD C. GRISCOM.

[Inclosure 2.]

Executive decree No. 6,079, of June 30, 1906, and published in the Diario Official on July 3, 1906.

[Translation.]

Conceding a reduction in the importation duties of certain articles of a North American source;

The President of the United States of Brazil with the intention of promoting the development of the commercial relations of Brazil with the United States of North America; and whereas,

^a Supra.^b Not printed.

That country is the greatest importer of coffee, which has free entry to its markets;

Article 6 of law No. 1144 of December 30, 1903, added to article 18 of law No. 1452 of December 30, 1905, authorizes the Government to adopt a differential tariff for one or more articles of foreign production as a compensation for concessions made to articles of Brazilian production;

Decrees:

ARTICLE 1. During the current year, and from the 1st of July next until the 31st of December, the following articles of the produce of the United States of North America shall enjoy a reduction of 20 per cent in import duties on the entry into Brazil: Flour; condensed milk; rubber manufactures of article 1023 of the tariff; clocks and watches; inks mentioned in article 173 of the tariff, except writing inks; varnishes; typewriters; refrigerators; pianos; scales; windmills.

ART. 2. The decrees to the contrary are hereby revoked.

Rio de Janeiro, June 30, 1906, 18th of the Republic.

FRANCISCO DE PAULA RODRIGUES ALVES.
LEOPOLDO DE BULHÕES.

Ambassador Griscom to the Secretary of State.

No. 15.]

AMERICAN EMBASSY,
Petropolis, August 17, 1906.

SIR: Referring to my dispatch No. 13 of July 14 last, transmitting a translation of an executive decree whereby certain American articles were granted a 20 per cent reduction in the Brazilian customs duties until December 31 next, I have the honor to advise the department, as of considerable importance to our merchants and exporters, that, according to article 173 of the Brazilian tariff now in force, fine paints and also paints for house painting and similar uses are included under the heading "Inks" mentioned in the decree as one of the articles entitled to the reduction.

I have, etc.,

LLOYD C. GRISCOM.

Ambassador Griscom to the Secretary of State.

[Telegram.—Paraphrase.]

PETROPOLIS, *October 23, 1906.*

(Reports that he is informed by the minister of finance and leader of the Chamber of Deputies that the Brazilian tariff law will not be altered during the Congress now in session. It is intended to postpone for a year the consideration of the tariff already begun.)

Acting Secretary Bacon to the American Embassy at Petropolis.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 14, 1906.

(States that it is reported by flour shippers that satisfactory trade has resulted from preferential reduction, but that they are advised from Brazil that a heavy increase in the duty on flour is contemplated, to become effective January 1 next. Says that department assumes that this can not be true, in view of his telegram of the 23d ultimo, and asks what the chances are for a renewal for next year of the existing preferential list, with some imported products added.)

Ambassador Griscom to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

PETROPOLIS, *November 15, 1906.*

(Reports that he has been assured that the present tariff, including duty on flour, will not be altered by this Congress, which expires December 31, and says that the existing preferential list is almost certain to be continued for next year.)

THE MONROE DOCTRINE AND THE RELATIONS BETWEEN THE UNITED STATES AND BRAZIL. HISTORICAL REVIEW BY A BRAZILIAN AUTHOR.

Ambassador Griscom to the Secretary of State.

No. 19.]

AMERICAN EMBASSY,
Petropolis, August 27, 1906.

SIR: I have the honor to inclose herewith a copy of a paper on "Brazil, the United States and Monroeism," rumored to have been written by Baron Rio Branco, Brazilian minister for foreign affairs, under the nom de plume of J. Penn.

A translation by the secretary of this embassy is also inclosed.

I have, etc.,

LLOYD GRISCOM.

[Inclosure.—Translation.]

BRAZIL, THE UNITED STATES AND MONROEISM.

The manifestations of reciprocal appreciation and friendship between the Governments of Rio de Janeiro and Washington have been censured during the last years, sometimes with a good deal of injustice and passion by some rare Brazilian newspapers who believe themselves to be the real interpreters and propagandists of the political thoughts of imperial statesmen.

These censors have considered bad the greater drawing together which Presidents Rodrigues Alves and Theodore Roosevelt have promoted between Brazil and the United States. They have shown themselves on various occasions ungratefully disdainful of the Monroe doctrine and consider impracticable the resolution taken simultaneously by both Governments to raise the grade of their respective diplomatic representatives.

The documents which we are now going to produce or to summarize will show that President Rodrigues Alves was right to say in his last message to Congress:

"I see with great satisfaction that the relations of cordial friendship between Brazil and the United States of America are becoming more and more close. In concurring to that end I have done more than follow the policy selected since 1822 by the founders of our independence and invariably followed by all the governments which Brazil has had."

I.

The manifesto of the Prince Regent of Brazil to friendly governments and nations bears the date of August 6, 1822. That document as is known was drafted by José Bonifacio de Andrada e Silva, then minister of the Brazilian Empire and for foreign affairs.

From the last part we detach this extract:

"My firm resolution and that of the people I govern are legitimately promulgated. I therefore hope that the wise and impartial men of the whole world and

governments and nations friendly to Brazil will see the justice of such true and wise sentiments. I invite them to continue with the Empire of Brazil the same relations of material interest and friendship. I shall be ready to receive their ministers and diplomatic agents and send them mine, as long as may last the captivity of the King, my august father. * * *

Six days later, on the 12th of August, the Prince Regent, D. Pedro, signed the decree appointing a chargé d'affaires of the Kingdom of Brazil in the United States of America and on the following day left for São Paulo, where on the 7th of September he proclaimed the independence of Brazil.

This decree, countersigned by José Bonifacio is, nevertheless, prior to the date of the independence and the proclamation of the empire, which was only effected on the 12th of October of the same year.

The decree in full reads as follows:

"As it is indispensable in the actual political circumstances to appoint a person who in my royal name may treat directly with the United States of America concerning affairs which may occur between both countries, and taking into consideration the recognized ability, patriotism, and zeal of Luis Moutinho Lima, clerk of the department of state for foreign affairs, I have seen fit to appoint him to exercise the position of my chargé d'affaires near the same United States of America, with the annual salary of Rs. 2,400,000.

"José Bonifacio de Andrada e Silva, of my council of state and of the council of His Most Faithful Majesty, minister and secretary of state for the kingdom and for foreign affairs, will so understand it and in consequence will cause the necessary documents to be issued.

"Palace of Rio de Janeiro, August 12, 1822 (with the seal of His Royal Highness the Prince Regent), José Bonifacio de Andrada e Silva."

This was the first diplomatic appointment signed by the Prince Regent, D. Pedro, on the advice of José Bonifacio. Later on the same day the decrees appointing the other two chargés d'affaires were signed: For London and Paris. Before these only one other appointment had been made: For consul at Buenos Aires on May 24.

On January 15, 1823, Antonio Conçalvez da Cruz, who had been prominent in the Pernambuco revolution of 1819, was appointed consul-general in the United States of America. The form of the decree is different from the preceding ones.

"José Bonifacio, etc.

"Palace of Rio de Janeiro, January 15, 1823, second of the independence and of the empire."

Louiz Moutinho was not able to leave in 1822 for the United States as he was detained by extraordinary work in the department of foreign affairs, where shortly afterwards he was promoted to be chief clerk of director-general.

By decree of January 21, 1824, José Silvestre Rebello was appointed chargé d'affaires of Brazil in the United States of America and he was the first diplomatic representative that we have effectively had in that country.

On the 28th of March he landed at Baltimore and on April 3 arrived at Washington. The President was James Monroe, who, in his last message read to Congress on December 3 of the previous year had affirmed the purpose of the American Government to oppose European conquests on our continent. John Quincy Adams, his successor as President, one year later on March 4, 1825, held the position of Secretary of State or Minister for Foreign Affairs.

On April 5, 1824, Rebello wrote to Adams requesting an audience to present his letters of credence, signed by the illustrious Bahian José da Carvalho e Mello, later Vicount of Bacheoira, then minister and secretary of state for foreign affairs of Brazil. The interviews and conferences between both then began. On April 20 Rebello handed to Adams a memorandum with this heading: "Succinct and true exposition of the facts that lead the Prince, now Emperor, and the Brazilian people to declare Brazil a free and independent nation."

On the 26th of the same year, Rebello was presented to President Monroe by Adams and was thus accredited as chargé d'affaires of Brazil.

On the following day the "Daily National Intelligence," of Washington, No. 5454, mentioned the event as follows:

"Mr. José Silvestre Rebello was yesterday presented by Mr. Adams, Secretary of State (to whom he had already presented his letter of credence), to the President of the United States as chargé d'affaires of the Emperor of Brazil and was received and recognized in that capacity by the President."

By a dispatch of May 26, Rebello informed Carvahho e Mello of this event, ending his communication with these words:

"The Empire of Brazil was therefore recognized by this Government on the 59th day after I landed at Baltimore. I present my compliments to Your Excellency."

And in another, of May 3, he said:

"I hope that these dispatches will have arrived, at any rate, to take advantage once more of the occasion, I inform Your Excellency that this Government recognized the independence and the Empire of Brazil on the 26th instant, when I was presented to the President as chargé d'affaires of His Majesty the Emperor of Brazil with the same formalities as are received the representatives of other sovereigns. I therefore present my compliments to Your Excellency and beg Your Excellency to salute His Majesty the Emperor for such a happy occurrence."

The illustrious author of the well-known book "Ilusão Americana" was therefore badly informed, when in 1893 he wrote these lines:

"On the occasion of the independence of Brazil, we did not receive a single proof of good will from the Americans, and only after other countries had recognized the emancipation of Brazil, did the United States recognize our autonomy."

The Government of the United States of America was the first Government to recognize the independence and Empire of Brazil, and the only one which did so before Portugal did so by the treaty concluded in Rio de Janeiro on August 29, 1824.

Pereiro Pinto has already said in his book (1865):

"The American Union was the first power to recognize the independence of Brazil. While Great Britain was leaning on one side, in favor of our emancipation by its commercial needs, by its liberal system of government, and by its tenacious aspiration to abolish the slave traffic, it wavered on the other hand in this duty by the deferences which it was obliged to show to its old and always faithful ally, Portugal; as to Austria, bound by very narrow ties to the founder of the Empire, it was even more bound to the compromises of the holy alliance, which looked with threatening glances on the independence of American countries. The United States, in consequence of the enlightened policy which they had adopted with reference to all the people who in America had separated from the mother country and has established themselves in a regular manner, stretched out a brotherly hand to us and invited us to take a seat in the great congress of the nations of the globe. We offered up, therefore, at that moment a prayer of gratitude to that people, the most powerful nation of the New World.

III.

Which was the country on our continent which first recognized the already-mentioned Monroe doctrine?

We can answer without hesitation—the Government of Brazil.

The last message of President James Monroe, as we have already mentioned, bears the date of December 3, 1823. Fifty-nine days later, on January 31, 1824, our minister for foreign affairs, Carvalho e Mello, signed the instructions of the Imperial Government for the chargé d'affaires of Brazil.

In paragraph 6 of this interesting document we read the following:

"Now, if the United States of America, by nature of private reasons, should recognize the independence of the Empire of Brazil, as is probable, much more should be expected of that great nation when it is taken into consideration that its very interest are in accord with the known principles of its government and its policy.

* * * * *

"Such, then, are the principles of the policy of those states which by themselves would be enough to hasten our recognition. These principles have now in the message of the President of both houses, in December last, a more special application for all the states of this continent, as in that message the necessity of uniting and fighting for the defense of our rights and our territories."

And in paragraph 15:

"You will sound the feelings of that Government as to an offensive and defensive alliance with this Empire as a part of the American continent, on the condition that such alliance does not have as a base any concession from either side, other than those which result from the general principle of mutual convenience resulting from such an alliance."

Thus Brazil, from the first days of the revolution which separated it from its mother country, considered it a particular duty to politically approach the United States of America, then adhered to the Monroe doctrine, and was almost able to conclude, on the basis of that doctrine, an offensive and defensive alliance with the "great nation of the north," as even then the leaders of Brazilian independence called it.

IV.

The Imperial Government continued to work for the policy of closer relations and for the establishment of an alliance between the two countries. It also commenced to desire as early as 1824, and to find convenient and important for them, to give a higher character to their mutual diplomatic representatives.

In a dispatch of September 15, 1824, Carvalho e Mello said to our representative in Washington:

"Certainly the nations of that hemisphere (those of Europe) will not cease trying to prevent and to cry down a union and alliance which we may make with the Government of the United States, thus forming a totally American policy, which will make them beware of the results which may spring therefrom. On account of this His Imperial Majesty desires your honor to suggest to that Government to give a grade of minister plenipotentiary, with the resulting powers, to Mr. Condy Raguet, who is already here, or to any other person, a measure which will help to confirm the recognition. His Imperial Majesty also charges your honor to propose an alliance for the purpose of conserving and strengthening the liberty of American powers. Your honor will for the present limit yourself to learn the conditions under which those States may desire to take an active part in such an alliance and give an account as soon as possible by the adopted channels of what in that respect may be said to you. In this respect I refer you to the instructions which were given you, recalling the speech of the President of the United States there mentioned (the Monroe message of 1823) in which the same President clearly states that those States will not permit the mother countries to make efforts to regain their ex-colonies and in addition, will not permit the intervention of other powers, a principle which has been admitted by the British Government * * *."

On the 28th of January of 1825 the same minister wrote:

"I have received the order from His Majesty, the Emperor, to recommend to your honor to make all possible efforts to persuade that Government of the necessity of making an offensive and defensive alliance with the Brazilian Government as soon as possible. Your honor will always bear in mind what was instructed you in this respect, as much in your instructions as principally in my dispatch of September 15 last. You honor must nevertheless understand that in the negotiations nothing must be definitely decided, leaving everything ad referendum, so that the Imperial Government may never be obliged, neither by civility nor condescension, but may deliberate with perfect liberty, what it considers just."

And he added on the 14th of May of the same year 1825:

"I have received and have brought to the presence of His Majesty, the Emperor, the dispatch No. 14, which your honor sent me under date of January 26 of the current year, and the same gentleman saw what you had accomplished to have a diplomat named at this court, and as much through what your honor states as by the reading of an American newspaper which appeared here at a date previous to that of your dispatch, it is seen that Condy Raguet was in fact appointed with the grade of chargé d'affaires; the reason therefore was because your honor holds the same rank. Nevertheless your honor will insist with polite and solid reasons that a minister plenipotentiary be appointed not only out of a consideration for the dignity of the Empire, but also because there have already been American ministers of that class here. Your honor should not cease to insinuate that it is for that Government to first appoint a person of that category, as it has recognized the Empire and that is a consequence of such recognition. Your honor will also assure that Government that His Majesty, the Emperor, will in that case immediately appoint a person of the same rank."

"As to the prospects of a treaty of alliance, you should proceed in conformity with your instructions and former dispatches, and it is my duty, in view of the action of your honor in that respect, to tell you that it did not please His Majesty, the Emperor, that your honor proposed the idea to include the other States which were formed from Spanish colonies, about which nothing has been

mentioned to you in the above-named instructions, nor was it convenient to involve us generally with those same States, without their having special relations with us."

V.

On the 28th of January, 1825, Rebello proposed in writing the desired alliance to Adams, the latter having said to him on the 22d:

"What you have just told me will be brought to the knowledge of the President, but, in order that it may be done conveniently you must send me all this in a note, on the receipt of which the President will decide what the Government will consider best." (Dispatch of January 26, 1825, No. 14, from the legation of Brazil at Washington.)

Here are the essential paragraphs of the note which on the 28th of January, 1825, Rebello directed to the Secretary of State Adams, and which began by a reference to the Monroe message of 1823:

"The Government of Brazil being convinced that the declaration made by the President of the United States in the message of His Excellency the President on the first session of the Eighteenth Congress was true, in which message it was said that relative to those countries in America which had declared their independence and maintained it and which independence this Government had recognized, founded on profound reasoning and principles of justice, this Government could not impartially see any interference with the purpose of oppressing or diminishing, in whatever way it be, the destinies of the same by whatever European power, but as a declaration of hostile sentiments to the United States; and therefore, it is to be hoped that the above European powers, enlightened by the true ideas which all Governments should entertain about the justice and principles on which Brazil based its independence, will not interfere in the questions which it has with Portugal; nevertheless as men are accustomed to do wrong and those governments are made up of men, and, as it is possible that some of the same powers might wish to help exhausted Portugal to recolonize Brazil, for which it so greatly strives; and as in such circumstances the Government of the United States must put into practice the principles of the policy set forth in the above-mentioned message, giving proofs of the generosity and feeling with which it is animated, which can not be done without the sacrifice of men and capital; and it not being in conformity with reason, justice, and law that the Government of Brazil should gratuitously receive such sacrifices, it (Brazil) is ready to enter with the Government of the United States into a convention which has for an object the uplifting of the Brazilian independence in the event of any power helping Portugal in its vain and useless projects for the recolonization of Brazil.

* * * * *

"The same reason which moved the Government of Brazil to hope that the Government of the United States may propose the terms of the convention above offered influences directly for it to hear from the Government of the United States the conditions under which it may wish to enter into an offensive and defensive alliance with the Government of Brazil * * *."

The answer to this note was given after James Monroe had passed the Presidency over to his successor, John Quincy Adams.

The new Secretary of State, Henry Clay, in the note of April 16, 1825, expressed himself as follows:

* * * * *

"The President of the United States adheres to the principles of his predecessor exactly as they are formulated in his message of December 2 to the American Congress. But, not being in conformity with your first question, as there does not seem to be any probability at present of Portugal trying to obtain the help of other powers to recolonize Brazil, there does not appear to be any need for a convention founded on that improbable contingency. On the contrary, the President sees with pleasure the clear signs of an early peace between Portugal and Brazil, based on Brazilian independence, which the Government of the United States was the first to recognize. Declining, therefore, to enter into arrangements for the proposed convention, I have, nevertheless, the pleasure to say that you may assure your Government that the desires of the President are not the result of any weakness in the interest which the United States have constantly shown for the establishment of the independence of Brazil, but are only the result of the absence of circumstances which would be necessary to justify the signing of such a convention. If, in the course of

events, it be noticed that the European allies might renew demonstrations of attacks on the independence of the American States, the President will give to this new situation of things all the consideration which its importance may demand.

"Relative to your second proposition for an offensive and defensive treaty of alliance to repel any invasion of Brazilian territory by forces of Portugal, I shall say that this also is unnecessary, since there are reasons for hoping for an approaching peace. Also, such a treaty would be contrary to the policy which the United States has up to now followed. According to this policy, the United States remains neutral, extending its friendship and showing justice to both parties as long as the war limits itself to a struggle between the mother country and its former colonies. From this line of conduct this Government did not deviate during the whole long period in which Spain fought with the different states which arose on the former Spanish territories of America. If an exception were made now for the first time, the sentiments of justice of your sovereign would cause him easily to admit that the other new governments would have some cause for complaint against the United States.

"Regretting that these considerations of a political order—which the United States feel themselves obliged to respect—do not permit this Government to now enter upon the negotiation of the two treaties now suggested, I have, nevertheless, great satisfaction in agreeing with you in the convenience of permanently uniting our two nations in the bonds of friendship, peace, and commerce. With this intent, I am authorized to tell you that the United States are willing to conclude with Brazil a treaty of peace, amity, navigation, and commerce and wish to adopt, as a basis for the mutual regulations of commerce and navigation between the two countries, principles of equity and perfect reciprocity. If you have the necessary powers to negotiate such a treaty, I shall have great pleasure in entering with you upon the examination and discussion of its clauses on whatever date may be convenient to both of us * * *."

The treaty of amity, navigation, and commerce between the two powers was signed in the city of Rio de Janeiro on December 12, 1828, by the two plenipotentiaries of Brazil, Counselor Marquis of Aracaty, minister for foreign affairs, and Miguel de Souza Mello e Alvim, minister of marine, and by the plenipotentiary of the United States, William Tudor.

VI.

We shall add to the already transcribed documents the following extract, very significant, from a dispatch of the Marquis of Aracaty, minister for foreign affairs, sent on April 6, 1827, to our representative in Washington.

"And in this respect, while your honor is in conference with the respective minister, you will endeavor to make him believe that His Majesty, the Emperor of Brazil, in his high-minded and well-calculated policy, knows very well what that nation is and what it is worth, and how much it is to the interest of both countries for their respective Governments to especially tighten their political relations and to mutually shake their hands."

VII.

After treating of the recognition of our independence by the Government of Washington, Pereira Pinto says:

"Since the relations of good friendship between Brazil and the United States have been thus cemented, they have always continued on a basis of perfect cordiality, as several slight incidents or conflicts occurring at different times have not altered it in any form. * * *."

The author refers to discreditable incidents caused by the diplomatic representatives of the United States in Brazil—Condy Raguet in 1827, Wise in 1846, and Webb after 1863—as well as the offense made our sovereignty by Commander Collins, of the cruiser *Wachusets* by the capture of the corsair *Florida* in 1864, in the waters of Bahia. The American Government in the three first cases disapproved the conduct of their agents and substituted them by others who by their contrast with them, knew how to cause to be forgotten the faults and the insolence of their immediate predecessors; in the case of the *Wachusets* it gave us promptly an honorable satisfaction.

We cite further Pereira Pinto to show what always was among us the dominant thought at the time of the Empire: "Making an ardent prayer for the consolidation of our alliance with the United States by means of a sincere and

enlightened policy, may the reader consent that we transcribe in these papers some impressions which in this regard we wrote in the *Correio Mercantil* of April 7 of this year.

* * * * *

"No reason can be suggested to make us quarrel with the United States. Our interests in America are similar; they consume to a great extent our great product; they therefore ought to be our natural ally; and in fact they have those relations with us.

"The facts prove it.

* * * * *

"* * * When European mediation was spoken of to put a stop to the struggle in that country, its rulers said that the traditional policy of Monroe excluded that intervention, and that if they should come to a position to desire intervention, they would prefer that of Brazil.

"All these precedents reveal on the part of the United States the best and pronounced desire to form a more intimate alliance with Brazil, and such an alliance would have prevented (who knows?) the unjustified interference of Spain and France in the affairs of Mexico and Peru and the affronts which the powerful nations of Europe have inflicted on the weak people of the New World. Perhaps our form of government is opposed to that intimacy? We believe not. The institutions of the Empire are also democratic and the monarchial element which was added to them give brilliancy and fortify the system in force in Brazil. It is certain that in spite of that difference the liberal precepts among us are more frank and tolerant. We have no exclusions and all are able to intervene in public affairs if they possess talent and good qualities. * * *"

VIII.

Tovares Bastos wrote in March, 1862 (*Cartas do Solitario*): "I am a mad enthusiast of England, but I only well understand the greatness of that people when I look upon that of the republic which it founded in North America. It is not enough to study England; it is necessary to know the United States. And it is from this latter country that we can obtain more practical experience as regards our agriculture and our economic situation, which have the greatest similarity with those of the Americans.

"In my opinion Brazil is more nearly approaching its moral and economic regeneration when it copies that of England, Germany, and the United States. In my cosmopolitism therefore there centers a great part of real interest for the country, the only real patriotism which I recognize.

"Do we wish to copy Europe? Let us copy the United States. The curved line is the nearest road.

"I also am a monarchist and consider that form of government as necessary to Brazil, as the republic is perfectly adapted to the social constitution, the ideas, and the tradition of North America."

In the session of the 8th of July of the same year, 1862, in the Chamber of Deputies, Tovares Bastos expressed himself as follows:

"The ex-minister for foreign affairs has said that the relations of Brazil with the United States continue to be good and that they prosper. I am convinced that, even from the political point of view, the relations with the United States of North America are those which are most convenient to Brazil. We must cultivate them and develop them, especially because after the present struggle—a glorious struggle—because it is that of liberty against servitude, of progress against barbarity—there is reserved for the glorious Republic of Washington an incalculable part in the destinies of the world. It is not necessary to point out the reasons which unite the commerce of the two countries and the affinities between the processes of their agriculture, between their means of communication, and between the moral and material constitution of their population."

IX.

Looking over the "Annals of the Brazilian Parliament" and in books, magazines, and newspapers published during the two reigns of the imperial epoch, we could multiply extracts as we have already done as a proof of the perfect understanding which, at that time, statesmen, writers, and, in general, all the men of the dominating classes in Brazil had of the advantages for us of a cordial intelligence with the United States of America.

Those who in intimacy talked with the Emperor D. Pedro II know in what respect he held the same sentiments as those inspired in his father by José Bonifácio, Carvalho e Mello, and others, who in the same way as later the Viscounts de Sepetiba and of Uruguay arranged or consolidated the basis of our foreign policy. These sentiments of the second Emperor were proved by the voyage he undertook to the United States in 1876, during which, even on board ship, he took pleasure in translating the popular hymn, "Stars and Stripes," and the haste and satisfaction with which he appointed Brazilian delegates to the first pan-American conference of 1889, at Washington.

On the other hand, to review the proofs of friendship to Brazil, of interest for its progress and prestige, and of appreciation for its Government given by the United States from 1824 till to-day, it would be necessary to lengthen far too much the extension of this article, which is principally a compilation of texts. It is enough to remember that if the French military occupation of 1836 in Amapá ceased in 1840, to this concurred the representation of the Government of the United States, backing up in Paris those of Brazil and England; that if in 1895 a second military occupation, planned by M. Lebon, minister for the colonies, did not take place, it was because M. Hanotaux, minister for foreign affairs, better advised than his colleague, knew that this was opposed to the Monroe doctrine and the interests of England; that, on the wish of the United States, Brazil appointed an arbiter, Viscount of Itajubá, to the Geneva tribunal, which settled in 1872 the American claim against England in the affair of the Alabama; that by suggestion of the Government of the United States a Brazilian, Viscount de Arinos, presided over the Franco-American arbitration tribunal which was held in Washington from 1880 to 1884; and that to the offer of good offices insinuated by some of the great European powers in a critical moment of the civil war of the United States President Lincoln answered that as it was an American question the respect for the Monroe doctrine did not permit him to accept any European intervention, adding that if—which was not probable—it should become necessary for the mediation of a friendly nation the interventor or arbiter naturally indicated to both sides would be the Government of Brazil.

We shall not deprive ourselves of the pleasure to reproduce here, taken from the newspapers of the time, the following translation of the essential paragraphs of the speech which an envoy extraordinary and minister plenipotentiary of the United States, Richard Kidder Meade, read at the audience of December 5, 1857, in the palace of Saõ Cristovaõ on presenting his credentials to the Emperor Dom Pedro II.

* * * * *

"In accrediting a minister near this Government, the United States have not only the purpose to fulfill a duty of courtesy to the greatest power of the South American Continent, but also to express its sincere desire to concur with the Imperial Government of Brazil in the maintenance of a policy which should unite forever the two countries by ties of peace and friendship, which shall give greater strength and vigor to an already growing and prosperous commerce, and which shall produce the permanent welfare, the prosperity, and the development of the power of the two countries on whose destinies depend the two great continents in which they are respectively situated.

"My Government is perfectly impressed by the points of similarity and the identity of interests which should render indissoluble the bonds between the two countries and the aspirations of each of them. An equal expanse of territory of gigantic dimensions promises for the two nations a future preponderance above whatever apprehensions and should give to their position an importance due principally to their own strength.

"The similarity which in several respects exists between the constitutional organization of both is sufficient to foster political sympathies and associations promoting mutual benefits and future commercial progress; to the help which a policy common to both countries, stable and deeply rooted in their own soil (a policy which will have to combat many hostile movements abroad), will establish an alliance between both, and will insure, for mutual defense, a unity of action and feeling that will prove invincible in the future, * * *"

These feelings, manifested then and on many other occasions, are those which up to now have animated the two Governments of Washington and Rio de Janeiro, as are demonstrated by recent events, which are of public notoriety and which it would be useless to relate.

Washington has always been the principal center of intrigues and for demands for intervention against Brazil on the part of our neighbors, perma-

ment rivals, or temporary adversaries. When the first diplomatic agent of Brazil arrived there in 1824 he met a South American mission which asked for the backing of the United States against us. In 1903 and 1904, during the bitterest period of our quarrels with Bolivia and Peru, they also tried to seek intervention there and made tempting offers. The ex-President Capriles, of Bolivia, confessed in a well-known paper what had been done on his order in that regard.

All the maneuvers organized against this country at Washington since 1823 till to-day have always met an invincible barrier in the old friendship which happily united Brazil and the United States and which it is the duty of the present generation to cultivate with the same strength and ardor as that with which our ancestors cultivated it.

J. PENN.

VISIT OF SECRETARY ROOT.

Ambassador Griscom to the Secretary of State.

No. 23.]

AMERICAN EMBASSY,
Petropolis, August 31, 1906.

SIR: I have the honor to give, for the records of the department, the following short account of Mr. Root's stay in Rio de Janeiro and São Paulo from July 27 to August 7, 1905.

The United States cruiser *Charleston*, with Mr. Root and his family on board, arrived at Rio de Janeiro at 7 o'clock on the morning of July 27. Mr. Root's party consisted of Mrs. Root; his daughter, Miss Edith Root; his son, Mr. Edward Root; Mr. Doyle, his private secretary; and Lieutenant Palmer, his aid-de-camp. On entering the harbor the *Charleston* exchanged salutes with the fortress at Santa Cruz and anchored between the Argentine cruiser *Buenos Aires* and the German cruiser *Bremen*.

At 10 o'clock I went on board, accompanied by the staff of the embassy, and was shortly afterwards followed by his excellency Dr. Joaquim Nabuco, the Brazilian ambassador at Washington, and by the representatives of the ministry for foreign affairs, Mr. Gomes Ferreira, minister plenipotentiary, and Mr. Domicio da Gama, minister resident. Mr. Root also received on board a committee of Brazilian students, one of whose members welcomed him by a short speech in English. At 11 o'clock Mr. Root, accompanied by his family, his naval aid, by myself and Mrs. Griscom, and by Dr. Joaquim Nabuco, were rowed ashore in the old Portuguese galley *Dom João VI*, propelled by 64 oars. The picturesque galley was surrounded and followed ashore by many craft crowded with students and other enthusiastic spectators.

On landing Mr. Root was met and cordially welcomed by Baron Rio Branco, the Brazilian minister for foreign affairs, and by other distinguished representatives of the Government. After another short speech by one of the students and a reply by Mr. Root, the whole party entered carriages and proceeded on a long drive through the city to the house which had been placed at Mr. Root's disposal during his stay in the city. This procession, which lasted for two hours, was received in all quarters with great cordiality and enthusiasm. On arrival at the Palace Abrantés, Mr. Root's temporary home, the enthusiasm was so great that Mr. Root was obliged to make a short speech.

At 3 o'clock in the afternoon I accompanied Mr. Root on his formal visit to the President of the Republic. The conversation between the two was most cordial and lasted for over twenty minutes.

In the evening Mr. Root gave a dinner to the principal members of the Government and chief senators and deputies of both parties, and later in the evening attended a brilliant reception in his honor in the presidential palace.

On Saturday, July 28, Mr. Root held a reception in his house, to which were invited the highest society of Rio de Janeiro, the principal members of the Government, and the American colony. It was very gratifying to see the Brazilians of all shades of opinion fraternizing together to do honor to their distinguished guest.

In the evening a great banquet was held in Mr. Root's honor by the minister for foreign affairs in the foreign office, to which, besides Mr. Root and the staff of this embassy, were invited the American delegates to the Pan-American Congress and the chief political leaders of the country.

On Sunday, July 29, Mr. Root and his party went up to Petropolis, where he was lodged in the presidential summer palace. In the evening he gave an informal dinner, at which I was present with the members of this embassy.

On Monday, July 30, an informal luncheon was given to Mr. Root in the summer home of the minister for foreign affairs, and in the evening I entertained the members of the diplomatic corps at a dinner in his honor, which was followed by a small reception.

On the afternoon of Tuesday, July 31, as the guest of the minister of finance, Mr. Root and his party went down to Rio de Janeiro and in a special steamer cruised about the bay. Tea was served on "Ilha Fiscal," or government custom-house, an island lying in the bay not far from the city, after which he proceeded to the Palace Abrantés.

That evening a special meeting of the Pan-American Congress was held in Mr. Root's honor, where he made a memorable speech, which has doubtless been reported to the department through other sources. Immediately after the session closed he reviewed a torchlight procession composed of thousands of students. The enthusiasm displayed that evening was extraordinary and as the Secretary and his family were driving home the students stopped his carriage and wished to unharness the horses and pull the carriage themselves, but after much persuasion they desisted.

On Wednesday, August 1, a military parade was held in his honor, in which 6,000 or 7,000 troops were reviewed by him. In the afternoon, as guest of the minister for public works, Mr. Root went up Corcovado, a celebrated mountain peak which towers over the city of Rio de Janeiro. In the evening a gala performance took place at the theater.

On Thursday, August 2, Mr. Root visited the federal legislative chambers. At the Senate he was seated at the right of the presiding officer, and one of its members, Senator Ruy Barbosa, addressed him in Portuguese, and Senator Alfred Ellis, a graduate of the University of Pennsylvania, addressed him in English. In the Chamber of Deputies he was welcomed by the speaker, Mr. Guimares, and by a brilliant young deputy named James Darcy, both of whom delivered eloquent addresses. Mr. Root made appropriate speeches at both houses, and was

the recipient of most gratifying ovations. Later in the afternoon he attended the races, and in the evening was entertained at dinner by the President, and later went to a grand ball held in the ministry for foreign affairs.

On Friday, August 3, Mr. Root went over the celebrated Tijuca drive in an automobile, and at 2 o'clock in the afternoon paid a farewell call on the President, and shortly afterwards boarded the *Charleston*, where a reception to the leading government officials and Rio society was held. In the evening the *Charleston* sailed on her way to Santos with Mr. Root, his party, and myself on board.

On the morning of August 4 the *Charleston* arrived off Santos. The party then landed, and was received by the secretary of agriculture of the State of São Paulo. A special train was placed at Mr. Root's disposal and conveyed him to the state capital. About 3 o'clock in the afternoon Mr. Root arrived in São Paulo, and was received with great enthusiasm. A palace was set apart for Mr. Root and his family, and during his stay in this city he received a most cordial welcome.

On the afternoon of the 4th a football game was held in his honor, and the next day, Sunday, August 5, he visited the coffee plantation of Saint Croix, a distance of about three hours by train from São Paulo. It may be of interest to note that one of the stations of that railroad has been named "Elihu Root." Mr. Root returned to São Paulo late in the evening.

The following day, Monday, August 6, was spent visiting different sights of the city of São Paulo, and in the evening a dinner, followed by a brilliant reception, was given in his honor by the President, Dr. Jorge Tiberiçá.

On the morning of the 7th Mr. Root started on his return trip to Santos, accompanied by the ministers of agriculture and finance of the State of São Paulo, and several other distinguished Brazilians. On arrival at Santos Mr. Root went on board and took leave of all who had accompanied him. At 4.45 in the evening the *Charleston* left for Montevideo.

I am now collecting the several speeches made by Mr. Root during his stay in Brazil, and as soon as they are prepared I will transmit them to the department.

I have, etc.,

LLOYD GRISCOM.

[Inclosure 1.]

SPEECH OF HIS EXCELLENCY JOAQUIM NABUCO, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY FROM THE UNITED STATES OF BRAZIL TO THE UNITED STATES OF AMERICA, PRESIDENT OF THE CONFERENCE.

[Translation from the Portuguese.]

SIR: You do not come here to-night as a stranger to take your place as an honorary president of this conference. You were the first to express a desire that the conference should meet this year; you it was who, in Washington, brought to a happy conclusion the difficult elaboration of its programme and of its rules. Neither can we forget that at one time you even expected to be one of us, a plan you abandoned only to divide your time among all the republics that claimed the honor of your visit. The meeting of this conference is thus to a great extent your own work. In nothing else since you came to your high post have you taken a more direct and personal interest. You seem to divine in the spirit that animates you with regard to our continent the mark that your name will leave in history.

I believe that you and the conference understand each other fully. The periodical meeting of this body, exclusively composed of American nations, assuredly means that America forms a political system separate from that of Europe—a constellation with its own distinct orbit.

By aiming, however, at a common civilization and by trying to make of the space we occupy on the globe a vast neutral zone of peace, we are working for the benefit of the whole world. In this way we offer to the population, to the wealth, and to the genius of Europe a much wider and safer field of action in our hemisphere than if we formed a disunited continent, or if we belonged to the belligerent camps into which the Old World may become divided. One point specially will be of great interest for you, who so heartily desire the success of this work. The conference is convinced that its mission is not to force any nation belonging to it to do anything she would not be freely prepared to do upon her own initiative; we all recognize that its sole function is to impart our collective sanction to what has already become unanimous in the opinion of the whole continent.

This is the first time, sir, that an American Secretary of State officially visits a foreign nation, and we all feel happy that that first visit was to Latin America. You will find everywhere the same admiration for your great country, whose influence in the advance of moral culture, of political liberty, and of international law has begun already to counterbalance that of the rest of the world. Mingled with that admiration you will also find the sentiment that you could not rise without raising with you our whole continent; that in everything you achieve we shall have our share of progress.

There are few rolls of honor so brilliant in history as that of men who have occupied your high position. Among them any distinction on the ground of their merits would be fated to be unjust; a few names, however, that shine more vividly in history, such as those of Jefferson, Monroe, Webster, Clay, Seward, and Blaine—the latter the creator of these conferences—suffice to show abroad that the United States have always been as proud of the perfection of the mold in which their Secretaries of State have been cast and as zealous in this respect as they have been in the case of their Presidents. We fully appreciate the luster added to this conference by the part you take in it to-night. It is with sincere gratification that we welcome you. Here, you may be sure, you are surrounded by the respect of our whole continent for your great nation; for President Roosevelt, who has shown himself during his term of office, and will ever remain, whatever position he may choose to occupy in public life, one of the leaders of mankind; and for yourself, whose sound sense of justice and whose sincere interest in the welfare of all American nations reflect the noblest inspiration that animated the greatest of your predecessors.

This voyage of yours demonstrates practically to the whole world your good faith as a statesman and your broad sympathy as an American; it shows the conscientiousness and the care with which you wish to place before the President and the country the fundamental points of your national external policy.

You are now exploring political seas never navigated before, lands not yet revealed to the genius of your statesmen and toward which they were attracted, as we are all attracted one to another, by an irresistible continental gravitation. We feel certain, however, that at the end of your long journey you will feel that, in their ideals and in their hearts, the American Republics form already a great political unit in the world.

[Inclosure 2.]

SPEECH OF ELIHU ROOT, SECRETARY OF STATE OF THE UNITED STATES OF AMERICA,
HONORARY PRESIDENT OF THE CONFERENCE.

MR. PRESIDENT, AND GENTLEMEN OF THE THIRD CONFERENCE OF AMERICAN REPUBLICS:

I beg you to believe that I highly appreciate and thank you for the honor you do me.

I bring from my country a special greeting to her elder sisters in the civilization of America.

Unlike as we are in many respects, we are alike in this, that we are all engaged under new conditions, and free from the traditional forms and limitations of the Old World in working out the same problem of popular self-government.

It is a difficult and laborious task for each of us. Not in one generation nor in one century can the effective control of a superior sovereign, so long deemed

necessary to government, be rejected and effective self-control by the governed be perfected in its place. The first fruits of democracy are many of them crude and unlovely; its mistakes are many, its partial failures many, its sins not few. Capacity for self-government does not come to man by nature. It is an art to be learned, and it is also an expression of character to be developed among all the thousands of men who exercise popular sovereignty.

To reach the goal toward which we are pressing forward, the governing multitude must first acquire knowledge that comes from universal education, wisdom that follows practical experience, personal independence and self-respect befitting men who acknowledge no superior, self-control to replace that external control which a democracy rejects, respect for law, obedience to the lawful expressions of the public will, consideration for the opinions and interests of others equally entitled to a voice in the state, loyalty to that abstract conception—one's country—as inspiring as that loyalty to personal sovereigns which has so illumined the pages of history, subordination of personal interests to the public good, love of justice and mercy, of liberty and order. All these we must seek by slow and patient effort; and of how many shortcomings in his own land and among his own people each one of us is conscious.

Yet no student of our times can fail to see that not America alone but the whole civilized world is swinging away from its old governmental moorings and intrusting the fate of its civilization to the capacity of the popular mass to govern. By this pathway mankind is to travel, whithersoever it leads. Upon the success of this our great undertaking the hope of humanity depends.

Nor can we fail to see that the world makes substantial progress toward more perfect popular self-government.

I believe it to be true that, viewed against the background of conditions a century, a generation, a decade ago, government in my own country has advanced, in the intelligent participation of the great mass of the people, in the fidelity and honesty with which they are represented, in respect for law, in obedience to the dictates of a sound morality, and in effectiveness and purity of administration.

Nowhere in the world has this progress been more marked than in Latin America. Out of the wrack of Indian fighting and race conflicts and civil wars strong and stable governments have arisen. Peaceful succession in accord with the people's will has replaced the forcible seizure of power permitted by the people's indifference. Loyalty to country, its peace, its dignity, its honor, has risen above partisanship for individual leaders. The rule of law supercedes the rule of man. Property is protected and the fruits of enterprise are secure. Individual liberty is respected. Continuous public policies are followed; national faith is held sacred. Progress has not been equal everywhere, but there has been progress everywhere. The movement in the right direction is general. The right tendency is not exceptional; it is continental. The present affords just cause for satisfaction; the future is bright with hope.

It is not by national isolation that these results have been accomplished, or that this progress can be continued. No nation can live unto itself alone and continue to live. Each nation's growth is a part of the development of the race. There may be leaders and there may be laggards, but no nation can long continue very far in advance of the general progress of mankind, and no nation that is not doomed to extinction can remain very far behind. It is with nations as it is with individual men; intercourse, association, correction of egotism by the influence of other's judgment, broadening of views by the experience and thought of equals, acceptance of the moral standards of a community the desire for whose good opinion lends a sanction to the rules of right conduct—these are the conditions of growth in civilization. A people whose minds are not open to the lessons of the world's progress, whose spirits are not stirred by the aspirations and the achievements of humanity struggling the world over for liberty and justice, must be left behind by civilization in its steady and beneficent advance.

To promote this mutual interchange and assistance between the American Republics, engaged in the same great task, inspired by the same purpose, and professing the same principles, I understand to be the function of the American conference now in session. There is not one of all our countries that can not benefit the others; there is not one that can not receive benefit from the others; there is not one that will not gain by the prosperity, the peace, the happiness of all.

According to your programme no great and impressive single thing is to be done by you; no political questions are to be discussed; no controversies are to be settled; no judgment is to be passed upon the conduct of any state, but many subjects are to be considered which afford the possibility of removing barriers to intercourse; of ascertaining for the common benefit what advances have been made by each nation in knowledge, in experience, in enterprise, in the solution of difficult questions of government, and in ethical standards; of perfecting our knowledge of each other; and of doing away with the misconceptions, the misunderstandings, and the resultant prejudices that are such fruitful sources of controversy.

And there are some subjects in the programme which invite discussion that may lead the American Republics toward an agreement upon principles the general practical application of which can come only in the future through long and patient effort. Some advance at least may be made here toward the complete rule of justice and peace among nations in lieu of force and war.

The association of so many eminent men from all the Republics, leaders of opinion in their own homes; the friendships that will arise among you; the habit of temperate and kindly discussion of matters of common interest; the ascertainment of common sympathies and aims; the dissipation of misunderstandings; the exhibition to all the American peoples of this peaceful and considerate method of conferring upon international questions—this alone, quite irrespective of the resolutions you may adopt and the conventions you may sign, will mark a substantial advance in the direction of international good understanding.

These beneficent results the Government and the people of the United States of America greatly desire.

We wish for no victories but those of peace; for no territory except our own; for no sovereignty except the sovereignty over ourselves. We deem the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire, and we deem the observance of that respect the chief guaranty of the weak against the oppression of the strong. We neither claim nor desire any rights or privileges or powers that we do not freely concede to every American Republic. We wish to increase our prosperity, to expand our trade, to grow in wealth, in wisdom, and in spirit, but our conception of the true way to accomplish this is not to pull down others and profit by their ruin, but to help all friends to a common prosperity and a common growth, that we may all become greater and stronger together.

Within a few months, for the first time, the recognized possessors of every foot of soil upon the American continents can be and I hope will be represented with the acknowledged rights of equal sovereign states in the great World Congress at The Hague. This will be the world's formal and final acceptance of the declaration that no part of the American continents is to be deemed subject to colonization. Let us pledge ourselves to aid each other in the full performance of the duty to humanity which that accepted declaration implies; so that in time the weakest and most unfortunate of our Republics may come to march with equal step by the side of the stronger and more fortunate. Let us help each other to show that for all the races of men the liberty for which we have fought and labored is the twin sister of justice and peace. Let us unite in creating and maintaining and making effective an all-American public opinion, whose power shall influence international conduct and prevent international wrong, and narrow the causes of war, and forever preserve our free lands from the burden of such armaments as are massed behind the frontiers of Europe, and bring us ever nearer to the perfection of ordered liberty. So shall come security and prosperity, production and trade, wealth, learning, the arts, and happiness for us all.

Not in a single conference, nor by a single effort, can very much be done. You labor more for the future than for the present; but if the right impulse be given, if the right tendency be established, the work you do here will go on among all the millions of people in the American continents long after your final adjournment, long after your lives, with incalculable benefit to all our beloved countries, which may it please God to continue free and independent and happy for ages to come.

[Inclosure 3.]

SPEECH OF MR. MARIANO CORNEJO, ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY FROM THE REPUBLIC OF PERU TO THE KINGDOM OF SPAIN, FORMER PRESIDENT OF THE CHAMBER OF DEPUTIES, DELEGATE FROM PERU.

[Translation from the Spanish.]

[The PRESIDENT. There is before me a motion presented by the Peruvian delegation. The motion was then read:
"The Peruvian delegation moves that the minutes of the grand session of to-day, signed by all the delegates, be presented to the Department of State at Washington as an expression of the great pleasure with which the Pan-American Conference has received its honorary president, the Hon. Elihu Root.]

HONORABLE MINISTER, MR. PRESIDENT, HONORABLE DELEGATES :

The delegation from Peru desires that there may remain a mark of this solemn session, in which all America has saluted as a link of union the eminent statesman who has honored us with his presence, and, in his person, the great American who, for the elevation of his ideas and for the nobleness of his sentiments, is the worthy chief of the powerful Republic which serves as an example, as a stimulus, and a center of gravitation for the political and social systems of America.

Honorable Minister, your country sheds its heat and light over all the peoples of the continent, which in their turn, advancing at different rates of velocity, but in the same direction, along the line of progress, form in the landscape of American history a beautiful perspective of the future, reaching to a horizon where the real and the ideal are mingled, and on whose blue field the great nationality that fills all the present stands out in bold relief.

These congresses, gentlemen, are the symbol of that solidarity which, notwithstanding the ephemeral passions of men, constitutes, by the invincible force of circumstances, the essence of our continental system. They were conceived by the organizing genius of the statesmen of Washington, in order that the American sentiment of patriotism might be therein exalted, freeing it from that national egotism which may be justified in the difficult moments of the formation of states, but which would be to-day an impediment to the development of the American idea, destined to demonstrate that just as the democratic principle has been to combine liberty and order in the constitution of states, it will likewise combine the self-government of the nations and fraternity in the relations of the peoples.

Honorable Minister, your visit has given impulse to this undertaking. The ideas you have presented have not only defined the interests, but have also stirred in the soul of America all her memories, all her dreams, and all her ideals.

It is as if the centuries had awakened in their tombs to hail the dawn of a hope that fills them with new vigor and light.

It is the wish of Peru that this hope may never be extinguished in the heart of America, and that the illustrious delegates who will sign these minutes may remember that they are entering into a solemn engagement to strive for the cause of American solidarity.

[Inclosure 4.]

SPEECH OF DR. FRANCISCO LEÓN DE LA BARRA, ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY FROM THE UNITED STATES OF MEXICO TO THE KINGDOM OF BELGIUM, DELEGATE FROM MEXICO.

[Translation from the Spanish.]

MR. PRESIDENT, HONORABLE MINISTERS, AND HONORABLE DELEGATES :

The delegation from Mexico has the honor of seconding the motion just presented by the honorable delegate from Peru.

The visit of the Secretary of State of the United States has for us a very special significance. The eminent coworker of the illustrious President Roosevelt, as we have just heard in the beautiful address we have enthusiastically applauded, brings us the good wishes of the First Magistrate of his country for the success of the labors of this conference; and they will bear fruit, because they are based on mutual respect for the rights of States.

With these considerations the delegation from Mexico, in accordance with the proposal made by the delegates from Peru, respectfully asks the conference to carry it by acclamation.^a

[Inclosure 5.]

SPEECH OF HON. A. J. MONTAGUE, FORMER GOVERNOR OF THE STATE OF VIRGINIA,
DELEGATE FROM THE UNITED STATES OF AMERICA.

MR. PRESIDENT AND GENTLEMEN OF THE CONFERENCE :

If in disparagement of our modesty, yet in recognition of our gratitude, the delegates from the United States have just requested me to express our profound appreciation of the extraordinary courtesy you have extended to our country in the person of her distinguished and able Secretary of State, whose wise and exalted address we have all heard with delight and satisfaction.

However, the honors you have paid him, and which come so graciously from a polite and hospitable people, convey a deeper meaning, for in them we must see a gratifying evidence of that American solidarity which unites our Republics in the common development of popular government, energized by liberty, illumined by intelligence, steadied by order, and sustained by virtue. The liberty of law, and the opportunity for duty, and the dignity of responsibility come to us by the very genius of our institutions. Therefore, in recognition of the fraternity which inspires the greatest tasks which have yet fallen to the lot of so many peoples, working together for a common end, we receive your compliment to our country, and for this purpose I have thus detained you to hear this imperfect expression of our thanks.

[Inclosure 6.]

SPEECH OF HIS EXCELLENCY BARON DO RIO BRANCO, MINISTER FOR FOREIGN AFFAIRS
OF THE UNITED STATES OF BRAZIL, HONORARY PRESIDENT OF THE CONFERENCE.

[Translation from the Portuguese.]

GENTLEMEN :

I have risen merely to make a statement which I am sure will be received with pleasure by this illustrious assembly.

His Excellency the President of the Republic, in remembrance of the visit paid by His Excellency President Roosevelt to this building in St. Louis, and in order to perpetuate the memory of the coming of the distinguished Secretary Elihu Root to this country, has resolved by a decree bearing to-day's date to give to this edifice in which the International Pan-American Conference is now in session the name of Palacio Monroe.^b

[Inclosure 7.]

SPEECH OF HIS EXCELLENCY BARON DO RIO BRANCO, MINISTER FOR FOREIGN AFFAIRS,
AT A BANQUET GIVEN BY HIM TO MR. ROOT AT RIO DE JANEIRO, JULY 28, 1906.

MR. SECRETARY OF STATE :

The enthusiastic and cordial welcome you have received in Brazil must certainly have convinced you that this country is a true friend of your own.

This friendship is of long standing. It dates from the first days of our independence, which the Government of the United States was the first to recognize, as the Government of Brazil was the first to applaud the terms and spirit of the declarations contained in the famous message of President Monroe. Time has

^a The motion was carried by acclamation.

^b The PRESIDENT. There being no further business before the conference, I shall close the session.

The conference was then adjourned.

but increased, in the minds and hearts of successive generations of Brazilians, the sympathy and admiration which the founders of our nationality felt for the United States of America.

The manifestations of friendship for the United States which you have witnessed come from all the Brazilian people, and not from the official world alone, and it is our earnest desire that this friendship, which has never been disturbed in the past, may continue forever and grow constantly closer and stronger.

Gentlemen, I drink to the health of the distinguished Secretary of State of the United States of America, Mr. Elihu Root, who has so brilliantly and effectively aided President Roosevelt in the great work of the political approximation of the American nations.

[Inclosure 8.]

REPLY OF MR. ROOT.

YOUR EXCELLENCY :

I thank you again and still again for the generous hospitality which is making my reception in Brazil so charming.

Coming here as head of the department of foreign affairs of my country and seated at the table of the minister of foreign affairs of the great Republic of Brazil, where I am your guest, I am forcibly reminded of the change which, within the last few years, has taken place in the diplomacy of the world, leading to a modern diplomacy that consists of telling the truth, a result of the government of the people by the people, which is in our days taking the place of personal government by sovereigns. It is the people who make peace or war; their desires, their sentiments, affections, and prejudices are the great and important factors which diplomacy has to consult, which diplomats have to interpret, and which they have to obey. Modern diplomacy is frank, because modern democracies have no secrets; they endeavor not only to know the truth, but also to express it.

And in this way I have come here as your guest; not because the fertile and ingenious mind of some ruler has deemed it judicious or convenient, but because my visit naturally represents the friendship which the eighty million inhabitants of the great Republic of the North have for the twenty million people of Brazil; and it is a just interpretation of that friendship. The depth of sentiment which in me corresponds to your kind reception results from the knowledge I have that the cordiality which I find here represents in reality the friendship that Brazilians entertain for my dear country. Not in my personal name or as representative of an isolated individual, but in the name of all the people of my country and in the spirit of the great declaration mentioned by you, Mr. Minister, the declaration known by the name of Monroe, and which was the bulwark and safeguard of Latin America from the dawn of its independence, I raise my glass, certain that all present will unite with me in a toast to the progress, prosperity, and happiness of the Brazilian Republic.

[Inclosure 9.]

SPEECH OF DR. JAMES DARCY.

[Translation from the Portuguese.]

The same deep and profound emotion which I, as a Brazilian and an American, feel in this hour is undoubtedly felt by all here on the floor—representatives of the nation, and identical with the nation itself. When the Chamber of Deputies sees the Secretary of State of the United States of America in the gallery it can not go on with its regular work for a minute longer even. So great and extraordinary have been the demonstrations occasioned by the presence in our country of the great envoy of the great Republic of the United States that it is necessary that the Chamber, in this hour unequalled in the whole life of the American Continent, manifest without delay its feelings of sympathy with the work for the closer approximation of the American nations.

In Scandinavia, the land of almost perpetual fogs and mists, there died not long ago an extraordinary man. Ibsen, by some called revolutionary, by others evolutionary, dreamed in all his works of a new day of peace and concord for all mankind. This dream did not exist in the poet's brain alone, for it has

imbedded itself in the mind and heart of a great American politician—Elihu Root.

From the moment he set foot on Brazilian soil he has been received with loud acclamations of joy, in which all Brazilians have joined. The demonstration which the student body of Brazil made a short time ago, which for enthusiasm and spontaneity of feeling has never been equaled, manifested our feeling toward Mr. Root.

In his speech at the third conference of the American Republics, the statesman, the philosopher, the sociologist, the great humanitarian that Elihu Root is, opened up a new era for the countries of the continent of such an order that the old standard of morality has fallen to the ground in ruins. On the public buildings, on the fortresses and masts of war vessels, waves the same flag—a white flag, reminding the American people that a new epoch of fraternity has risen for them.

Nothing has ever done so much for peace as this visit of Elihu Root among us. It forms a spectacle that must mark an epoch in our national life. The Chamber of Deputies, interpreting the unanimous sentiment of the nation, from north to south, of old and young alike, has suggested that I offer a motion, which is already approved in advance, and make the request that Mr. Elihu Root be invited to take a seat on the floor of the Chamber, as a mark of homage in return for the honor he has done us in making a visit to this House.

The memory of this visit will live forever in our hearts. He who bestows all favors will undoubtedly reward those who have done so much for American peace and fraternity by setting them up as models for the whole world.

[Inclosure 10.]

REPLY OF MR. ROOT.

MR. PRESIDENT AND MEMBERS OF THE CHAMBER OF DEPUTIES :

I thank you sincerely for the flattering expressions which, through your able and happy spokesmen, you have made regarding myself. I thank you still more deeply for the expressions of friendship for my country. I beg you to permit me in my turn to make acknowledgment to you, the representatives of the people of Brazil—acknowledgment which I can make to the President of the Republic, which I can make personally to your distinguished and most able secretary for foreign affairs, but which I wish to make on this public occasion to the people of Brazil. I wish to thank the Brazilian people for sending to my country a man so able and so successful in interpreting his people to us as my good friend Mr. Nabuco. I wish to thank the people of Brazil—its legislators, its educated men of literature and of science, its students in their generous and delightful enthusiasm, and its laboring people in their simple and honest appreciation—for the reception which they have given me, overwhelming in its hospitality and friendship; for the courtesy, the careful attention to every detail that could affect the comfort, the convenience, and the pleasure of myself and my family; for the abundant expressions of friendship which I have found in your streets and in your homes; for the bountiful repasts; for the clouds of beautiful flowers with which you have surrounded us; and, more than all, for the deep sense of sincerity in your friendship which has been carried to my heart. I wish to make this acknowledgment directly to you, the direct and immediate representatives of the people.

We, who in official life have our short day, are of little consequence. You and I, Mr. President, Baron Rio Branco, the President of the Republic himself—we are of little consequence. We come and go. We can not alter the course of nations or the fate of mankind; but the people, the great mass of humanity, are moving up or down. They are marching on, keeping step with civilization and human progress; or they are lapsing back toward barbarism and darkness. The people to-day make peace and make war—not a sovereign, not the whim of an individual, not the ambition of a single man; but the sentiment, the friendship, the affection, the feelings of this great throbbing mass of humanity, determine peace or war, progress or retrogression. And coming to a self-governing people from a self-governing people, I would interpret my fellow-citizens—the great mass of plain people—to the great mass of the plain people of Brazil. No longer the aristocratic selfishness, which gathers into a few hands all the goods

of life, rules mankind. Under our free republics our conception of human duty is to spread the goods of life as widely as possible; to bring the humblest and the weakest up into a better, a brighter, a happier existence; to lay deep the foundations of government, so that government shall be built up from below, rather than brought down from above. These are the conceptions in which we believe. True, our languages are different; true, we draw from our parent countries many different customs, different ways of acting and of thinking; but, after all, the great, substantial underlying facts are the same, humanity is the same. We live, we learn, we labor, and we struggle up to a higher life the same—you of Brazil and we of the United States of the north. In the great struggle of humanity our interests are alike, and I hold out to you the hands of the American people, asking your help and offering you ours in this great struggle of humanity for a better, a nobler, and a happier life. You will make mistakes in your council—that is the lot of humanity; no government can be perfect—till the millennium comes; but year by year and generation by generation substantial advance toward more perfect government, more complete order, more exact justice, and more lofty conceptions of human duty will be made.

God be with you in your struggle as He has been with us. May your deliberations ever be ruled by patriotism, by unselfishness, by love of country, and by wisdom for the blessing of your whole people, and may universal prosperity and growth in wisdom and righteousness of all the American Republics act and react throughout the continents of America for all time to come.

Ambassador Griscom to the Secretary of State.

[Extracts.]

No. 24.]

AMERICAN EMBASSY,
Petropolis, August 31, 1906.

SIR: As some days have elapsed since your visit to Brazil I had an opportunity to observe and consider its effects concerning which I now have the honor to submit the following comment:

There can be no question but that your visit has been of great material benefit to the political and commercial interests of the United States. For generations past there has always been in Brazil, as elsewhere in South America, a considerable element of the population who view the United States with suspicion and mistrust—suspicion of our motives, and mistrust of such conciliatory advances which we may from time to time have made. To remove all these suspicions at one stroke were indeed an impossible task, but it may be said that, as a direct result of your visit to Brazil, the whole attitude of the Government and people of this Republic toward the United States has been revolutionized, and we may fairly count in the future that the assumption will be that we mean well, instead as it has been in the past that we mean harm.

It could hardly be hoped that such a complete revolution would be effected without some opposition, some objection, and we must anticipate a reaction and be prepared to meet it, but the fact remains that the fight is won, and it but rests for us to encourage in every way in our power the friendly feelings which have been excited. During the period immediately preceding your visit, and during your visit, there was not a single discordant note in the chorus of welcome and enthusiasm which the visit called forth, and in not a single public utterance was there one word of criticism or disapproval; in fact the welcome of the Brazilian nation was whole-souled and unanimous, more so than even our warmest friends ventured to hope. Those of us who live here certainly anticipated that the extreme element,

which has always been so unfriendly to our people, would surely make their voice heard and be guilty of some unfriendly sign or demonstration. But public opinion was too strong, and they must have recognized that any such movement would have met with almost universal condemnation.

The situation previous to your arrival was such that it only required the simple assurances which you were able to make and the friendly advances which your visit portended to destroy the suspicions of the serious-minded people whose friendship was worth having, and to stimulate the liking and affectionate regard which must come with greater knowledge of our people and our principles. There can be no doubt that your trouble and time would have been amply repaid by your visit to Brazil, even had you never set foot in other parts of South America.

The first practical results of your visit are now beginning to make themselves seen. Three days ago a prominent member of the Chamber of Deputies introduced a bill, which has been reported in the embassy's No. 22, of August 29, which is a project for alterations in the existing Brazilian tariff, and which, if carried into effect, would give a 20 per cent preferential reduction in favor of all merchandise imported into Brazil from the United States. This preferential reduction is in favor of countries which import more than 4,000,000 sacks of coffee and admit it free of duty, and as we are the only country which comes within this category the preference is as against the whole world. On the other hand, a surtax is proposed which provides for a 10 per cent increase of the Brazilian tariff on merchandise emanating from countries imposing over 50 per cent import duty on Brazilian coffee or sugar, and 20 per cent increase on merchandise emanating from countries imposing over 100 per cent duty on the same Brazilian products.

As a further instance of the practical results of your visit, I may mention that Doctor Botelho, the secretary of agriculture of the State of São Paulo, has issued an order that all the employees of his secretariate shall learn to speak the English language and that the ability to do so will be a necessary qualification for future candidates for office. In private conversation Doctor Botelho gives as his reason for the new regulation that your visit has opened his eyes to the necessity for his people of a better understanding of the United States. One can hardly overestimate the importance of an order which will tend to spread our language among a people which for generations has been under the influence of French philosophy and literature.

In this connection I may add that Dr. Felix Gaspar, the minister of justice of Brazil, has recently stated that if satisfactory arrangements can be made he proposes to send to the United States one-half of the students which each year the Brazilian Government has hitherto been sending exclusively to Europe.

In order to take advantage of the good feeling engendered and to stimulate our trade with Brazil, I have in mind at present that we should endeavor to bring about three changes. In the first place, we should secure a preferential reduction in the Brazilian tariff as soon as possible; secondly, we should negotiate a parcels-post convention with Brazil in order to facilitate the sending of samples and sample

shipments of merchandise; and, thirdly, we should secure the necessary authorization for the operation of express companies between Brazil and the United States in order to facilitate the speedy transmission of valuable freights. The principal need of this is due to the fact that when freight reaches the port of Rio from the United States it takes usually between two and a half and three months for it to be brought to land and to pass the customs. Express matter, however, would receive special handling and would pass the customs in the same way as passengers' baggage within two or three days. I have taken advantage of the moment to broach both the question of parcels-post and the express companies to the Brazilian Government, and the suggestions have been very favorably received and the necessary negotiations have been started. It is fortunate that just at this moment, as telegraphed to you by me on the 20th instant, the Lloyd Brasileiro, the largest Brazilian steamship company, has put into operation a new monthly steamship service between Rio and New York. The English company of Lamport and Holt have been running a monthly service with a practical monopoly, and without competition the freights have been prohibitive. It is hoped that we are entering upon an era more favorable to merchants who may desire to reach out for trade with Brazil.

The crying need of our commercial relations with Brazil is better steamship communications. Inquiry among our leading financiers and merchants indicates that encouragement by our National Government in the form of a small postal or other subvention would quickly bring about the establishment of a good line of American steamers between New York and Rio. Given a few facilities, our trade with Brazil must inevitably go ahead at once with leaps and bounds. It would seem that the moment following your visit to South America would be propitious for interesting our congress and public in some measure to stimulate our commerce with this part of our hemisphere. It were indeed a pity if the wave of friendly feeling which is sweeping over South America following upon your visit, and the great forces which you have set in motion, so ripe with beneficial possibilities, should meet with no responsive movement on the part of our people and should be allowed to subside without leaving lasting practical results.

I have, etc.,

LLOYD GRISCOM.

MESSAGE OF THE BRAZILIAN PRESIDENT TO THE CONGRESS OF BRAZIL.

Chargé Richardson to the Secretary of State.

No. 166.]

AMERICAN EMBASSY,
Petropolis, May 17, 1906.

SIR: Referring to my dispatch No. 162, inclosing a copy of the Brazilian President's message to Congress, I now have the honor to inclose an excellent translation of it from the Brazilian Review of May 15, 1906.

I have the honor to be, etc.,

CHARLES RICHARDSON,
Chargé d'Affaires ad interim.

[Inclosure.]

[Extract from the Brazilian Review May 15, 1906.]

Our relations with foreign powers continue to be satisfactory, it having always been my endeavor to draw closer the bonds which unite us to them.

A treaty of arbitration was signed in this city on September 7 by the plenipotentiaries of Brazil and the Argentine Republic which in due course will be submitted for the approval of the Congress of both countries. A fine division of the Argentine navy arrived in the Bay of Rio de Janeiro, where it stayed some days, having been sent by the order of its Government to take part in the celebrations commemorating our independence. The demonstrations which this visit evoked bore fresh testimony to the esteem in which the Brazilian Government and people hold the friendship of Argentina.

Our treaty of arbitration with Chile of May 18, 1899, having been lately mutually ratified in Santiago, I signed the decree of April 14 of the current year, bringing this act into force.

On May 20 of last year the arbitration court of Brazil and Bolivia created by article 2 of the treaty of November 17, 1903, commenced its deliberations in this city, whilst on January 15 last the Brazil-Peru court, established by the convention of July 12, 1904, also began its sittings. Both are under the presidency of the apostolic nuncio. The former of these had doubts as to the exact meaning of a clause of its internal regulations of June 3, 1905. This question was decided by the two Governments on January 30 of this year.

There have been installed in the (provisionally) neutral zones of Breu (Alto Juruá) and Catay (Alto Purús) the fixed police and fiscal commissions agreed upon the accord of July 12, 1904, between Brazil and Perú. The commissions appointed to report on the Alto Purús and the Alto Juruá, courageously overcoming great difficulties brought their explorations to a conclusion as rapidly as was possible, going not only to the sources of these two rivers and of their more remote tributaries, but also to the small streams which connect them with certain tributaries of the Ucayle. The chiefs of the commissions for the report on the Alto Purús have already delivered to their respective governments their report and their maps. The mixed commission which went to the Alto Juruá is finishing its clerical work at Manãos. When these documents have been perused and more exact data in respect to these reasons are to hand, the two Governments will be able to enter into negotiations with more probability of arriving at a satisfactory solution of the frontier questions at present pending.

Two protocols relative to the putting into effect of the frontier treaty between Brazil and Venezuela of May the 5th, 1859, were signed at Caracas by the plenipotentiaries of the two countries on the 9th of December last. By the first there was approved and recognized the line of demarcation made in 1888 by the mixed Brazil and Venezuelan commission from Pedra de Cucuhy, near the Rio Negro, up to Serra Cupy in an easterly direction. By the second it was stipulated that a mixed commission should verify the line of demarcation, made in 1882 to 1884 by a Brazilian commission without the concurrence of Venezuela, from Serra Cupy up to the point of Monte Roraima where the three frontiers of Brazil, Venezuela, and British Guiana meet, giving always the preference to the dividing line of the waters which go by the Amazon, Orinoco, and Essequibo, and carrying out the line of demarcation in accordance with the disposition contained in paragraphs 2 and 3 of article 2 in the aforementioned frontier treaty of 5th of May, 1859.

The frontier treaty which we concluded with Ecuador on the 6th of May, 1904, having been duly ratified by both powers, I promulgated it by decree of 18th of May, 1905.

I hope that we may shortly bring to a satisfactory conclusion the negotiations at present proceeding with the Dutch Government with regard to the frontier of Brazil and the colony of Surinam.

Negotiations have been reopened in Bogotá which had been broken off since 1870 for the adjustment of the frontier between Brazil and Colombia. The conciliatory and reasonable solution at which we have arrived in the interests of the two friendly countries will only be rendered impossible if, which I do not suppose, the Colombian Government maintains that our effective power, which has continued for nearly two centuries on the left bank of the Amazon and on the lower Ica, or Putumayo, is of less value than that of the preliminary or provisional treaty of 1777, never completely executed and never followed by

the definite treaty which it itself provided for, but always broken since the war of 1801.

I propose to begin without further delay the work of demarcation of the new frontiers between Brazil and Bolivia and the construction of the Madeira to Mamoré Railway, thereby faithfully fulfilling our obligations laid down in the treaty of 17th of November, 1903.

There are now awaiting approval by the two Governments interested on the maps presented by the Brazil-Argentina mixed commission, which marks out the limits of the common frontier by the Uruguay, Pepiry-Guassu, Santo Antonio and Iguassu, from the confluence of the Quarahim up to the Alto Paraná, as I announced to you in my last year's message.

By decrees of 13th of July and 5th of October, 1905, there came into force in Brazil the international accord for the repression of the white slave trade to which we had given our adherence on the 18th of May, 1904, and the International Sanitary Convention which we concluded in this city of Rio de Janeiro on the 12th of June, 1904, with the Republics of Argentina, Uruguay, and Paraguay.

Another decree, dated 3d of February last, promulgated the agreement on trade and commercial marks between Brazil and the Argentine Republic signed on the 30th of October, 1901.

His Holiness Pope Pius X gave proof of his peculiar affection for the Brazilian people by elevating to the cardinalate in the consistory of 11th of December last the Archbishop of Rio de Janeiro, Don Joaquin Arcoverde de Albuquerque Cavalcanti. It is the first time that so high a distinction has been conferred upon a Latin-American prelate.

The third scientific Latin-American congress held its sessions in this capital from the 6th to the 16th of August of last year.

The representatives of South American Republics in Washington, in accordance with instructions received from their respective Governments, at a meeting held on the 6th of December last, chose the city of Rio de Janeiro as the place of meeting for the Third International American Congress. The first—as you know—was held in Washington from 1889 to 1890, and the second in Mexico in 1901.

A special commission consisting of the Secretary of State of the United States of America, of the ambassadors of Brazil and Mexico, and of the ministers of the Argentine Republic, Chile, Costa Rica, and Cuba drew up the programme to be discussed, which was unanimously approved at the sessions of April 6 and 21.

The conference will open its sessions on July 21 and close them on the 1st of September, in accordance with the programme already approved by the Union of American Republics in Washington.

Mr. Elihu Root, Secretary of State of the United States of America, is expected to arrive in this capital on July 25, on a visit to Brazil, and he will be our guest for several days.

It is a great satisfaction to me to note that the relations of cordial friendship between Brazil and the United States of America are ever becoming stronger. In this regard I have done no more than follow the traditional policy established by the founders of our independence in the year 1822, which has been continued without interruption by all Brazilian Governments.

The second peace conference, to which we were invited, as we were to the first in 1899, was going to meet at The Hague on the 15th day of July next, in accordance with the proposal made to the various Governments by His Majesty the Emperor of Russia. Arrangements having already been made for the meeting in Rio de Janeiro during that same month of the Pan-American Congress, we, in conjunction with the Government of the United States of America, asked for a postponement of the meeting at The Hague to a date when the Pan-American Congress should have finished its deliberations, in order that some of the delegates might be able to take part in both conferences. This postponement was readily and without question accepted by Russia and all the other European powers.

On the 30th of April last I notified our legation in Berne that Brazil would give her adherence to the convention of Geneva of August 22, 1864, known as the Red Cross, this adhesion being subject to your approval. Paraguay, Ecuador, and Colombia, the only South American countries in like case with ourselves, have informed us that they also are disposed to adhere to this convention from now onward.

On the initiative of His Majesty the King of Italy an International Institute of Agriculture has been founded in Rome, and Brazil, having been invited to take part in the preliminary discussions, will be duly represented. Finally, I authorized our diplomatic representative in Italy to sign, as plénipotentary and with an ad referendum to the National Congress, the convention arranged between the powers who approve of the creation of the aforesaid institute.

Brazilian interests at the sugar conference have been defended by the minister of Brazil to Belgium and by a delegate appointed by the minister of finance.

Our legation in Mexico has been reestablished. The Dutch Government has created a legation in Rio de Janeiro, which was inaugurated on the 16th of December last. The reestablishment of our former legation at The Hague depends on your approval of a project which will be submitted to you.

BULGARIA.

COMMERCIAL TREATIES WITH GERMANY, GREAT BRITAIN,
RUSSIA, FRANCE, AND ITALY.

Diplomatic Agent Jackson to the Secretary of State.

[Extract.]

No. 101, Bulgarian Series.]

AMERICAN LEGATION,
Athens, February 2, 1906.

SIR: Bulgaria's commercial treaties with Germany, Great Britain, Russia, France, and Italy went into effect on January 1; the commercial accord with Roumania has been prolonged until January 1, 1907, and Servian products are to receive most-favored-nation treatment until March 1 next on condition of reciprocity. Most-favored-nation treatment is, I understand, to be accorded the products of countries with which no agreement has been made upon conditions of reciprocity until further notice.

I have, etc.,

JOHN B. JACKSON.

Diplomatic Agent Jackson to the Secretary of State.

No. 105, Bulgarian Series.]

AMERICAN LEGATION,
Athens, February 12, 1906.

SIR: Referring to previous correspondence (dispatches Nos. 96 and 101), I have the honor to transmit herewith a pamphlet^a containing the French text of the treaties of commerce concluded by Bulgaria with France and Italy, both of which passed the Sobranje on the 5th instant. Both treaties, I understand, actually went into effect in accordance with arrangements made between the governments concerned on January 1/14.

Both treaties (article 20 of that with France and article 19 of that with Italy provide that most-favored-nation treatment will not be applied in the case of customs union or where special favors are accorded to bordering states (Servia, Bulgaria, etc.) in order to facilitate trade across the frontier. In the French treaty (article 16) the eventual creation of monopolies in Bulgaria in regard to powder, tobacco, alcohol, salt, petroleum, matches, cigarette paper, and playing cards, is provided for.

I have etc.,

JOHN B. JACKSON.

^a Filed in the Department of State.

RECIPROCIITY ARRANGEMENT BETWEEN BULGARIA AND THE UNITED STATES.

Diplomatic Agent Jackson to the Secretary of State.

[Extracts.]

No. 121. Bulgarian Series.]

AMERICAN LEGATION,
Sofia, June 6, 1906.

SIR: I have the honor to report that I addressed a note to the Bulgarian ministry of foreign affairs yesterday, stating that I was "authorized by my Government to propose that reciprocal most-favored-nation treatment should continue to be applied in the commercial relations between the Government of the United States of America and the Government of Bulgaria."

After the conclusion by Bulgaria of commercial treaties with Germany, Great Britain, Russia, France, and Italy, the Bulgarian Government decided to accord most-favored-nation treatment upon conditions of reciprocity, pending the conclusion of new agreements (dispatch No. 101), to the products of countries with which agreements had been made in the past. Subsequently I ascertained that some difference of opinion existed as to the exact manner in which American products should be treated. During my present visit to Bulgaria I have had several conversations in regard to this matter with Mr. Petkow, the minister of the interior, who is the actual leader of the party now holding office and who is temporarily acting as minister of foreign affairs (in the absence of General Petroff, who was sent to Madrid for the royal wedding), with officials of the foreign office, and with others—and the result has been the sending of the note mentioned above. I felt authorized to do this on the strength of the department's instructions, Nos. 16, 19, and 22 of this series, of April 27, 1905, and February 17 and March 30, 1906, respectively. I called attention to the contents of the first of these instructions, which had been duly communicated to the foreign office at the time it was received.

I left with Mr. Petkow a copy of the President's recent proclamation in regard to "Reciprocity with Germany," as well as an original copy of the German law extending to American products the benefits of Germany's latest commercial treaties.

The understanding is that the Bulgarian ministry of foreign affairs will send me at once a note accepting my "proposition" and that a decree (ukase) will be printed in the Official Gazette (as was done in the case of Belgium, Roumania, and other countries with which no new commercial agreements have yet been made), extending to American commerce the benefits accorded by the five commercial treaties mentioned above. What these benefits are can be ascertained most conveniently by reference to a British parliamentary paper ("Translation of the New Customs Tariff of Bulgaria, modified by Commercial Conventions with the United Kingdom, Germany, France, and Italy, 1906") in which the autonomous and conventional tariff rates are given in parallel columns, which was published a short time ago, and which I presume to be on file at the department.

In return, it is expected that the President will issue a proclamation in regard to Bulgaria, similar to that which was issued recently in regard to Germany, at the earliest practicable date.

I have been careful to explain that the right is reserved to revise the American tariff at any time, and nothing has been said in regard to the period during which the proposed understanding shall continue. In this way we may obtain most-favored-nation treatment from Bulgaria for the present at least and until further notice of some kind is given.

I shall inform you at once on the receipt of the Bulgarian minister's answer to my note, and on the publication of the anticipated princely decree, and I hope to be informed that my action in this matter has met with your approval.

I have, etc.,

JOHN B. JACKSON.

Diplomatic Agent Jackson to the Secretary of State.

No. 130. Bulgarian Series.]

AMERICAN LEGATION,
Athens, June 25, 1906.

SIR: Referring to my dispatch No. 121, of the 6th instant, from Sofia, I have the honor to inclose herewith a copy and translation of a note which I have just received from General Petroff, the Bulgarian minister of foreign affairs. In this note, which is dated June 6/19, the Bulgarian Government accepts the proposition made by me, in the name of the American Government, in my note of June 5, that "reciprocal most-favored-nation treatment should continue to be applied in the commercial relations between the Government of the United States and the Government of Bulgaria."

By a telegram which I have received from General Petroff to-day, I am informed the arrangement (granting to our commerce the benefits of the commercial conventions recently concluded by Bulgaria with other countries) was put into effect ("mis en vigueur") from the date of my note, and I am promised another note to explain to me why no princely ukase was considered necessary.

I have, etc.,

JOHN B. JACKSON.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas the Government of the Principality of Bulgaria has taken action, extending, on and after June 5, 1906, and until further notice, to the products of the soil or industry of the United States, the benefit of the Bulgarian conventional customs tariff rates, the same being the lowest rates applied by Bulgaria to the like products of any other country, by which action in the judgment of the President reciprocal and equivalent concessions are established in favor of the said products of the United States:

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, acting under the authority conferred by the third section of the tariff act of the United States, approved July 24, 1897, do hereby suspend, during the continuance in force of the said concessions by the Government of the Principality of Bul-

garia, the imposition and collection of the duties imposed by the first section of said act upon the articles hereinafter specified, being the products of the soil or industry of Bulgaria; and do declare in place thereof the following rates of duty provided in the third section of said act to be in force and effect on and after September 30, 1906, of which the officers and citizens of the United States will take due notice, namely:

Upon argols, or crude tartar, or wine lees, crude, five per centum ad valorem.

Upon brandies or other spirits manufactured or distilled from grain or other materials, one dollar and seventy-five cents per proof gallon.

Upon still wines and vermouth in casks, thirty-five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty-four bottles or jugs containing each not more than one pint, one dollar and twenty-five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

Upon paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.

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

Done at the City of Washington this fifteenth day of September, in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States of America the one hundred and thirty-first.

[SEAL.]

THEODORE ROOSEVELT.

By the President:

ROBERT BACON,

Acting Secretary of State.

Diplomatic Agent Jackson to the Secretary of State.

[Telegram.—Paraphrase.]

ATHENS, *September 18, 1906.*

(States that the Bulgarian Government wishes to confirm the reciprocal arrangement in force since last June by the exchange of formal notes between the American diplomatic agent and the minister for foreign affairs. Requests instructions.)

Diplomatic Agent Jackson to the Secretary of State.

No. 150. Bulgarian Series.]

AMERICAN LEGATION,
Athens, September 18, 1906.

SIR: I have the honor to confirm the telegram just sent you, as follows:^a

^a Supra.

As yet no acknowledgment has been received from the department of the receipt of my Bulgarian dispatches Nos. 121 and 130, of June 6 and 25, respectively.

It will be remembered that in view of previous instructions I felt authorized to propose that "reciprocal most-favored-nation treatment should continue to be applied in the commercial relations" between the United States and Bulgaria, and that the Bulgarian Government accepted my proposition, and put the arrangement in force on June 5 last, the date of the proposition. Yesterday I received a note from the ministry of foreign affairs at Sofia, confirming the above, but stating that it was considered desirable, in order to conform with usage, that there should be an exchange of formal notes "establishing the reciprocal application of the treatment of the countries." The Bulgarian authorities would like to have the contemplated exchange of notes taken place at Sofia before the end of October, if possible. I have written to Sofia at once for a draft of the proposed notes, and shall submit the same to you, when received, without delay.

I have, etc.,

JOHN B. JACKSON.

The Secretary of State to Diplomatic Agent Jackson.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 24, 1906.

(Informs him that the President signed, September 15, a proclamation of a commercial arrangement with Bulgaria, to take effect September 30. States that a formal exchange of notes may be made reciting date if practicable. Reply to his telegram of September 18.)

The Secretary of State to Diplomatic Agent Jackson.

No. 35, Bulgarian Series.]

DEPARTMENT OF STATE,
Washington, October 6, 1906.

SIR: I have to acknowledge the receipt of your No. 150, Bulgarian series, of the 18th ultimo confirming your telegram of the same date regarding the wishes of the Bulgarian Government to confirm the reciprocal commercial agreement between the two countries by an exchange of formal notes between yourself and the minister for foreign affairs.

In reply I have to say that the commercial agreement having become effective by the President's proclamation, copies of which have been mailed to you, the proposed exchange of notes may simply serve as an international record of the agreement so reached.

I am, etc.,

E. Root.

CHILE.

ELECTION AND INAUGURATION OF PEDRO MONTT AS PRESIDENT.

Minister Hicks to the Secretary of State.

[Telegram.—Paraphrase.]

SANTIAGO, June 27, 1906.

(Announces that the election of Pedro Montt as President by a large majority is conceded by all parties.)

Minister Hicks to the Secretary of State.

[Extracts.]

No. 84.]

AMERICAN LEGATION,
Santiago, September 20, 1906.

SIR: In accordance with the provisions of the constitution of Chile, the new President, Don Pedro Montt, elected in June last, was duly installed in office on Tuesday, September 10, and is now the chief magistrate of the Republic.

The 18th of September is the anniversary of the national independence and is the day fixed by law for the inauguration of the President for a term of five years. It is made a holiday throughout the Republic, and the succeeding two days are also given up to festivities among the people. It is a sort of combination of the 4th of July and the 4th of March, although, on account of the natural differences of temperament, it is celebrated here quite differently from the manner in which the day is observed in the United States.

At 1.30 the two houses of congress assembled in the large hall known as the Salon de Honor, in the congressional building, with Mr. Sanfuentes, president of the Senate, in the chair, and the secretary of the Chamber of Deputies acting as clerk. President Riesco, accompanied by his cabinet, entered and took seats behind the desk, the President wearing his badge of office, a broad sash of red, white, and blue ribbon, bearing the shield of the Republic. The new President, Don Pedro Montt, was seated near the door.

On one side of the hall were the members of the two houses and distinguished citizens. On the other side were the members of the diplomatic corps in full uniform, naval and military representatives, and citizens. A guard of military surrounded the building and filled the anteroom of the hall, while the galleries were filled with citizens.

As soon as the President and his cabinet were seated, the clerk began reading the result of the election in the electoral college, showing that Don Pedro Montt had been duly elected President. A committee of senators and deputies then waited on the President-elect and escorted him to the desk, where he took the oath of office. Immediately President Riesco took from his shoulders the tricolored sash, emblem of his high office, and placed it on his successor, and then arose from the spectators in the galleries and from many in the body of the hall a mighty chorus of cheers. Viva Don Pedro Montt! was heard in one great acclaim.

The President then announced the appointment of his new cabinet, as follows:

Minister of interior and president of the cabinet, Don Javier A. Figueroa.

Foreign relations, Don Santiago Aldunate Bascuñañ.

Justice and public instruction, Don Enrique Rodriguez.

Treasury, Don Raimundo del Rio.

War and navy, Don Belisario Prats Bello.

Industry and public works, Don Eduardo Charme.

The gentlemen named appeared and signed the oath of office, and the public ceremonial connected with the inauguration closed the first part.

At once the President and his cabinet, accompanied by the senators and deputies, public officials, members of the diplomatic corps, and distinguished citizens, formed in procession and marched to the Cathedral, two blocks distant.

At the entrance of the Cathedral the new President was met by the venerable Archbishop of Santiago and escorted to a seat, while the others were seated in prominent places in the body of the church. A "Te Deum" service was sung with the assistance of a choir of men's voices and about fifty priests and bishops. At the conclusion of the religious service, which lasted less than an hour, the procession was formed again, the President and cabinet going last, and marched on foot to the Moneda, or government building, distant some six or seven blocks. The entire way was lined with troops, and the houses were filled, as to the balconies and windows, with citizens.

Every square had its band, which discoursed military music, and the new President received the cheers of the crowd, which came almost unanimously from the lips of the people in the whole course of his journey.

At the Moneda the new President, diplomatic corps, cabinet ministers, and distinguished guests reviewed the procession from the balconies. All the troops which had guarded the streets during the procession defiled in front of the Moneda, and the square in front and adjoining streets were thronged with people. At the end of two hours the guests present accompanied the new President to the dining hall, where a glass of champagne was drunk in honor of the new administration, and then the company dispersed.

At 7 o'clock in the evening, President Montt gave a dinner in the Moneda to the cabinet, members of the diplomatic corps, and heads of departments. Don Santiago Aldunate Bascuñañ, minister of foreign relations, made a brief speech, welcoming the visitors and stating briefly the objects of the new administration. He was answered in a

short speech by the dean of the diplomatic corps, Monsignor Monto, papal delegate. Both speeches were read in manuscript.

At 9 o'clock the ladies of the diplomatic corps arrived and the entire party went to the theater, where an Italian opera company gave *Il Trovatore*. On the arrival of the President the national hymn of Chile was sung, and a new hymn, written for the occasion, in honor of Don Pedro Montt, was sung amid great cheering. The opera concluded the exercises of a busy day.

The new President takes office while enjoying great personal popularity. He is the son of Don Manuel Montt, who was President of Chile from 1851 to 1862. His reputation is that of a calm, well-balanced man, of unimpeachable integrity, strong and self-reliant, but conciliatory and far-seeing. He begins his career with many difficulties on his hands. One question left over from the last administration—that of the rectorship of the university—is already causing considerable trouble. Under the law the President appoints the rector from three persons named by the doctors of the university itself. Señor Letelier has been so named, but as he is said to be a liberal and even a freethinker, the church party and the conservatives generally are fighting him. The new President selected a cabinet last week entirely different from the one now in office, but owing to the rectorship question and some other things it failed and a new one had to be appointed hurriedly.

Among other difficulties to be met by the new President is the opposition of the Senate. It is understood that there is a majority in that body against him, and it is liable to operate unfavorably to him. Still his friends have full confidence that he will succeed in quieting opposition and will retain the unlimited confidence of the people.

Under the Chilean constitution much of the power delegated to the President under the American Constitution is retained by Congress. That body really dictates to the President the appointment or removal of his cabinet, and thus his functions are quite different from those of the President of the United States.

The country is recovering from the effects of the earthquake, and the new administration gives great hopes and expectations of prosperity to the people. A few months will probably see a marked improvement in the business and financial affairs of the Republic.

Your obedient servant,

JOHN HICKS.

VISIT OF SECRETARY ROOT.

The Chilean Foreign Office to the Chilean Minister.

[Copy handed to Secretary Root by Chilean minister.]

MARCH 14—5.40 P. M.

On behalf of the Government, you will please invite very cordially the Secretary of State, Mr. Root, to come and visit our country. You will assure him that his visit will be a great satisfaction for us. This invitation had not been tendered before because we thought that Mr. Root would not come farther than Rio Janeiro.

PUGA BORNE.

The Secretary of State to the Chilean minister.

DEPARTMENT OF STATE,
Washington, March 31, 1906.

DEAR MR. MINISTER: I accept with pleasure the courteous invitation to visit Chile, extended through you, and I beg you to convey to the minister for foreign affairs my grateful thanks therefor.

I shall be most happy to meet the distinguished statesmen of Chile; and it is my hope that there will result therefrom a strengthening and cementing of the friendship and good will which have so long characterized the relations between our two countries, and a nearer approach to complete understanding and sympathy in their intercourse.

Faithfully, yours,

ELIHU ROOT.

The Chilean minister to the Secretary of State.

[Translation.]

LEGATION OF CHILE,
Washington, April 4, 1906.

ESTEEMED MR. SECRETARY: I had the honor to receive on day before yesterday your communication of Saturday, by which you gave me the pleasure of hearing that you accept the invitation to visit Chile, extended to you by me in the name of my Government.

I have submitted this very agreeable information to my Government, by which I am instructed to say to the Secretary of State that it takes his decision as a signal token of cordiality, and that it feels sure that the necessary consequence of your visit will be a complete and frank understanding between our Governments, while it will at the same time draw even closer the bonds of friendship that unite our countries.

The most respectful servant of the Secretary of State,

J. WALKER MARTINEZ.

Minister Hicks to the Secretary of State.

No. 82.]

AMERICAN LEGATION,
Santiago, Chile, September 12, 1906.

SIR: As the department is an impersonal entity that exists and does business notwithstanding the absence of its head, I have the honor to make a brief report of the visit of Mr. Elihu Root and family to Chile and also to transmit copies of telegrams sent and received on the subject of his visit.

As I have already notified department Mr. Root was invited to visit Chile and he accepted the invitation. It was at first the intention of the Chilean officials to send a war ship to Punta Arenas where the minister of foreign affairs and myself were to meet the *Charleston* and welcome him to Chilean territory. On account of the earthquake, however, the programme was changed to this extent, that a Chilean war ship, the *Zenteno*, met him at Punta Arenas and escorted him to

Lota, where he was met by the minister of foreign affairs and myself, with a committee of Chilean gentlemen.

The date fixed for his arrival at Lota was August 29 and we were there on the morning of the 28th. The two ships did not arrive on the 29th or 30th, and it was not until the afternoon of the 31st that they appeared in sight. Naturally, the delay gave rise to some apprehension, and the Chilean Government was on the point of sending the cruiser *Admiral Sampson* in search of the two ships when they made their appearance.

Mr. Root, with his wife, daughter, son, and other members of his party, left the *Charleston* at Lota, and taking a special train came directly to Santiago, a distance of about 200 miles, arriving here at 2 o'clock on the afternoon of Saturday, September 1. The Government had arranged to have him occupy the residence of Mrs. Edwards, a Chilean lady of great wealth, and the Root party were soon domiciled in the beautiful palace, the finest residence in Santiago.

At 5 o'clock the President received Mr. Root in the Moneda or government building, where brief addresses were exchanged, the President welcoming the Secretary of State in generous and hospitable words. Mr. Root's reply was equally felicitous and made an excellent impression. At 6 o'clock the party went to the residence of Mr. Huneeus, the minister of foreign affairs, where a reception was given and more than a thousand ladies and gentlemen of Santiago society greeted the visitors.

The next day was Sunday, and Mrs. Root received a formal visit from President Riesco and his wife. The Secretary and Miss Root assisted at a review of the "Bomberos" or fire department of Santiago, in honor of the foreign contributors to the relief of the earthquake sufferers, and afterwards they had a drive around the city.

In the evening the Root party were guests of honor at a banquet given by President Riesco and wife. Upward of 40 guests were present and the affair was brilliant and impressive.

The minister of foreign affairs delivered an address of welcome, which was responded to in most appropriate words by Secretary Root. Accompanying this I am sending a copy and a translation of the minister's speech and also a copy of the speech of Mr. Root.

On Monday, at 1 o'clock, the Secretary and party lunched at the Austrian legation and in the evening dined with me in this legation.

Before the earthquake I had planned a dinner at the Union Club for 70 people—ladies and gentlemen—intended as a return of some of the courtesies which would be extended to Mr. Root, but owing to the great affliction which came upon the country, I was compelled to omit it.

My dinner therefore was confined to President Riesco and wife; Monseigneur Monti, papal envoy and dean of the diplomatic corps; Madame Kilpatrick, the widow of Gen. Judson Kilpatrick, formerly American minister to Chile; Madame Desprez, wife of the French minister and daughter of Gen. George B. McClellan; and myself.

On Tuesday, accompanied by the minister of foreign affairs and myself, with members of the committee, the Root party took a special train for Valparaiso, and after a short ride through the region that suffered most from the earthquake, went on board the *Charleston*, and at 5 o'clock in the afternoon the ship sailed for the north.

I can not speak in too high terms to express the good results of Mr. Root's visit to Chile. Everywhere I hear the warmest praise of his speech and of the impression he made on the Chilean people. I am sure that his visit will greatly assist in bringing about a good and kindly feeling between the two countries.

Your obedient servant,

JOHN HICKS.

[Inclosure 1.—Telegram.]

Mr. Hicks to Mr. Root.

AUGUST 18.

Because of awful earthquake, all arrangements for your reception completely changed. Will be strictly official. So many towns destroyed that Government is in mourning. Valparaiso reported in ruins. Five hundred deaths. Santiago badly shocked, thirty deaths, much property destroyed. Will advise you later.

HICKS.

[Inclosure 2.—Telegram.]

Mr. Root to Mr. Hicks.

BUENOS AIRES, 19.

Express to the Government of Chile my deep and heartfelt sympathy with them in their appalling misfortune. It is impossible that they should turn their attention now to the entertainment of a guest, and with their permission I will confine my visit to stopping a few hours at Valparaiso, long enough to make a brief call of respect and condolence at such place and in such manner as may then seem appropriate. We are still quite without particular information of the loss suffered. Advise me fully of conditions, as you learn them, until Monday morning at Bahia Blanca, later at Punta Arenas.

Root.

[Inclosure 3.]

SPEECH OF HIS EXCELLENCY JERMÁN RIESCO, PRESIDENT OF CHILE, TO MR. ROOT UPON HIS ARRIVAL AT THE GOVERNMENT HOUSE, IN SANTIAGO, SEPTEMBER 1, 1906.

[Translation from the Spanish.]

MR. SECRETARY OF STATE:

I greet you and welcome you in the name of the people and of the Government of Chile, who receive your visit with the liveliest satisfaction.

Your attendance at the congress of fraternity which the American Republics have just held; your visit to the neighboring countries, which we have followed with the greatest interest; and your presence amongst us, after the invitation which we had the honor of offering you, are eloquent testimony of the high-minded intentions, which will necessarily produce much good for the progress and the development of America.

In these moments we feel a most profound gratitude toward your country, toward your worthy President, and toward you for the friendship and sympathy with which you have joined in the sorrow of Chile because of the disaster which has wounded Valparaiso and other cities of the Republic.

I wish that your stay in this country may be agreeable to you and your distinguished family.

[Inclosure 4.]

REPLY OF MR. ROOT.

I thank you, Mr. President, for your kind welcome and for your kind expressions, and I thank you for the courteous invitation which led to this visit on my

part. After the great calamity which has befallen your country, I should have feared to intrude upon the mourning which is in so many Chilean homes, but I did not feel that I could pass by without calling upon you—upon the representative of the Chilean people—to express in person the deep sympathy and sorrow which I, and all my people, whom I represent, feel for your country and for the stricken and bereaved ones, and the earnest hope we have for the prompt and cheerful recovery of spirit and of confidence and of prosperity after the great misfortune. We know that the spirit and the strength of the people of Chile are adequate for the recovery, even from so great a disaster. No one in the world, Mr. President, can feel more deeply the misfortune that you have suffered than the people of the United States, because you know that in our country we have recently experienced just such a calamity. I am sure that nowhere in the world will you find so keen a sense of sympathy as is there and as I now express. It may sometimes happen that in adversity stronger friendships arise than in prosperity, and I hope that although I come to bring to you an expression of friendship of the United States of America for the Republic of Chile now while the cloud rests upon you, the effect of the exchange of kind words and kinder feelings in this time may be greater, more permanent, and more lasting than they could have been when all were prosperous and happy.

[Inclosure 5.]

SPEECH OF HIS EXCELLENCY DR. ANTONIO HUNEUS, MINISTER FOR FOREIGN AFFAIRS, AT THE BANQUET GIVEN BY THE PRESIDENT OF CHILE TO MR. ROOT AND HIS FAMILY, AT THE MONEDA, SEPTEMBER 2, 1906.

[Translation from the Spanish.]

MOST EXCELLENT MR. PRESIDENT; LADIES; MOST EXCELLENT MR. ROOT:

I extend to you the welcome of the people and of the Government. Heartily do I say to you, in the name of all Chileans: Be welcome.

We were preparing to entertain you in magnificent style, but it was the will of Providence to visit us with a bitter trial, so we are now receiving you in a modest manner.

Come and see, sir, what we have suffered. Morally, we have suffered much; for several thousands of our brothers perished in the catastrophe of August 16. Materially speaking, we lose the greater part of our principal port and of several cities of minor importance, together with the profits which cease in consequence. Behold, now, sir, what remains to us and how we are rising. Our productive forces are alive and sound; agriculture, mining, and manufacturing have scarcely suffered, and our saltpeter treasures continue to exist.

Public order remained undisturbed; generally speaking, the reign of the law was maintained; the authorities fulfilled their duty; and the navy, glorious guardian of half our territory, which is the ocean, was saved intact. Therefore, all we sons of Chile are of cheerful heart.

The virility of a country is worth more than the splendor of its monuments. It does not humiliate us, therefore, to have you see houses and towns destroyed, for it was not a civil war or a foreign enemy which razed them to the ground, but a higher hand. It is rather a source of pride to us to have you witness the integrity and unity of the Chileans.

The fortitude of our race and our good sense will cause us to rise again in a short time to a greater prosperity.

You plainly see that Chile is still entire and that our misfortune was more painful than injurious.

We did not, therefore, think for a moment that you might postpone your visit. On the contrary, we telegraphed to you a few hours after the earthquake: "Our home is demolished; but come, sir, for we are safe, calm, and diligent."

Besides, the plain dignity of your character, which we knew, and the objects of your visit encouraged us to speak to you.

You have come, most excellent sir, to offer your overproduction to our consumers, and to ask a larger place for the Americans in the Chilean heart.

You are going to obtain all that. But, besides this, Mr. Root, please bear to the sons of the United States, and especially to our brothers in misfortune at San Francisco, Cal., a sacred homage—the intense gratitude of the society

and Government of Chile for the generous aid to our sufferers by which the Americans are proving to us that along with greatness of power they have greatness of heart.

We knew of all this greatness. With a territory covering half a continent and nourished by every kind of riches, with a firm and impulsive character, with broad and far-reaching views along every channel which human activity can pursue, and endowed with a clear instinct of what is possible, the Americans have become useful and wealthy.

They understood two essential things, namely, that government is not merely a pleasant and covetable ideal, but a fundamental necessity, and that the greatest value does not consist in traditions or fortune, but in personal merit. They therefore abolished every unjustified distinction of superiority and organized as a democracy.

The result of the combination of such rare and happy moral and material elements has been the springing up of a nation as powerful as the most powerful, and in freedom equaled by none.

And how well the United States know that there is no greatness without liberty!

Since the consciousness of right has become deeper, principles of respect and faith have become implanted in the commonwealth of nations, whatever be the extent of their territory, their population, or their armed forces. The inveterate abuses of force are disappearing. The principle which, being embodied into a law of equality among all the nations, always prevails at present in international relations is that of liberty for the weaker side.

The American Union—the free country—years ago established its foreign policy on the plan of equality. Its commercial flag waves throughout the world without arrogance or spirit of intervention.

Your natural wisdom tells you, Mr. Root, that you do not need any other than mercantile expansion, and still more that none other would be suited to you.

You have of late repeatedly given practical and unmistakable testimonials that this is your policy.

You have stated so yourself at Rio de Janeiro, and your presence among us is a further proof that your purposes are friendly and frank.

Let us enter commercial relations with the United States with friendship and confidence. We shall proceed as far as is mutually beneficial to us, and this will be shown us by the natural laws of mercantile transactions.

The Government desires that American goods shall come to Chile in abundance to facilitate living, and it earnestly desires at the same time that Chilean products may be multiplied and that they may endeavor to offset those importations.

Since the 16th of August we have been pushing more resolutely than before the work of our restoration. We have all the moral factors, namely, order, will, and an apt and energetic people. We also have incalculable and extremely varied natural resources. There is only one material factor on which we may be short, namely, capital, which is a powerful force if well employed.

Chile will be glad to see American capital come and establish itself in our commercial and industrial circulation. It will blend well with Chilean honor and will prosper under the protection of our laws, which are liberal with the foreigner, and under the shelter of our Government, which is unshakable.

We are certain that Chilean interests will meet the same respect from the Government of the Union as we cherish for American interests.

The infinite variety of articles of supply and consumption will certainly enable the interchange of goods between Chile and America to increase without narrowing the horizons of our commerce with friendly markets which to-day bring us capital, raw materials, workmen, and manufactures.

The American Union has happily solved its internal and foreign problems, has established its political and economic power on a firm basis, and is, finally, in full enjoyment of its natural greatness and freely exercising all its energies at the present time. We have attentively observed that it desires to promote the progress of the world and to see the other nations of Christendom, especially the American Republics, associated in this great work on terms of equality, friendship, and mutual benefit.

We respond, therefore, to its affectionate call by declaring that we are imbued with sincere faith in the friendship of the Government and the people of the United States; we utter fervent wishes that our mutual confidence may become

strengthened and be free of misgivings; and we prophesy that the rapprochement which the eminent Secretary of State now visiting us has initiated will be of beneficent influence on our international cordiality and bring prosperous results for our development.

Most excellent Mr. Root, His Excellency the President of the Republic requests you to say to the illustrious President Roosevelt and to your fellow-citizens that the Chilean people fraternize cordially with the American people; that our markets are free to them; that we admire your government officials; that your most excellent minister, Mr. Hicks, enjoys our highest esteem and good feeling; and that we have received you and your most worthy family with open hearts.

[Inclosure 6.]

REPLY OF MR. ROOT.

MR. PRESIDENT; LADIES AND GENTLEMEN :

I beg you to believe in the sincere and high appreciation which I have for all the kindness you have shown me and my family since our arrival in Chile. I believe that the delicacy, the sense of propriety and fitness, that have characterized our reception, both official and personal, have produced in our minds, under the sad circumstances of the great misfortune that hangs over the Chilean people like a cloud, a deeper impression than the most splendid and sumptuous display. I believe that to be able to mourn with you in your loss, to sympathize with you in your misfortune, draws us closer to you than to be with you in the greatest prosperity and happiness upon which the brightest sun has ever shone.

I thank you for your kindly expressions regarding my President, regarding myself, and regarding my country. In the "United States of America," as our Constitution called us many years ago—the "United States of North America," as perhaps we should call ourselves south of the equator—we have been for a long time, and are now, trying to reconcile individual liberty with public order, local self-government with a strong central and national control; trying to develop the capacity of the individuals of our people to control themselves and also the capacity of the people collectively for self-government; trying to adopt sound financial methods, to promote justice—a justice compatible with mercy—and to make progress in all that makes a people happier, more prosperous, better educated, better able to perform their duties as citizens and to do their part in the world to help humanity out of the hard conditions of poverty and ignorance and along the pathway of civilization. We have done what we could. We have committed errors and we acknowledge them and are deeply conscious of them; but we are justly proud of our country for the progress it has made, and we look on every country that is engaged in that same struggle for liberty and justice with profound sympathy and warm friendship.

I am here to say to the Chilean people that although there have been misunderstandings in the past, they were misunderstandings such as arise between two vigorous, proud peoples that know each other too little. Let us know each other better and we shall have put an end to misunderstandings. The present moment is especially propitious for saying this, because we are upon the threshold of great events in this Western World of ours. In my own country the progress of development has reached a point of transition. In the fifty years, from 1850 to 1900, we received on our shores nearly twenty million immigrants from the Old World. We borrowed from the Old World thousands of millions of dollars, and with the strong arm of the immigrants and with the capital from the Old World we have threaded the country with railroads, we have constructed great public works, we have created the phenomenal prosperity that you all know; and now we have paid our debts to Europe, we have returned the capital with which our country was built up, and in the last half dozen years we have been accumulating an excess of capital that is beginning to seek an outlet in foreign enterprises.

At the same time, there is seen in South America the dawn of a new life which moves its people, as they have never been moved before, with the spirit of industrial and commercial progress.

At a banquet that was given last winter to a great and distinguished man, Lord Grey, Governor-General of Canada, he said: "The nineteenth century was the century of the United States; the twentieth century will be the century of

Canada." I should feel surer as a prophet if I were to say: "The twentieth century will be the century of South America." I believe, with him, in the great development of Canada; but just as the nineteenth century was the century of phenomenal development in North America, I believe that no student can help seeing that the twentieth century will be the century of phenomenal development in South America.

And so our countries will be face to face in a new attitude. We can no longer remain strangers to each other; our relations must be those of intimacy, and this is the time to say that our relations will be those of friendship.

On the other hand, before long the construction of the canal across the Isthmus of Panama, which will fulfill the dreams of the early navigators, which will accomplish the work projected for centuries, will at last be completed, while the men who are to-day active in the business of both countries are still on the field of action.

This, therefore, is the moment to safeguard harmony in the relations between the two nations.

I do not believe that anyone can say what changes the opening of the Panama Canal will bring in the affairs of the world, but we do know that the great changes in the commercial routes of the world have changed the course of history, and no one can doubt that the creation of a waterway that will put the Pacific coast of South America in close touch with the Atlantic coast of North America must be a factor of incalculable importance in determining the affairs of the Western Hemisphere and promoting our relations of intimacy and friendship.

Now, at this moment, at the beginning of this great commercial and industrial awakening—I say at the beginning, notwithstanding all that you have already done, because I believe you have only begun to realize the great work you have before you—at this moment there falls on you this terrible misfortune, one of those warnings that at times God sends to his people to show them how weak they are in his hands—a misfortune on account of which the entire world mourns with you. But I believe—I know—that the air of these mountains and of these shores, which in another time gave its spirit to the proud and indomitable Arucanian race, has given to the people of Chile the vigor with which to rise up from the ashes of Valparaiso and with which to make out of the misfortune of to-day the incentive for great deeds to-morrow. And in this era of friendship, when peaceful immigration has replaced armed invasions, when the free exchange of capital and the international ownership of industrial and commercial enterprises, of manufactures, of mines, have replaced rapine and plunder—in this era of commercial conquest and industrial acquisition, of more frequent intercourse among men, of more intimate knowledge and better understanding, there has come to you in this your great misfortune the friendship and the sympathy of the world.

In truth, our friends who sleep the last sleep there in Valparaiso have brought to their country a possession of greater value than was ever won by the soldier on the battlefield.

As I said to you yesterday, Mr. President, I feared that under the present sad circumstances I might be intruding upon you; should I not rather feel that the words of friendship of which I am the bearer are in perfect harmony with the sentiment that your affliction has created in all countries, the universal recognition of the brotherhood of man?

The President of Chile to the President of the United States.

[Telegram.]

SANTIAGO, September 5, 1906.

Mr. Elihu Root, Secretary of State, and his family have remained among us for three days and taken away with them the cordial sympathy and gratitude of the Chilean people and Government. We shall never forget this visit that I trust will be fruitful for the cordial relations of our countries and advantageous for their reciprocal interests.

JERMAN RIESCO.

The President of the United States to the President of Chile.

[Telegram.]

THE WHITE HOUSE,
Washington, September 12, 1906.

I thank you for your courteous telegram of the 5th instant. It is my earnest desire that the visit of Secretary Root shall strengthen the close and cordial relations uniting our two nations.

THEODORE ROOSEVELT.

EARTHQUAKE IN CHILE.

Minister Hicks to the Secretary of State.

[Telegram.]

SANTIAGO, August 18, 1906.

Night sixteenth frightful earthquake, destroying many buildings with loss of life. Lighter shocks continued until to-day. Thousands persons slept two nights in parks. Plazas and houses deserted. Legation safe.

HICKS.

President Roosevelt to the President of Chile.

[Telegram.]

WASHINGTON, August 19, 1906.

In the name of the people of the United States I offer tribute of sorrow and sympathy to their afflicted brethren of Chile by reason of the awful disaster that has befallen Valparaiso.

THEODORE ROOSEVELT.

The Acting Secretary of State to Minister Hicks.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 19, 1906.

The people of the United States share in grief of Chile. President telegraphs condolences.

ADEE.

Minister Hicks to the Secretary of State.

[Telegram—Paraphrase.]

SANTIAGO, August 19, 1906.

(Mr. Hicks reports 30 deaths in Santiago and much destruction of property. Valparaiso reported 500 deaths and immense destruction by fire; many other towns wiped out. He states there is universal mourning.)

President Roosevelt to the President of Chile.

[Telegram.]

WASHINGTON, August 20, 1906.

Let me repeat my expression of intense sympathy and express the shocked horror this people feels at the appalling disaster that has befallen your great nation. We are following the news with most eager and lively concern.

THEODORE ROOSEVELT.

The Acting Secretary of State to Minister Hicks.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 20, 1906.

President Roosevelt has cabled directly to President of Chile an expression of intense sympathy felt at the appalling disaster that has befallen her. You will supplement this by the proper representations at the foreign office.

ADEE.

Minister Hicks to the Secretary of State.

[Telegram—Paraphrase.]

SANTIAGO, CHILE, August 21, 1906.

(Mr. Hicks states that he has delivered message to the Government and also one from Mr. Root. He has received the President's message. There is universal mourning. The number of deaths estimated by the minister for foreign affairs is, Valparaiso 1,000, rest of country 400. The loss of life and property, the number wounded, and the extent of the desolation much worse than that of San Francisco. Also states that Mr. Root's visit will be one of form and very brief; that he will only stop long enough to extend his personal sympathy to the President.)

The Chilean Chargé to the Acting Secretary of State.

[Translation.]

LEGATION OF CHILE,
Washington, August 21, 1906.

SIR: Pursuant to my Government's instructions, I have the honor to say to your excellency that the Chilean Government and people have received with the most sincere and friendly gratitude the noble expressions of sympathy sent to Santiago in behalf of the people of the United States by the Government of this great and prosperous nation in so befitting and expressive a manner on the occasion of the earthquake which made havoc of a part of our national territory on the 16th instant.

I avail myself, etc.,

MANUEL J. VEGA.

Minister Hicks to the Secretary of State.

[Telegram.]

SANTIAGO, CHILE, *August 22, 1906.*

Anxiety over earthquake decreases, although mild shocks still continue; financial and business situation quite serious, and destruction of Valparaiso produces fear of panic; subscriptions raised for relief of sufferers.

HICKS.

The President of Chile to President Roosevelt.

[Telegram—Translation.]

SANTIAGO, *August 23, 1906.*

The heartfelt expressions of condolence which you have deigned to reiterate have touched the Chilean heart in a grateful and profound manner. It will never forget that in this hour of ordeal it had at its side the great nation you so nobly represent.

Again I thank you most cordially.

JERMAN RIESCO.

Minister Hicks to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santiago, August 23, 1906.

Deaths Valparaiso now estimated 2,000, financial losses in all Chile very large, absolute paralization of business, great destitution among people. I would suggest American subscriptions for sufferers. Arrangements can be made Canadian Bank of Commerce, New York, and Bank of Tarapaca in Santiago for immediate transfer of funds. Mr. Root expected Valparaiso about September 2; visit will be informal and short.

HICKS.

Minister Hicks to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santiago, August 23, 1906.

Have just delivered to President \$10,000, gift of people of San Francisco, Cal., for earthquake sufferers; first American subscription.

HICKS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a dreadful calamity has befallen our sister Republic of Chile in the destruction by earthquake of Valparaiso and other localities; and

Whereas we of this nation at this moment see the city of San Francisco struggling upward from the ruins in which a like catastrophe overwhelmed her last spring; and

Whereas we keep keenly in mind the thankful appreciation we felt for the way in which the peoples of Europe, Asia, and the Americas came forward with generous offers of assistance:

Now therefore, in this time of woe of our sister Republic I ask that our people out of their abundance now strive to do to another as others last spring did to us. The National Red Cross Association has already taken measures to collect any subscriptions that may be offered for this purpose, and I trust that there will be a generous response.

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

Done at the city of Washington this twenty-fifth day of August, in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States the one hundred and thirty-first.

[SEAL.]

THEODORE ROOSEVELT.

By the PRESIDENT:

ALVEY A. ADEE,

Acting Secretary of State.

The Acting Secretary of State to Minister Hicks.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 4, 1906.

Mr. Adee informs Mr. Hicks that he is named special representative of the American National Red Cross to receive funds raised here for the earthquake sufferers, and is to distribute them through the Red Cross of Chile, or as he thinks best. Mr. Hicks is also told to notify the Chilean Government and consult it as to the disposition of the funds.

Minister Hicks to the Secretary of State.

No. 117.]

AMERICAN LEGATION,
Santiago, December 31, 1906.

SIR: Referring to my Nos. 83, 85, and 104, dated September 14, 1906; September 21, 1906, and December 6, 1906,^a I now have the

^a Not printed.

pleasure to transmit herewith the accounts and vouchers for the funds sent me for distribution among the earthquake sufferers by the Red Cross societies in the United States. The accounts are up to and include December 5.

They show that the total amount of money received by me through the State Department was \$8,943.38 American currency, equal to \$30,831.35 in Chilean currency, that \$23,480 had been expended, leaving a balance in the bank of \$7,351.35. Since that date I have received department's telegram of December 29, authorizing a draft for \$3,410, which was sold to the Bank of Tarapaca for \$11,876.90 Chilean money, the proceeds remaining in the bank subject to check. Approximately, therefore, at this date there is on hand about \$12,000 Chilean money, which is being drawn against in small sums every day.

It is hardly possible for me to report in detail within the limits of an ordinary dispatch the labor that this legation has performed in the distribution of these funds. Under department's instructions I was directed to consult with the foreign office and the Chilean Red Cross societies and pay out the money at my discretion. There are no Red Cross societies in Chile, and I was advised by the minister of foreign affairs to disburse the money according to my best judgment.

The easiest and quickest way to do the work would have been to turn the whole amount over to the Government, and thus get rid of the labor and responsibility; or else, in the distribution to private parties, hand it out in large sums so as to make the work shorter.

But I could not reconcile either method with my sense of duty under the circumstances. The Chilean Government has received officially immense sums for the relief of the earthquake sufferers. I have handed over to it \$15,000 American money from the city of San Francisco and \$5,000 from Los Angeles, Cal. The aggregate sums received by the Government are so vast that the work of distribution is a puzzle to the authorities, and I understand only a small amount has been actually disbursed up to date, and, of course, only a portion of the sufferers have been assisted.

In the face of these conditions, I consulted with a prominent Chilean lady, Señora de Jordan, president of the Woman's Anti-Tuberculosis League, and with her assistance and cooperation began the distribution.

We decided to try to relieve only cases of actual suffering, and by the payment of small amounts at a time, giving preference always to Americans or descendants of Americans. According to the appearance of the applicant, the amount ranged from \$50 to \$200 Chilean money, and in each case we required testimonials as to the character of the sufferer. Where there was unmistakable evidence of great hardship, the applicant after having been paid a small sum was told to come again, for to many of these poor people the possession of a large sum of money was unusual and bewildering, and it was deemed best to extend the payments over several weeks.

A majority of the applicants were widows with large families, in many cases six or eight children, quite a number had nine and ten children, and in at least one case there were twelve children to be provided for. Sometimes both parents had been killed in the earthquake, leaving small children helpless and uncared for, with the home and its contents destroyed by the earthquake.

As an illustration, I will mention the case of two girls, aged about 17 and 18. When they entered I was shocked at their appearance, for they were ragged and filthy, their Indian blood showing in its most unpleasant form, with hair uncombed, faces unwashed, and only sufficient dirty clothing to hide their nakedness. I began the usual questions in Spanish, for they spoke no English:

"Where do you live?"

"In Valparaiso."

"Have you father and mother?"

"Both were killed in the earthquake."

"How many children in your family?"

"Four now; we are the oldest. There are two more little ones. Two older brothers were killed in the earthquake."

"Was the house destroyed?"

"Yes; it was burned and all our clothes and furniture."

With thousands of other refugees they had been sent up to Santiago and were living in a temporary shelter.

It did not need much argument to show that they were entitled to assistance, so I decided to give them \$200. Then it occurred to me that they might waste the money if they had so much at once, so I gave them \$100 and told them to come back in a week and I would give them some more. At the end of the week they were ushered into the office by the clerk and I did not recognize them. They were neatly dressed, each wearing a manto, with faces clean, hair combed, and a magical transformation generally. They informed me that they had secured rooms in which to live and that one of the sisters had found occupation and was to commence work the next day. I paid them an additional \$100, and when the oldest one started to go she addressed me in Spanish:

"May God bless you and when you die take you right straight to glory!"

Cases of the aged and infirm, the blind, the helpless, the lame, sufferers generally, are those relieved, always confining the payment to the sufferers by the earthquake.

Considering the number of cases relieved, the proportion of frauds or persons not entitled to receive help is very small. I investigate each case and require written testimony, and only in a few instances have I found misrepresentation. Another gratifying feature is that these people do not return for more money unless I have told them to do so. I am of the opinion that the average of honesty, integrity, and truthfulness among these people, judging from my experience in the disbursement of this money, is fully as high as it is among any people in the world.

I have paid no money to rebuild houses, no money for steamship fares, and no money for any purpose except the relief of immediate suffering.

Another matter worthy of mention is that no part of the fund has been devoted to the payment of clerk hire, carriages, postage, telegrams, or expenses of any kind. All the work has been done by the legation force, and every dollar has been expended and will be expended for the relief of the earthquake sufferers, and this I understand to be the object of the donors.

It takes considerable time. Often from two to four hours a day are devoted to the "reception" of the applicants, and to listen to the story, examine the applicant, get duplicate receipts, and make the payment is slow and laborious. Yet I am free to confess that the pleasure of relieving real suffering and to feel the psychological wave that starts from the applicant on getting possession of a check, and to see the happiness expressed in the applicant's eyes is more than sufficient recompense for all the extra labor it involves.

And if the spontaneous expressions of thanks and invocations to the Supreme Being which escape from these poor but grateful sufferers when they get their money could be noted by the material eye, I have no doubt that a general stream would be seen mounting from this legation to the highest heaven, like smoke from a farmer's chimney on a clear, cold winter morning in Wisconsin.

Shortly before the receipt of department's last remittance by telegram, the funds had become nearly exhausted, and we had been compelled to suspend payments. The look of disappointment in the faces of the applicants when notified was so lugubrious and pathetic that I was almost tempted to continue the relief out of my own pocket.

I will say further that as the suffering from the earthquake was very light in Santiago, the payments have been made almost entirely to sufferers from Valparaiso and other towns where great damage was done. Probably 30,000 refugees came up here from Valparaiso, and it was among this class that most of this money was distributed.

The balance of the fund will be distributed in the same manner as the foregoing.

Trusting that the work as outlined will meet the approval of the department, I am, etc.,

JOHN HICKS.

CHINA.

THE OPEN-DOOR POLICY IN MANCHURIA—ESTABLISHMENT OF CUSTOM-HOUSES AND OPENING OF PORTS TO INTERNATIONAL TRADE.

[For previous correspondence, see Foreign Relations, 1905, pp. 161-166.]

Minister Rockhill to the Secretary of State.

No. 198.]

AMERICAN LEGATION,
Peking, China, January 17, 1906.

SIR: With reference to this legation's dispatches numbered 1609 and 1831, of May 17, 1904,^a and March 9, 1905,^b respectively, with regard to the opening of Chi-nan-fu to foreign trade, I have the honor to inclose herewith a copy of a note received from the foreign office under date of the 2d instant, transmitting the regulations concerning the "Leasing of land and the building of houses at the international settlement of Chi-nan-fu" and the "police regulations" for the same port.

The note states that the 16th day of the twelfth moon (January 10, 1906) has been decided upon as the date for the opening of the port.

I have the honor, etc.

W. W. ROCKHILL.

[Inclosure 1.]

The Prince of Ch'ing to Minister Rockhill.

PEKING, January 2, 1906.

SIR: I have the honor to remind your excellency that China voluntarily opened a place outside the walls of Chi-nan-fu as a commercial port and announced that Wei-hsien and Chouts'un would be opened as branches of this port. The regulations respecting the opening of these places were sent to you by my board on March 2, 1905, as the records show.

I now have the honor to state that I have received a further communication from the superintendent of trade for the north and the governor of Shantung in the matter. They have made further proposals regarding the said commercial ports and have drawn up renting and building regulations (15 articles) and police regulations (14 articles), both of which have been read and approved by my board as experimental rules. The viceroy and governor have further reported that they have chosen the 16th day of the twelfth moon (January 10, 1906) as the date for the opening of the ports, and that, having had printed copies made of the renting and building and police regulations, they inclose several for the board.

It becomes my duty, therefore, to send this dispatch to your excellency to inform you of the date of the opening of Chi-nan-fu and the branch ports, and

^a Foreign Relations, 1904, p. 167.

^b Foreign Relations, 1905, p. 161.

I also inclose printed copies of the regulations for renting and building, and the police regulations, for your excellency's information.

A necessary dispatch.

(Signed)

PRINCE OF CH'ING.

[Inclosure 2—Translation]

REGULATIONS CONCERNING THE LEASING OF LAND AND THE BUILDING OF HOUSES AT THE INTERNATIONAL SETTLEMENT OF CHI-NAN-FU, SHANTUNG.

1. A memorial respecting the matter having been submitted to the Throne, an imperial rescript has sanctioned the opening by China herself of a location outside the west barrier of Chinan as a port of international trade under conditions entirely different from those according to which certain ports have been opened by treaty; and within the boundaries fixed for said settlement foreign merchants of all nationalities and Chinese merchants are permitted to lease ground and reside together without distinction. The control of all affairs therein shall pertain entirely to China; foreigners must not interfere.

2. The boundaries fixed for the said settlement outside the west barrier (Hai-kuan) of Chinan are as follows:

Beginning on the east at Shih-wang-tien and extending to Nan-ta-huai-shu on the west; on the south bounded by the Ch'ang-ch'ing Road, and on the north by the Kiaochow-Chinan Railway, all the territory within said boundaries being set aside for the occupation of Chinese and foreigners as a port of international trade. These boundaries are all marked by stone pillars, erected for the purpose, and all merchants who are moral men and women of means may lease ground and build residences or business houses within these boundaries, provided they comply with the regulations.

3. As to the method of leasing ground, all lands within the boundaries of the international settlement must first have a fair valuation made and price fixed by the local authorities and must be purchased by them, after which such lands may be leased. This is done to prevent such evils as holding lands for a rise and the demand for extortionate prices. Any transfer of lands privately by the people will be considered null and void.

(a) All lands within the international settlement will be plotted and divided into four classes, marked on the plot with the four characters: Fu, lu, shou, shi. Lands belonging to the class marked "fu" will pay an annual rental of \$36 per mou; those marked "lu" an annual rental of \$24 per mou; those marked "shou" an annual rental of \$16, and those marked "shi" an annual rental of \$10.

(b) With the exception of the lands reserved for the customs, the erection of public offices, the use of various bureaus, markets, public gardens, and other public institutions, Chinese and foreign merchants may register an application with the bureau of works for any lands within the boundaries of the international settlement, stating in their application what piece of what class they desire, and must agree to pay the rental fixed for that class of land, and as evidence of good faith must make a deposit of approximately one-tenth of the rent of the land, after which the bureau of works will measure the land leased, and the chief administrative office will notify the superintendent (Tao'ai) yamen. If a foreign merchant should desire to lease land, he ought to make application through the nearest consular officer of his nationality, who will communicate with the superintendent, and thus secure the lease.

(c) After the land shall have been measured and the lease completed, the amount of the bargain money deposited will be deducted from the rent due.

(d) Each landholder may lease at the most 10 mou and ought not to lease less than 2 mou. If a company is being established, and its business can not be carried on without a large amount of land, the circumstances must first be reported clearly to the superintendent, who will investigate and deal with the matter.

(e) In measuring land the official kung (equals 25 Chinese square feet) shall be used, 240 kung being the equivalent of 1 mou—that is, in the foot of the board of works, 6,000 square feet.

(4) The amount of the annual land rent, reckoned at so much per mou, and the amount of the annual land tax, at \$2 per mou, will be collected from

the renter at the due date by the bureau of works and be forwarded by it to the superintendent, who will issue stamped receipts. When the lease of a piece of ground has been agreed to, the land rent for the remainder of the year, reckoning from the date of the lease, and one year's land tax shall be paid in full, and thereafter the annual rental and the annual land tax shall both be paid uniformly in full in the first moon of the Chinese calendar. If the land rent and the land tax shall remain unpaid in full for more than a year, the deed of lease for the said piece of ground shall be canceled, and, if no buildings shall have been erected upon it, it shall become public property. If buildings shall have been erected thereon, they shall be sold at auction, and after deducting from the price received the amount of the rent and taxes due, the balance shall be paid to the original leaseholder. If the leaseholder be a foreigner, action in the matter shall be taken in conjunction with the consular authorities of his nationality.

5. When land has been leased the superintendent shall seal and issue a deed of lease, which shall be forwarded through the bureau of works to the leaseholder. If he be a foreigner, the superintendent may also give notice through a dispatch to the nearest consular officer of his nationality, that a record of the same may be made.

(a) If a deed of lease be injured or lost, it will be necessary to make a clear report of the circumstances, and obtain reliable security, as well as to publish a notice in the press, and only after a lapse of three months may the deed be replaced.

(b) If a leaseholder should desire to transfer his lease, he will be permitted to transfer only the whole plot; the deed can not be divided.

(c) If the receiver of a transferred lease be a foreigner the only proper method of procedure will be for his consul to send notice.

(d) If the transferee be a Chinese, the original leaseholder must accompany him to the board of works, where both shall sign a petition (for transfer) and give up the old deed of lease for a new one.

(e) The period for which a transferred lease shall be written shall be reckoned from the date of transfer and terminate in accordance with the provisions of article 6.

(f) If a leaseholder, being a foreigner, shall return to his own country, or if any other unforeseen circumstances should arise, it will be necessary for his heirs or his agent to give notice thereof, and also to have a record of the same made at the consulate.

(g) If a leaseholder shall mortgage his leasehold and the property erected thereon, no matter whether to a Chinese or foreigner, he must report the same to the bureau of works for registry. If he be a foreigner, action must be taken in conjunction with his consul, who shall witness (the mortgage) by his signature.

(h) Within three years after the granting of a lease for a piece of ground, buildings must be erected thereon. If within the time specified no buildings shall have been erected and the leaseholder be a person of no property, his deed of lease may be canceled and the land become public property, and the land rent and taxes already paid shall not be refunded. If buildings are being erected and have not been completed, an extension of time may be granted after consideration of the case, and the leaseholder shall be required to complete the buildings within the additional time allowed.

6. The deed of lease shall be given for a period of thirty years, at the expiration of which time the lease may be renewed for not more than thirty years additional. But at the time of renewal, if trade shall be in a prosperous condition, it will be allowable to investigate the circumstances and increase the rental. If the lease be not renewed at the expiration of the period mentioned, the deed of lease for the said property shall be canceled, and the property become public.

If at the expiration of sixty years the Imperial Government should desire to purchase back the property within the boundaries of the international settlement, it may request arbitrators to fix a fair valuation for the whole, at which price it may be bought back, and no person of whatever nationality may make objection thereto. If the Government should not desire to repurchase, arrangements may be made for continuing the lease.

7. It will not be permitted within the boundaries of the international settlement to build any thatched houses or any cheap frame houses, lest fires should break out and injure other buildings. Anyone desiring to build must first present a petition to that effect to the bureau of works and notify the police

authorities, and only after they shall have conferred together and given their consent may the work of building commence. No gunpowder nor any other explosive dangerous to life and property, nor any substance injurious to the health of the community, may be stored, carried secretly, manufactured, or shipped. Any disobedience, upon its discovery, will be punished according to the laws of the country concerned.

(a) Leaseholders will be permitted to build at their pleasure storied buildings or one-storied godowns, except that they must send the plans of such buildings to the bureau of works for inspection to determine whether or not they may be of such a character as to prejudice the general welfare and whether the materials are of sufficient strength. Should they be objectionable in regard to the matters mentioned, the bureau of works will consider and require such changes as may be necessary, and the leaseholder must comply.

(b) When the leaseholder submits the plans of his building the bureau of works must give it prompt consideration, so that the work may be begun.

(c) After work has been commenced, the bureau of works will depute some one from time to time to visit the place where the work is being done to inspect it, and, if anything is found to be unsatisfactory, there should be mutual consultation to secure an amicable adjustment.

(d) When a leaseholder is building a house, the earth required for filling in the foundation must be brought from a distance; he must not obtain it by making excavations within the limits of the settlement.

(e) Anyone building a new house within the limits of the settlement, or remodeling an old one, must first construct drains to carry off foul water, one or more as may be necessary, and such drains must connect with those constructed by the bureau of works, so that the accumulations of water may be drained off.

(f) As to the method of building the drain, the materials of which it is to be constructed, its size, the distance below the surface of the ground at which it will be laid, and the grade, as well as how it shall be connected with the large drain, the leaseholder must comply in every respect with the orders of the bureau of works.

(g) The bureau of works may from time to time establish regulations with regard to the safety of buildings, the cleaning of drains, and the prompt removal of offensive garbage from any premises, and every leaseholder must comply therewith so as to preserve good health.

(h) Any leaseholder who undertakes any work of repair or construction requiring the disturbance of the soil or affecting the public interest must first obtain a permit from the bureau of public works.

(i) If it should be necessary to use gunpowder or other explosive in the work to be done, it will be necessary first to lay the matter before the superintendent and request his instructions. In the case of a foreigner he must make application through his nearest consular officer, who will send a dispatch to the superintendent. The latter will notify the chief administrative office of the international settlement, when only permission may be given, on condition that a safe place be selected to store the explosive and that it be speedily used. No one will be allowed to keep such explosives or employ them at his pleasure, or to make a long delay in using them. Should there be any disobedience the superintendent will appoint an officer, due notice being given to any consul concerned, to destroy the said explosives or to remove them to a place outside the settlement, so as to preserve the safety of the settlement.

(j) As kerosene is a very inflammable article, it must be treated according to the regulations generally adopted at all ports. No one will be permitted to store it at his own pleasure.

8. As merchants of various nationalities will reside in the international settlement, the Chinese local authorities must give them due protection according to the treaties.

With respect to public works and police matters, the superintendent will consult with the chief administrative office of the settlement and establish a bureau, which will appoint officers to take charge of them.

As to the regulations with regard to the establishment of customs, the superintendent will at a future date investigate the conditions, and, as occasion may require, will consult with the commissioner of customs and deal with the matter. For the construction of roads, the support of police, the lighting, sweeping, and sprinkling of streets, the construction of sewers, China will at first appropriate the money herself; but fees for licenses, the police tax, house

tax, shop tax, hong tax, the vehicle tax, are all such taxes as ought to be collected in international settlements, and although for the time being, on the first opening of the port, they will not be collected, the superintendent and the chief administrative office of the settlement will hereafter, as occasion may arise, take the matter into consideration and deal with it.

9. If any (public) work of a special character should be undertaken in the international settlement, or a public garden should be made, the cost of the same must be levied pro rata on the leaseholders. All (such) matters shall be dealt with by three parties acting in conjunction: (1) The superintendent and the chief administrative office, (2) the consuls of the various powers, and (3) one Chinese and one foreign representative chosen by the leaseholders.

10. A port of international trade having been opened outside the city of Chinan, within the boundaries of said settlement, foreign merchants may pass to and fro as they please, bring their families and reside and do business there, but all places inside or outside the city, including such as are adjacent to the settlement, must be considered as under the inland regulations, so that a clear distinction may be made. If in the future the trade of the place should become so flourishing that the limits of the settlement should be too confined for the purposes of trade and residence an investigation of the facts may be made and the matter of extending the settlement be taken into consideration.

11. In the future a convenient place near the settlement will be selected for the establishment of a foreign cemetery in which foreign residents may bury their dead. Chinese officials must make earnest efforts to have all Chinese graves within the boundaries of the settlement removed, but, if this should really be difficult, the bureau of works may investigate the facts and may permit the family concerned to build a wall around them and cut them off, but no more burials must be made in such plots. Should foreigners in their excavations in the settlement for the construction of foundations or drains happen upon human bones, they should at once report to the bureau of works, which will take steps to have them properly buried. They must not be lightly thrown away.

12. The postal and telegraph services are under the jurisdiction of China, and such services within the international settlement must be established by China; no other country may establish them. This is to be clearly understood. As to telephones, electric lighting, water works, etc., Chinese merchants will be invited to undertake them; foreigners must not interest themselves in them.

13. The two branch ports, Wei Hsien and Chou Ts'un will also be administered according to these regulations, and all matters pertaining to them will be under the jurisdiction of China.

14. The above regulations and the separate regulations adopted for the control of police affairs, although put into operation experimentally for the time being, must all be subscribed to by all persons who desire to lease land, in token of their willingness to comply with the same, and without this no lease may be granted.

15. Matters of subordinate importance and such as are not referred to in these regulations may be dealt with from time to time by the addition of new regulations or the amendment of these.

[Inclosure 3—Translation.]

POLICE REGULATIONS FOR THE PORT OF CHI-NAN-FU.

I. In the commercial port west of Chinanfu, outside the walls of the city, there shall be established a bureau of police for the protection of merchants and other citizens and their affairs. It shall be under the joint direction of the superintendent and the general managing board of the port. (Same as chief administrative office in foregoing regulations.)

II. There shall be one chief of police at the head of this bureau. If he does not thoroughly and conscientiously perform his duties, or if in the performance thereof he deserves special praise or commendation, it shall be the duty of the general managing board and the superintendent to jointly consider and deal with the matter.

III. The bureau of police shall establish a hall for deliberation, and a jail.

IV. The superintendent and the general board shall decide upon the number of policemen to be employed and shall select and appoint them. The bureau

of police shall petition for permission to deal with all matters relating to the matter of patrolling and making arrests; the clothes to be worn by the policemen and the weapons to be carried; also the monthly remuneration for them in the form of money and food; and later on all matters relating to promotion, degradation, and dismissal. The above-mentioned policemen, when once employed by the bureau of police, shall always respectfully act in accordance with the directions of the chief in all matters relating to the day and night turn of duty, the search for and arrest of bandits, the prohibition of gambling, fighting, speeding horses, firing guns, raising a hubbub on the streets, throwing bricks, stones, or other missiles without cause, etc., and the disobedience of the regulations for wheeled vehicles. If anything out of the ordinary is met with, the policeman should report it at once to the bureau that it may be investigated. All policemen must live and take their meals at the station. They will not be allowed to live or take their meals elsewhere, to go away any time they please, to take bribes, to make arrests or release people on their own authority, to buy things by force, to extort money, or to use their position to impose upon people. If perchance anyone disobeys this rule, or if anyone is accused by a merchant or other citizen of having done so, the chief of police shall make a thorough investigation of the case and punish the offender to the full extent of the law. Furthermore, everyone in the employ of the bureau of police, including the chief, the assistants, the policemen, and runners, shall be allowed to do nothing but attend to his own particular share of the public business; he shall not be permitted, either, to go into any kind of business enterprise.

(b) When any new regulations shall have been issued which people have not been able to become thoroughly acquainted with, it shall be the duty of the police to make it known to the people in plain words—they must not act forcibly.

(c) Policemen shall enforce all prohibitions which are necessary, and if there are some places where the regulations are not complete, it shall be the duty of the chief to weigh the conditions and instruct his men as soon as possible.

V. The fundamental reason for the establishment of a police department is to protect the port and keep the peace, and any Chinese or foreign merchant who does not observe in any particular the regulations which it is necessary to make will, upon discovery by the police, be reported immediately to the bureau, and his case will be investigated and dealt with. When an officer of police is deputed by his superior to make an inquiry into any matter, no one is permitted to disregard him or obstruct his work.

(b) It shall be necessary to obtain permits to open any Chinese inn, saloon, restaurant, theater (large or small), tobacco or tea shop; and policemen on duty must be allowed to enter such places at any time to see that none of the regulations of the port are being broken.

(c) If there be any smelting or refining plants erected, or any candle or soap factories (in fact, any industry established which should be forbidden or restricted as to the size, etc.), or if anything be started which is detrimental or dangerous to the life or energies of man, whether it be owned by a Chinese or a foreigner, it shall be the duty of the police to make a detailed investigation of the matter and report to the bureau of police, that the proper prohibitions or restrictions may be made. Then, if these are disobeyed, the offender will both be punished by such a fine as is imposed at the various other ports and will also be allowed a certain number of days in which to leave the concession.

(d) Policemen may at any time arrest persons for any of the following offenses: Murder, housebreaking, plundering, wounding a man with a knife or other deadly weapon, rape, blocking the road by night, cutting purses (picking pockets) by night or day, counterfeiting coins, deceiving or defrauding people under a false name, etc. If, while in the act of arresting a criminal, the offender escapes by entering and concealing himself in someone's house, the policeman may enter the house in pursuit. If the door is locked the policeman, on stating the case clearly, may enter the door and arrest his man, but this only holds in important cases, and extra care must be taken in the exercise of the privilege. If the matter is not an important one it should be reported to the bureau for action. If a policeman hears fighting going on behind closed doors and fears that it is a matter which concerns life and death, he may break down the door and enter. If a thief forces open a door, and after entering closes it tight again so that the policeman has no means of entry, then, also, may the policeman break down the door and enter. If a policeman sees a man of suspicious appearance and movements who looks as though he were about to commit some evil deed or had already committed one, he may place him

under arrest. Policemen shall at once arrest any violently intoxicated people, armed disturbers of the peace, bearers of burglar's tools or concealed firearms, knives, etc. If a policeman meet a man in the night who has (evidently) committed some crime he shall arrest the man at once. Also, if a man be going along carrying a bundle, the policeman shall ask him what is in the bundle, where he came from, and where he is going; if evasive answers are given to these questions he shall be arrested. This does not apply to the daytime, however. If, perchance, the bearer of a bundle has been guilty of a previous crime, then the same action may be taken in his case. If anyone go up to a policeman and say that he suspects so and so to be guilty of a certain crime, then the policeman must go with the informer to the police station to make a clear statement of the case, after which the policeman may place the suspected man under arrest.

(e) Policemen shall arrest anyone they see defacing or otherwise damaging the street signs, numbers on the houses, street lamps, or lamp posts; also anyone putting out the lights at night without authority; tearing down "for rent" signs on houses or lands; defacing or maltreating doors, walls, balustrades, trees along the streets, or paving stones; they shall also arrest burden bearers whom they may see stealing or extracting things from their loads.

(f) If there are any houses being torn down, or any new ones being built, or if there are any pitfalls in the road or any obstruction to traffic, the police must report the matter at once to the bureau for action.

(g) All stores or shops having signs, awnings, etc., must hang them at such a height that the traffic of the street will not be obstructed, i. e., so that they will not interfere with a man walking. Anyone disregarding this provision will be reported by the police to the bureau for action in the matter.

(h) Chair bearers, water carriers, and burden bearers must keep in the middle of the street. Carriages, carts, rikishas, etc., must keep to the left. No old, infirm, filthy, or diseased carters (or rikisha men) will be allowed. It shall be forbidden to overload carts or to use dilapidated vehicles, to stop them so as to block the street, or to drive them at night without a lantern; also to try unbroken horses or to put a sick horse in harness. The police shall arrest all those who disregard this rule and send them to the station to be dealt with.

(i) Families who keep dogs must hang a wooden tag on the necks of the dogs, upon which is clearly written the name and residence of the owner. All domestic animals seen running at large without a keeper will be caught and sent to the station and will be kept there until the owner comes to claim his property.

(j) The refuse matter of each store and residence within the port shall be gathered together every night between the hours of 11 p. m. and 6 a. m. and placed in front of the door of the house, where it can be conveniently taken by a special scavenger, who will cart it away and dump it in a place pointed out for that purpose. Except between these hours it will not be permissible to throw or deposit any refuse matter in the streets.

(k) Large and small privies will be built and no one will be allowed to commit a nuisance on the streets or alleys.

VI. The bureau of police shall establish a court room for hearing and deciding cases. It shall be under the jurisdiction of a special deputy appointed by the superintendent. All minor cases that come up within the limits of the port, such as fights, petty thefts, disobedience of the rules of the port, etc., shall be tried by the above-mentioned deputy. Chinese who have not conformed to the rules of the port will be fined and dealt with by him also. In the case of foreigners whose governments have no treaty with China it will be the duty of the deputy to deal with them the same as with Chinese. Cases concerning indebtedness, civil suits, etc., also very important cases, such as involving kidnapping or loss of life, for instance, shall be referred to the district magistrate for Li-ch'eng Hsien for trial. If a foreigner bring a suit against a Chinaman, the local Chinese officials shall try the case, but if a Chinaman brings suit against a foreigner, then the consul for the foreigner's country must be asked to try the case. If the prosecutor is a foreigner, an official of his country may go to the court and act as assessor. If the assessor thinks the case was not carried on satisfactorily, he may discuss and debate the matter thoroughly in all its details with the judge, that there may be no favoritism shown on either side, but as to the decision of the case this rests with the judge alone. Foreigners whose governments have no treaties with China and who consequently have no consuls to protect them will, if they have broken the laws or been sued, be judged by the proper local officials.

(b) A detailed monthly report of the business of the court shall be given to the superintendent for his examination.

(c) At the end of each month the investigations, decisions, and sentences of the court, together with the reasons for the action taken in all cases dealt with during the month, shall be copied out and hung before the door for the general information of the public.

(d) The officials of Lich'eng Hsien shall copy out a memorandum of all the cases dealt with by them in connection with the commercial port, including what action was taken. This to be a monthly report to be sent to the bureau of police, where it will be hung up.

(e) If the local authorities wish to arrest anyone within the limits of the port, they must ask the bureau of police to send one or more of its own men to assist in the arrest. Likewise, if the bureau of police wishes to arrest anyone outside the limits of the port, they must ask the local officials to send one or more of their police to assist.

(f) When actually in pursuit of a criminal, however, no matter whether he is escaping from outside into the limits of the port or vice versa the pursuers need not stop at the boundary, but may continue the pursuit. But persons arrested outside the settlement must be turned over to the local officials for keeping, and those arrested inside the settlement must be turned over to the bureau of police. Afterwards it will be decided whether the prisoner's offense is heavy or light, and whether the local officials or the court shall have charge of his trial and punishment.

VII. When it is desired to summon a foreigner to court, the chief of police shall communicate with the foreigner's consul, who will issue a summons to bring the man to court. When it is desired to summon a foreigner who has no consul, or a Chinese merchant who has overstepped the law, the bureau of police may issue the summons. If a reputable citizen of means points out a man as a transgressor of the law, the police shall arrest him at once, even without a warrant. Likewise, if a policeman sees a criminal act committed, or knows a man to have committed one, he shall arrest him at once, even without a warrant, and send him to the station, where his case may be inquired into. This is done to prevent men from dodging around and secretly making their escape. Suspicious characters and men carrying forbidden articles concealed on their persons will be arrested and dealt with as is done in other ports. If upon investigation a man's offense is found to be light, and he wishes to be admitted to bail, the bureau may consider the matter and release the man temporarily; then, if he presents himself at the court at the time of trial, the amount of the bail shall be refunded to him; but if not, then the amount of his bail shall revert to the state as a fine. If a man who could be admitted to bail finds that he can not furnish the money at the time, he may be allowed to ask someone to guarantee him, but the guarantor must leave a written statement for reference.

(a) Anyone who has been arrested by the police must be sent to the court room for trial within twenty-four hours from the time of his arrest. If for any reason this can not be done, the limit may be extended a little, but the reason for the extension must be clearly stated; the police may not arbitrarily prolong the detention.

(b) Policemen shall not illtreat prisoners in any way while under arrest before trial. Disobedience will be severely punished.

(c) Policemen are altogether prohibited from illicitly beating, confining, or discharging prisoners. Offenders of this rule will be severely punished.

(d) When a man is arrested by the police he should be searched to see that he carries no forbidden articles on his person, and care should be taken to guard against his throwing any such articles away. If anything of the kind should be found on him it should be taken away. Whatever a man says at the time of the arrest and whatever he has on his person should be carefully noted. When two men together have committed any crime they shall not, at the time of their arrest, or when being sent to the station, be allowed to have any private conversation with each other.

(e) Anyone who resists an officer or attempts to rescue an arrested man shall be liable to arrest, and the same applies to anyone who interferes with an officer in the performance of his duty. If anyone draws a weapon in a quarrel he shall be arrested immediately, and the weapon shall be brought in as evidence at the trial.

VIII. If any foreign consul wishes to arrest one of his nationals he may, whether the man be on a boat or on land, write and request the chief of police

to send officers to his assistance. When the said officers have made the arrest the chief of police shall act as shown in Article VII. If the superintendent has occasion to make a similar request of the consul he shall also act in the same manner.

IX. If a fire should break out unexpectedly anywhere in the settlement policemen shall immediately be sent to the scene to afford protection and arrest thieves. Officers appointed on such duty can not leave their posts of their own accord.

(a) If a policeman on duty sees a fire start within his district he shall do all in his power toward rendering assistance. He should first arouse the people in the house and ascertain the size of the fire; if he can put it out himself he need not send in the alarm to the station; but if the fire can not easily be put out then the people in the house or the policeman should immediately report the matter to the bureau.

(c) In cases of large fires not easily put out the policeman on the scene shall render all the assistance in their power in the interval before the arrival of the men from the station. If it is a store or an inn that is burning they should immediately devote all their energies toward saving life and property; if it is a dwelling house they should first save life, but they shall not on any account let any evil doers enter the house. If the fire has not penetrated the roof, the people inside and out should be told that they must not lightly open up the walls, doors, windows, etc., for if the air be once allowed to get through the fire will increase rapidly.

X. The bureau of police shall keep a classified register of all its work. For convenience of reference the following points shall be clearly entered in the register: The year, month, day, and hour of each case; the name of the man; his nationality; and the nature of the offense; also the nationality of the informant or prosecutor and the nature of the accusation, and finally the disposition of the case. If any officials or reputable citizens of means come to the bureau and request to see this register permission shall always be given.

XI. Daily food and drink shall be furnished for all prisoners by the bureau of police. All officials and reputable citizens of means shall be allowed to visit and inspect the jail.

XII. The necessary monthly expenses of the bureau of police will be sent by the superintendent to the general managing board, who will forward it to the chief of police for distribution. The chief of police shall make out a pay roll and send it to the general managing board for their inspection, after which it will be sent to the superintendent for his examination and record. A statement of the amount of fines collected each month shall also be sent to the superintendent, and a list of the same shall be hung out in front of the office for the information of the general public.

XIII. A bureau of police shall be established at Weihsien and Chou-t's'un, whose petty officers and policemen shall be appointed by and under the direction of the Chinan bureau of police.

XIV. The above regulations are for experimental operation; alterations therein may be made at any time.

The Secretary of State to Chargé Wilson.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 21, 1906.

(Mr. Wilson is informed that urgent representations are being sent to the State Department by American traders that they are prevented from entering Manchuria via Newchwang, notwithstanding the long time which has elapsed since the treaty of peace. American tobacco interests are especially distressed and assert that Japanese agents of the tobacco trade are permitted to enter and push their trade although American agents are excluded. The Department of State, in view of the well-known purpose of the Japanese Government to maintain absolute equality of trade advantages in Man-

churia, is impressed with the idea that unauthorized subordinates may be failing to execute the purpose of the Government of Japan. Mr. Wilson is instructed to ask the Japanese Government to inquire into this matter.)

Chargé Wilson to the Secretary of State.

[Extracts.]

No. 412.]

AMERICAN LEGATION,
Tokyo, March 15, 1906.

SIR: I have the honor to confirm your telegraphic instruction received February 23, which reads, deciphered, as follows:^a

Immediately upon the receipt of the above, I embodied the sense of your instructions in a memorandum, which I transmitted to the minister for foreign affairs, with a note dated February 23, wherein I set forth the alleged discrimination in favor of Japanese and against American commerce in Manchuria, and, in view of the great importance of the principle involved, requested the Japanese Government's serious and early consideration of the matter. I have the honor to forward herewith copies of the above-mentioned note and memorandum.

On the 1st instant, when I spoke to Mr. Kato, then minister for foreign affairs, of the present apparent failure of the "open door" policy, he referred to it as a very grave matter, adding that he had not heard of any discrimination. On the 7th instant, a member of the legation who visited the foreign office was told that the note of the 23d ultimo had been referred to the department concerned and that the foreign office would bear in mind the legation's wish for an early answer.

I have the honor to inclose a clipping from the Japan Times of the 13th instant, announcing an industrial exhibition to be held at Mukden this summer. The day after this item appeared, I caused inquiries to be made at the department of agriculture and commerce, and I append to the clipping an account of the statement of an official of that department made in reply to my inquiries. It will be observed that the project is to hold a bazaar at Mukden, beginning May 1, for the exhibition of Japanese merchandise. The project is under the auspices of the principal chambers of commerce of Japan, and, if not under government supervision, at least the details of the enterprise are well known to the department of agriculture and commerce, which seems to be in sympathy with the undertaking.

Inasmuch as about three weeks have already elapsed since I acted upon your instructions of the 23d ultimo, at my interview with Mr. Chinda to-day I handed him a note verbale, designed to emphasize the importance of the pending question and to hasten the time when I may have the honor to reply to your instructions. A copy of my note verbale of this date is herewith inclosed.

Up to the present time no foreign business men have been permitted to go to Port Arthur or Dalny, excepting those who went to investigate property formerly abandoned there. Some applica-

^a Supra.

tions have been made through this legation, but thus far without result. The British embassy is in the same position in regard to British merchants. The ambassador informs me that he has been making representations on behalf of his nationals and that he is now taking the matter up under instructions from his Government. Another matter in which he is interested is the restriction against foreign vessels.

A few days ago an American citizen who held a Russian permit to proceed from Vladivostok, over the Chinese Eastern Railway, to Chang-chun, and who held a Japanese permit to revisit Port Arthur, asked me to inquire whether he might go south from Chang-chun to Dalny, stopping en route at Mukden and Liaoyang, at which places also he had abandoned property at the outbreak of the war. In answer to my question the foreign office gave me a statement of the military authorities to the effect that, by the terms of a memorandum concluded between General Fukushima and the commander of the Russian forces, no foreigners were permitted to pass between the zones in Manchuria still occupied by the two armies, except in very special cases and under permits granted by the commanders of both forces, applications for such permission being made to those commanders, between whom mutual arrangement was necessary. I mention this as illustrating the difficulties encountered by foreigners wishing to enter from the north into that portion of Manchuria now under Japanese control.

I shall hope soon to gain information as to the conditions met by Americans who desire to go into Manchuria via Newchwang, the question as to which is the immediate subject of your instructions under acknowledgment.

I have, etc.,

HUNTINGTON WILSON.

[Inclosure 1.]

Chargé Wilson to the Minister for Foreign Affairs.

No. 214.]

AMERICAN LEGATION,
Tokyo, February 23, 1906.

MONSIEUR LE MINISTRE: I have the honor to hand your excellency herewith a memorandum on the subject of alleged discrimination in favor of Japanese and against American commerce in Manchuria. Your excellency will observe that my Government places the fullest reliance upon the purpose of the Imperial Japanese Government to maintain in practice the principle of equal opportunity. The present reported failure to apply that principle is unhesitatingly assumed by the Secretary of State to be due to a perversion of the purposes of your excellency's government by the unauthorized action of subordinates, and I am instructed by telegraph to ask that the Imperial Japanese Government inquire into the matter.

In view of the great importance which the United States attaches to the principle involved, I have the honor to request that your excellency kindly use all expedition in placing me in a position to reassure my Government of the enforcement in practice of a principle as to which the Governments of the United States and of Japan are in such hearty accord.

I seize this opportunity to renew to your excellency the assurances of my highest consideration.

HUNTINGTON WILSON.

[Inclosure 2—Memorandum with No. 214.]

FEBRUARY 23, 1906.

The Secretary of State is receiving from American merchants and traders representations of an urgent nature to the effect that, notwithstanding the long period of time which has intervened since the operation of the treaty of peace, they are still being prevented from entering Manchuria by way of Newchwang. American tobacco interests are particularly distressed; those concerned state that their agents are excluded from Manchuria, while at the same time Japanese agents of the tobacco trade are allowed to go into that territory and extend their business.

The declared purpose of the Imperial Japanese Government to maintain absolute equality of opportunity for trade advantages in Manchuria is well known to, and fully recognized by, the United States. Therefore, in view of these reports, the Secretary of State is impressed with the idea that unauthorized subordinates of the Imperial Japanese Government may be failing to carry out that purpose.

[Inclosure 3.]

EXHIBITION AT MUKDEN.

[Clipping from Japan Times of March 13.]

An industrial exhibition will be held at Mukden this summer. The list of exhibitors is to be closed to-day. The number of applications received in Tokyo for stalls up to yesterday reached 3,000. The scheme promises to be a great success. The exhibition is calculated to greatly promote our commerce in Manchuria.

NOTE.—On March 14, Mr. (—) made a statement to the following effect in reply to the legation's request for information regarding an exhibition of Japanese merchandise, which it is reported will be held at Mukden this spring:

The industrial exhibition to be held this summer is under the auspices of six chambers of commerce in Japan, viz, Tokyo, Yokohama, Kobe, Nagoya, Kyoto, and Osaka. It will be open from May 1 to July 15 this year, but it is hoped to make it a kind of bazaar open all the year round. It is to be maintained chiefly by the rent to be paid by the exhibitors at the rate of 30 yen per tsubo, and admission fees. The exhibition is on a very small scale, and is more like a kwankoba (fair or bazaar). The department of agriculture and commerce has nothing to do with the exhibition, except to encourage the work and to facilitate the progress of commerce in a general way. There are some Chinese exhibitors whose applications have been granted, but owing to the difficulty of having a desirable place, applications of chambers of commerce other than the six chambers referred to may be rejected.

For further particulars Mr. Yamawaki referred the legation to one of the six chambers of commerce mentioned above.

[Inclosure 4.]

Note verbale from Chargé Wilson to the Minister for Foreign Affairs.

The chargé d'affaires of the United States had the honor to address to his excellency His Imperial Japanese Majesty's minister for foreign affairs a note dated the 23d ultimo, accompanied by a memorandum of the same date, on the subject of the alleged practical failure in Manchuria of the principal of equal opportunity.

About three weeks now having elapsed since the above representations were made, under telegraphic instructions from the American Government, and in view of the grave political principle involved in this matter, the chargé d'affaires of the United States has the honor again to ask that his excellency His Imperial Japanese Majesty's minister for foreign affairs kindly place him, at his excellency's very earliest convenience, in a position to reply to his Government.

Mr. Huntington Wilson takes advantage of this opportunity to convey to his excellency the Marquis Saionji the renewed assurances of his highest consideration.

March 15, 1906.

The Secretary of State to Chargé Wilson.

[Telegram—Paraphrase.]

[Extract.]

DEPARTMENT OF STATE,
Washington, March 24, 1906.

(The department learns through its agents in China that the action of Japanese authorities in Manchuria during Japanese occupation tends so to establish Japanese commercial interests in the principal towns and toward acquiring property rights for Japanese in all available quarters as to leave little or no opening for other foreign trade by the time the territory is evacuated. The solicitude of the United States in regard to the open-door policy in Manchuria and the seeming departure therefrom by Japanese authorities is stated, and Mr. Wilson is instructed to bring the subject to the attention of the Japanese Government with the hope of positive assurances to allay such apprehension.)

Chargé Wilson to the Secretary of State.

[Telegram—Paraphrase.]

[Extract.]

TOKYO, *March 28, 1906.*

(Mr. Wilson reports that, under the department's telegraphic instructions received February 23 and March 25, he has been strongly urging the Government of Japan to give real effect to their avowed open-door policy in Manchuria and says that he hopes to report soon a definite answer to his notes. Representations are also being made by the British Government.)

Chargé Wilson to the Secretary of State.

No. 418.]

AMERICAN LEGATION,
Tokyo, March 28, 1906.

SIR: I have the honor to acknowledge the receipt of your telegraphic instructions of the 24th instant, a copy of which is inclosed herewith for confirmation.

On the 26th instant I addressed to His Excellency the Marquis Saionji, minister for foreign affairs, a diplomatic note presenting the views of the United States as expressed in your instructions. I have the honor to submit to you herewith a copy of this note.

Since the dispatch of the legation's No. 412 of March 15, no change in the situation has come to my knowledge. As mentioned in that dispatch, the British embassy here is also making representations in serious complaint against Japanese treatment of foreign commercial interests in Manchuria.

It being still impossible to report any satisfactory change in the state of this important question, I had the honor last night to send you the following telegram:^a

I have, etc.,

HUNTINGTON WILSON.

[Inclosure.]

Chargé Wilson to the minister for foreign affairs.

AMERICAN LEGATION,
Tokyo, March 28, 1906.

The undersigned, chargé d'affaires of the United States of America, has the honor again to invite the serious attention of the Imperial Japanese Government to the reported failure in practice of the principle of equality of commercial opportunity in that part of Manchuria which has been occupied by Japanese troops.

The following is a paraphrase of the Secretary of State's telegraphic instructions of the 24th instant, under which the undersigned has the honor to address the present note to His Excellency the Marquis Saionji, His Imperial Japanese Majesty's minister for foreign affairs.^a

On the 23d ultimo, acting under previous telegraphic instructions, the undersigned had the honor to address to his excellency His Imperial Japanese Majesty's minister for foreign affairs a letter accompanied by a memorandum wherein was set forth the alleged discriminatory treatment of traders in Manchuria. In view of the gravity of the matter the undersigned reiterated, in a note verbale of the 15th instant, the request that he be expeditiously placed in a position to reassure his Government. He has, moreover, verbally urged early attention to this important subject by the Imperial Japanese Government.

The undersigned has, however, not been enabled to reply to his Government since the representations made under previous instructions, and his excellency the minister for foreign affairs will readily understand that this fact can not but serve to intensify the anxiety felt by the Government of the United States.

The undersigned avails himself of this occasion to convey to his excellency His Imperial Japanese Majesty's minister for foreign affairs the renewed assurances of his highest consideration.

HUNTINGTON WILSON.

Chargé Wilson to the Secretary of State.

[Extract.]

No. 420.]

AMERICAN LEGATION,
Tokyo, March 28, 1906.

SIR: I have the honor to inclose a translation of a very interesting editorial on the diplomacy of the present cabinet, which appeared this morning in the *Jiji Shimpō*, perhaps the most important independent newspaper in Japan.

It will be noted that this article urges upon the present cabinet as one of its most pressing duties the carrying out of the principle of equality of commercial opportunity in Manchuria.

^a Supra.

In discussing the present political situation in China, the Jiji Shimpo lays great stress upon the need of a united policy on the part of the United States, Great Britain, and Japan for the maintenance of Chinese integrity and of the principle of the "open door."

I have, etc.

HUNTINGTON WILSON.

[Inclosure.]

THE DIPLOMACY OF THE PRESENT CABINET.

[Editorial in Jiji Shimpo of March 28.]

Following the failure of the diplomacy of the former government, there is much to be done by the present cabinet in remedying the effects. Matters to be treated with the Russian Government in accordance with the Russo-Japanese treaty of peace and the renewal of friendship between the two countries call for prompt settlement. Among the matters, which at this time demand the most thorough and energetic measures with a view to their settlement, one of the most urgent is that, as soon as the withdrawal of troops from Manchuria nears completion, we open up that territory, cause China to put into effect her promise to open up her cities, allow foreigners and natives alike the freedom to engage in commercial enterprise, and, finally, carry into practice the principle of equality of opportunity. The movement in China for restoring concessions once granted to foreigners and the antiforeign disturbances in general, including violence to the foreign missionaries, may have serious consequences. Though the movement for restoring concessions is not primarily antiforeign in its nature, yet it is natural that foreigners should be prepared for any emergency, as it has a remarkable influence on a people like the Chinese who are narrow-minded and haughty. The attempt to dispatch troops to Manila by the American Government is most opportune, and our Government has given a warning to the Chinese Government concerning the situation.

What makes us more anxious is the complication of the interests of the powers in China. The Chinese still dislike the Americans, for they have not yet ceased to boycott American goods. From the standpoint of the movement for restoring concessions, the Chinese can not be very friendly to the British. There is something unsatisfactory in the recent attitude of the Chinese Government toward ours. If, however, China's attitude toward all foreign countries were equally hostile, there would be no fear of international complications, for then all the powers could unite in dealing with China. For instance, while some countries are getting ready for sending troops others are withdrawing them from China. There is nothing to be wondered at in the way some countries curry favor with China by intimating that this or that country is treacherous. But it is possible that a movement may be started for causing discord between Japan, Great Britain, and America. As is stated in the treaty of alliance, it is the aim of both Japan and Great Britain to maintain the territorial integrity of China and to open the country to the world's commerce. The United States is the most ardent advocate of these two principles, and the three countries have common interests in China. In these days when an intrigue may possibly be started, it is necessary that these three countries should be united, in order to be prepared for any emergency and to protect their common interests. A combined influence of the three countries will have a considerable influence over China, and any intrigue against the combination would be powerless. Though some foreigners intimate that the Japanese are instigating the antiforeign agitation in China, no intelligent person will listen to such an irresponsible rumor. In order more fully to strengthen the combination of these three countries and to prevent another disruption, Japan should at this time take steps for opening up Manchuria as rapidly as possible, should allow foreigners and natives alike freely to engage in commercial enterprise, and especially should induce Englishmen and Americans to enter this field and to cooperate with her in this enterprise; this, therefore, is an end to which our diplomatists to-day should strongly direct their efforts. Among the many things we expect of the present cabinet in their foreign policy, the strengthening of the combination of Japan, Great Britain, and America for the

sake of their common interests in China we believe to be an extremely urgent measure, and we dare to urge the authorities concerned to spare no efforts for accomplishing this end.

The Secretary of State to Chargé Wilson.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 30, 1906.

(In answer to Mr. Wilson's telegram of March 28, Mr. Root says that obstructions due to military exigencies, while perhaps explaining temporary restrictions of visiting aliens, does not meet the rapidly developing situation of the absorption of a great part of the commercial and mining opportunities of Manchuria by the freely admitted Japanese. Such opportunities are absolutely closed now to aliens, and even the establishment and recovery of rights acquired, before the late war by American citizens and others are so impeded as to occasion loss and injury to the interested parties. The department is informed that in some quarters, as at Newchwang, the military authorities have decreed land registration for effecting valuable transfers with a view to their subsequent validation by China. If this condition continues China may find herself, after the Japanese occupancy has ceased, the merely nominal sovereign of a territory of which the temporary occupants have appropriated the material advantages.)

Chargé Wilson to the Secretary of State.

[Telegram—Paraphrase.]

TOKYO, *April 5, 1906.*

(The minister for foreign affairs, at an interview this afternoon said that he could not reply in detail to the representations of the United States, but would do so in writing in a few days; he could, however, assure me that the Japanese Government had decided in principle at a recent council to enforce the policy of the open door in Manchuria. Mr. Wilson also received the following assurances: From May 1 Tatung Kau and Antung and from June 1 Mukden will be open to foreigners and foreign consuls subject to the consent of the Chinese Government, to secure which the cooperation of the United States is desired. Furthermore, from June 1 Japan will have no objection to the presence of foreigners anywhere in Manchuria except in certain districts from which, for military reasons, they might still be temporarily excluded. Owing to disturbed conditions, such as the presence of bandits, the Japanese Government are not responsible for the safety of foreign life and property. The minister for foreign affairs said that since in the leased territory Japan had the responsibilities of government, Dalny could not be opened until the further completion of necessary regulations and arrangements; this was being hurried, and it was hoped the port could soon be opened to foreigners and foreign consuls. Meanwhile,

Mr. Wilson was assured that special permits, application for which should be made through this legation, might be issued in some cases to individual foreigners to travel in Manchuria, or to ships to enter Antung or Tatung Kau.)

Chargé Wilson to the Secretary of State.

[Telegram—Paraphrase.]

TOKYO, *April 11, 1906.*

(Mr. Wilson states that in the written reply which he has now received from the minister for foreign affairs the verbal assurances reported in his telegram of the 5th instant are confirmed and Japan's earnest adherence to the open-door policy in Manchuria emphasized.)

Chargé Wilson to the Secretary of State.

[Extract.]

No. 437.]

AMERICAN LEGATION,
Tokyo, April 12, 1906.

SIR: I have the honor to confirm the legation's telegram of April 5 reporting the assurances which I had received at an interview with the minister for foreign affairs on that day in regard to the enforcement by Japan of the "open door" policy in Manchuria, and also the telegram which I had the honor to dispatch to you last night, and wherein I stated that the Marquis Saionji's written reply to the representations which I have made under your instructions confirmed the verbal assurances which I had laid before you in the previous telegram and emphasized Japan's earnest adherence to the principle of equal opportunity in Manchuria. Copies of the readings of these two cipher telegrams^a accompany this dispatch.

In the inclosed note from the minister for foreign affairs, which is dated yesterday, his excellency dwells upon the reluctance with which the Japanese Government have been compelled to impose certain restrictions upon the free entrance of foreigners and foreign vessels into the regions and seaports of Manchuria affected by their military occupation, on the ground of a necessity to safeguard military secrets and owing also to confusion due to the withdrawal of a large army from that territory. Stating that the withdrawal of the troops has steadily progressed, his excellency speaks of the desire of Japan to open Manchuria to foreign trade as soon as possible, thus adhering to the principle they have always maintained.

As stated in the legation's telegram of the 5th instant, Antung and Ta-tung-kau are to be opened to foreigners and foreign vessels from the 1st proximo, from which date also consular officers may proceed to Antung. From the 1st of June Mukden is to be opened to foreigners and foreign consuls, as is to be all the remainder of Manchuria, with the exception of some localities in regard to which special military reasons might still make the presence of foreigners inconvenient. Owing to existing conditions in the interior of Manchuria, such as

^a Supra.

the presence of bandits and other lawless persons, it is pointed out that the Japanese Government can not hold itself responsible for the adequate protection of foreign travelers in this region.

The minister for foreign affairs states that preparations are now going forward for the opening of Dalny to foreign commerce and for the admission of foreign consular officers to that port. His excellency promises to make further communication on this subject.

Finally, it is pointed out that persons desiring to cross between the lines of the Japanese and Russian military occupation must comply with the terms of a memorandum which was signed by the representatives of the Japanese and Russian commanders in chief in Manchuria on the 30th of last October. This memorandum has not been published, but I have now been promised a copy. The Marquis Saionji's allusion to the memorandum has reference to the provision which I had the honor to point out in the legation's dispatch, No. 412, of the 15th ultimo, according to which foreigners are not permitted to pass between the zones in Manchuria still occupied by the two armies, except under special permits jointly granted by the Japanese and Russian commanders on the spot.

I have, etc.,

HUNTINGTON WILSON.

[Inclosure--Translation.]

The Marquis Saionji to Chargé Wilson.

No. 23.

DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, April 11, 1906.

SIR: In pursuance of instructions from the United States Government, you have, on several occasions, made representations, verbal as well as in writing, with regard to the opening of Manchuria.

It need hardly be stated that the Imperial Government have always entertained an earnest desire to uphold and carry out the principle of the open door and equal opportunity in Manchuria. But in view of the necessity for safeguarding military secrets and considering also the confusion incident to the withdrawal of a large body of troops, the Imperial Government have heretofore been reluctantly compelled, among other things, to impose certain restrictions upon the free entrance of foreigners and foreign vessels into the regions and seaports affected by their military occupation.

I now have, however, the agreeable duty to acquaint you that the withdrawal of the Imperial troops having steadily progressed, the Imperial Government, animated by the desire to open Manchuria as soon as possible to foreign trade in accordance with the principle which they have heretofore maintained, have resolved to permit from the 1st of May foreigners and foreign vessels to enter Antung and Ta-tung-kou and foreign consuls to proceed to the former place. As regards Fentieng (Mukden), owing to the confusion still prevailing there on account of the place being an important center in the process of evacuation, foreign consuls will be admitted thereto from the 1st of June, and from the same date foreigners will also be allowed to proceed thither as well as to the other portions of Manchuria affected by Japanese military occupation, except in cases in which objections may exist from a military standpoint.

Having regard, nevertheless, to the present condition of things in the interior of Manchuria, I trust you will readily observe that it would be practically impossible to give adequate protection and facilities to travelers in the interior, and you will also understand that the Imperial Government would in nowise be held responsible, even if such travelers should suffer in anyway at the hands of the Chunchuses or other lawless persons.

As to Tairen (Dalny), it is the intention of the Imperial Government to open the port to foreign commerce as soon as possible and to permit foreign consuls to reside there. As preparations looking to that result are now under considera-

tion, I shall have the pleasure to make, in due course, further communication on the subject.

I beg to add for your information that the persons desiring to proceed from the line of the military occupation of Japan to that of Russia, or vice versa, are required, regardless of the arrangements mentioned above, to comply with the provisions of the memorandum signed at Sz-ping-kai on the 30th of October last between the representatives of the commanders in chief of the Japanese and Russian armies in Manchuria.

Accept, sir, the renewed assurances of my high consideration.

(Signed) MARQUIS SAIONJI,
Minister for Foreign Affairs.

Memorandum handed to the Secretary of State by the Japanese chargé d'affaires April 12, 1906.

LEGATION OF JAPAN, WASHINGTON.

Owing to the fact that the withdrawal of the troops from Manchuria not having sufficiently progressed, the Japanese Government hitherto have neither permitted citizens and vessels of foreign countries to enter the ports and regions of Manchuria nor allowed foreign consuls to proceed to their posts therein. Considerable progress, however, having now been made in this respect, the Japanese Government have decided, in accordance with the principles of open door and equal opportunity ever advocated by them, to permit citizens and vessels of foreign countries to enter An-tung-hsien and Ta-tung-kaio from May 1, and to allow foreign consuls to proceed to their posts at An-tung-hsien from the same date. From June 1 foreign consuls will be allowed to proceed to their posts at Mukden, and traveling of foreigners in the interior of Manchuria will be generally permitted in so far as military exigencies do not prevent it. It has further been decided that the Japanese Government will open Darien to the commerce of the world in as near future as possible.

Judging from the present condition of the interior of Manchuria it is impossible for the Japanese authorities to afford such foreign travelers adequate protection and facilities in regard to houses and other matters. Those, therefore, who enter the interior of Manchuria do so entirely on their own account and at their own risk, and the Japanese Government do not hold themselves responsible for an injury or damage which they may suffer from bandits or other marauders.

Informal memorandum accompanying foregoing.

I regret that the real condition of Manchuria and the true motive of the Imperial Government are not clearly known to the United States Government.

At the time of the conclusion of peace between Japan and Russia the number of imperial troops in Manchuria reached several hundred thousand and the quantities of arms and ammunition and necessary supplies of all kinds were in proportion. It is needless to say that the withdrawal of such an enormous army is no easy matter.

According to the memorandum agreed upon by the commanders in chief of the Japanese and Russian armies in Manchuria the withdrawal is to be carried in four periods.

On the Japanese side, the troops were to be withdrawn to the south of Chang-tu before the end of the last year, and to the south of Tieling before June 1, 1906, to the south of Mukden before August 1, and to complete it by April, 1907.

Despite this arrangement, the Imperial Government desired to withdraw the main bodies of the armies as quickly as possible and acted accordingly. In consequence of this, it has progressed comparatively rapidly, but the confusion and complications arising from such hurried action is, even at present, beyond imagination of those who have not witnessed them.

Alike in Japan as in other countries, it is impossible to admit foreigners into the territories occupied by their troops immediately after the conclusion of peace. One of the main difficulties in admitting foreigners into Manchuria is in respect of language. They neither speak Japanese nor Chinese and lots of misunderstandings arise from this fact. For this very reason, the commanders in chief of the respective armies in Manchuria stipulated in the memorandum above referred to that neither side shall admit strangers in the territories occupied by the respective armies and that there shall be no coming and going between the respective territories except under special mutual agreement. Although we allow even Russians within our territories for the special purpose of attending to the matters concerning private properties left therein, the Russians have not reciprocated this courtesy and strictly prohibit any Japanese going into their territory.

Such being the actual conditions in Manchuria; the Imperial Government has been reluctantly compelled to temporarily restrain the entrance of foreigners into Manchuria. As to the Japanese merchants, most of them entered the seat of war with our armies to supply them with necessaries and still remain there. Doubtless many others have gone there since then. But these people are under the strict and complete control of the military authorities.

Besides, there is no fear of trouble with them in respect of language and less danger of their letting military secrets out than the general foreigners would, all of whom are not necessarily our friends.

However, the present situation is only temporary, necessitated by the conditions prevailing actually in Manchuria, and nothing is further from the thought of the Imperial Government than to attempt to monopolize the trade of Manchuria in violation of the principles of open door and equal opportunity for which they have pledged their honor.

On the contrary, as it is their sincere desire to respect these principles they have decided to open Manchuria even before the completion of the withdrawal of the troops, and despite the great inconvenience which will have to be experienced by them on this account.

The Secretary of State to the Japanese chargé d'affaires.

DEPARTMENT OF STATE,
Washington, April 13, 1906.

MY DEAR MR. HIOKI: I inclose, in the form of a memorandum, my response to the unsigned and undated memorandum you gave me yesterday concerning the evacuation of Manchuria.

While sending you this formal paper, I have the pleasure to acknowledge also your personal and informal memorandum which accompanied the same and in which you discuss the military and practical difficulties in the way of admitting foreigners to the evacuated territory.

I can not believe that American citizens will be likely to add to the embarrassments of your military commanders in any appreciable degree.

Thanking you for the information, I am, my dear Mr. Hioki,
Faithfully, yours,

ELIHU ROOT.

MEMORANDUM.

DEPARTMENT OF STATE,
Washington, April 13, 1906.

The Secretary of State has taken note of the undated and unsigned memorandum which was handed to him yesterday by the imperial chargé d'affaires of Japan, in relation to the steps taken and intended to be taken with reference to the evacuation of Manchuria and the opening of that territory to foreign commerce and travel.

The Department of State learns with much pleasure that, considerable progress having now been made in respect to the withdrawal of the troops from Manchuria, the Japanese Government have decided, in accordance with the principles of the open door and equal opportunity ever advocated by them, to permit citizens and vessels of foreign countries to enter An-tung-hsien and Tatatung-kou from May 1 and to allow foreign consuls to proceed to their post at An-tung-hsien from the same date. It is also noted that from June 1 foreign consuls will be allowed to proceed to their post at Mukden and the traveling of foreigners in the interior of Manchuria will be generally permitted in so far as military exigencies do not prevent it; and, further, that the Japanese Government will open Dairen to the commerce of the world in as near future as possible.

The Government of the United States will forthwith take steps to cause the consuls of the United States to reach their respective posts at Antung and Mukden on the several dates of May 1 and June 1, proximo, or as soon thereafter as may be practicable.

With the establishment of consular representation on the spot and with the qualified admission of foreigners to travel and residence in the Manchurian territory (subject, as stated in the Japanese memorandum, to the impossibility of the Japanese authorities affording protection, facilities in regard to houses, and other matters for such foreign travelers) this Government does not doubt that the improved opportunities of intercourse between citizens of the United States and the native population of Manchuria will be mutually agreeable and beneficial.

The Acting Secretary of State to Minister Rockhill.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 14, 1906.

(Mr. Bacon informs Mr. Rockhill that the department is advised by the Japanese Government that Antung and Ta-tung-Kou will be opened from May 1 to citizens and vessels of foreign countries, and foreign consuls allowed to proceed to Antung from same date; that from June 1 foreign consuls will be allowed to proceed to Mukden

and the traveling of foreigners in the Manchurian interior permitted in so far as military exigencies do not prevent. Mr. Rockhill is also informed of the transfer to Harbin of the Antung consulate.)

Chargé Wilson to the Secretary of State.

[Extract.]

No. 440.]

AMERICAN LEGATION,
Tokyo, April 16, 1906.

SIR: I have the honor to inform you that the Marquis Saionji, prime minister and minister for foreign affairs, left Tokyo on the 14th instant with a party consisting of the chief of the political bureau in the foreign office, the vice-minister of finance, the director of the agricultural bureau in the department of agriculture and commerce, and several other commercial, financial, and agricultural experts and secretaries. The object of the trip upon which these officials have started is to visit Manchuria for the purpose of directly investigating the conditions there.

On the 13th instant the Marquis Saionji wrote to inform me that he had been granted a leave of absence, and that Mr. Nobuaki Makino, minister of education, would from that date be in charge of the department of foreign affairs. Mr. Makino is thus left acting minister for foreign affairs until the return of the Marquis Saionji or the arrival from London of Mr. Hayashi, who, as I have had the honor to inform you, is expected to assume the portfolio of the foreign office.

I have, etc.,

HUNTINGTON WILSON.

The Acting Secretary of State to Chargé Wilson.

No. 182.]

DEPARTMENT OF STATE,
Washington, April 20, 1906.

SIR: I inclose herewith, for your information, a copy of a dispatch from the consul-general at Newchwang, submitting a report by him on the commercial exploitation of Manchuria and the probable date of the withdrawal of the Japanese troops; and a copy of a later dispatch and inclosure from him on the subject of the withdrawal of the Japanese troops.

I am, etc.,

ROBERT BACON,
Acting Secretary.

[Inclosure 1.]

Consul-General Sammons to the Assistant Secretary of State.

CONSULATE-GENERAL OF THE UNITED STATES,
Newchwang, Manchuria, February 23, 1906.

SIR: In reply to the department's numbered instructions of January 17, last (consular No. 16), I have the honor to hand you herewith a brief summary regarding present conditions and the prospective business exploitation of Manchuria as per the inquiries contained in the letter of Gordon & Ferguson, of St. Paul, Minn., under date of January 9, last, a copy of which was inclosed with the department instructions as above.

I may add that I am informed that the Japanese military occupation of the port of Newchwang will continue, it is anticipated, for another year.

I am, etc.

THOMAS SAMMONS,
Consul-General.

[Subinclosure.]

ESTABLISHING FOREIGN HOUSES IN MANCHURIA.

[From United States Consul-General Sammons, Newchwang, Manchuria.]

Until the latter part of this month (February, 1906), the Japanese military authorities at Newchwang were unable to offer any encouraging information regarding representatives of foreign business houses entering the zone of what has been, and still is, the zone of Japanese military occupation in southern Manchuria. At this time (February 23, 1906) I am informally informed by the Japanese military administrator at Newchwang that the interior of Manchuria, so far as the Japanese are concerned, will very shortly be open to all, and that in a few days the initial permits to go inland on business or sight-seeing will be issued.

During the past six months there have been a few applications on the part of business men to go into the interior, among the number being three Americans, only one of whom, however, represents his own business interests. The others are associated with British companies. Until after peace was ratified such applications could not be pressed for consideration. However, during the past two months Americans who are interested in exploiting business enterprises in Manchuria have been earnest and active in their requests for permission to visit the interior.

The Japanese military authorities have pointed out that while from 5,000 to 10,000 troops were being moved out of Manchuria daily and the railroad capacity was fully taxed it would be inconvenient to provide for foreign visitors, as a general proposition, inside the war zone, either on business or pleasure. Some applicants have volunteered to furnish their own transportation by cart and pay for small guard to protect them from suggested dangers from robbers. Under existing conditions of military occupation, however, no permits have been granted, so far as I am aware, except to Japanese traders who are associated with the Japanese army and, therefore, provided for through the Japanese military officials. Two Americans, residing in California, who made a hurried trip of observation and inspection aboard a special car to the interior a couple of months ago, constitute the single exception to the general rule thus far enforced. A few foreigners have visited Port Arthur and Dalny, and points south of Mukden as sight-seers, but with the exception of the two Americans referred to only military attachés, war correspondents and, of course, Protestant and Catholic church missionaries, together with the American manager of the Japanese Army Y. M. C. A., I believe, are the only foreigners who have been granted permission to visit the interior, not including, of course, Japanese traders who have charge, also, of small stores or supply depots along the line of the railroad over which the troops are being moved.

The Japanese military authorities recently announced the appointment of a committee, with headquarters at Tairen (Dalny), which is charged with the duty of inquiring into the status of private foreign-owned property which was left in the Liaotung Peninsula district at the outbreak of the Russo-Japanese war or later. Foreigners applying with a view to adjudicating such property interests are directed to place their applications with the Japanese ambassador or minister, direct or through a Japanese consul, in the country in which applicant may reside. The application will be forwarded to the Japanese army headquarters at Tokyo and, if granted, a permit will issue through the Japanese foreign office. It is further stated that when such permits are issued, the Japanese civil authorities at Port Arthur and Tairen (Dalny) will be notified by telegraph and that the applicant, if then ready to proceed, may do so without waiting for the arrival of the permit.

This arrangement will accommodate those who desire to visit Port Arthur or Dalny for the purpose of adjusting private property matters but not on business.

As stated above, the Japanese authorities at Newchwang have announced that foreign business men would shortly be allowed to visit the interior of Manchuria, and it is further, unofficially, stated that all of the Japanese troops, aside from the railway guards, would be out of Manchuria by March or April. The American consul-general at Newchwang has been invited by the Japanese military authorities to visit the interior during the latter part of the present month (February).

The country being under military occupation martial law regulations have, in an undefined way, as a rule, been presumed to obtain. At Newchwang there has been no formal withdrawal of martial law although the ratification of peace and the gradual modification of military restrictions have, in effect, naturally superseded such nebulous martial law regulations as have existed, more or less, tentatively at times during actual hostilities. There is still a small detachment of Japanese troops at the Newchwang garrison, and the morning and evening bugle notes are semidaily reminders of military occupation. At Mukden the guarding of the city gates with Japanese troops has been discontinued.

A few foreign business houses remained at Port Arthur after the fortress passed into the hands of the Japanese. No new foreign business houses have been established there or elsewhere inside the area of Japanese military occupation, aside from such small trading interests as have been granted Japanese civilians. At Dalny and Port Arthur a number of Japanese shops have been opened. Some foreign goods have, I am reliably informed, reached Dalny, being handled either by Chinese or Japanese. On such foreign goods, I am informed, a local or port tax of 3 per cent of the value is levied.

The only commercial information I have about Antung is in regard to a British steamship company desiring to do business there. Its representative was informed that permission could not be granted directly to the company, but that if the application came through a Chinaman the matter could be satisfactorily arranged.

Broadly speaking Manchuria is not open for business exploitation at this time. As regards inquiries about martial law prevailing at various points it is an undefined question. However, military occupation is, in an emergency, accepted as being tantamount to martial law possibilities and exigencies.

Interior trade is continually and quite successfully, too, carried on, nevertheless, through the Chinese. For a time there was a congestion of goods at Newchwang, but conditions are now approaching a normal average. Evidently, while the Japanese troops may have been entirely removed before May 1 next, the railway guards will remain, and in some localities military occupation will, I am unofficially informed, continue until the expiration of the eighteen months provided for evacuation after the ratification of the new Portsmouth treaty.

THOMAS SAMMONS,
Consul-General.

NEWCHWANG, MANCHURIA, *February 23, 1906.*

[Inclosure 2.]

Consul-General Sammons to the Assistant Secretary of State.

No. 220.]

CONSULATE-GENERAL OF THE UNITED STATES,
Newchwang, Manchuria, February 26, 1906.

SIR: I have the honor to hand you herewith a copy of my dispatch No. 163 to Minister Rockhill, in re the evacuation of Japanese troops in Manchuria.

I am, etc.,

THOMAS SAMMONS,
Consul-General.

[Subinclosure.]

Consul-General Sammons to Minister Rockhill.

No. 163.]

AMERICAN CONSULATE-GENERAL,
Newchwang, Manchuria, February 26, 1906.

SIR: I have the honor to state that the Japanese military authorities advise me, informally, that they expect to have all of their troops out of Manchuria,

excepting the guards, by or before the middle of next March, and that then the interior country will be thrown open to all foreigners.

I understand that this evacuation on the part of troops does not mean the simultaneous evacuation on the part of certain military or civil administrations. At Newchwang, for instance, I am informally advised that Japanese occupation will continue probably for several months, or possibly until the end of the eighteen months provided by treaty for the evacuation of Manchuria.

I am, etc.,

THOMAS SAMMONS,
Consul-General.

The Acting Secretary of State to Chargé Wilson.

No. 183.]

DEPARTMENT OF STATE,
Washington, April 20, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 412 of the 15th ultimo, reporting the representations made by you to the Japanese Government, pursuant to telegraphic instructions of February 23 last, in the matter of the "open door" in Manchuria.

The department is gratified at your keen appreciation of the importance of the question and of the gravity of the situation which is likely to arise if the discriminatory restrictions of the Japanese are carried out in Manchuria under cover of the temporary military occupation of the territory which was the theater of hostilities during the late war, thereby frustrating the "open-door" policy to secure which the Japanese Government stands solemnly pledged. The later telegrams sent to you show the serious concern which this exclusive policy occasions to this Government.

In this connection you should advert to the similar exclusiveness which the Japanese are effecting in Korea, to the detriment of the treaty rights of our citizens in that country, and to the prejudice of the rights of this Government, which rest on the faith of treaties and are pledged to us by the assurances heretofore given by Japan.

I am, etc.,

ROBERT BACON,
Acting Secretary.

The Acting Secretary of State to Minister Rockhill.

No. 140.]

DEPARTMENT OF STATE,
Washington, April 20, 1906.

SIR: With his dispatch No. 206, of February 16 last, the consul-general at Newchwang has sent to the department for its information a copy of his dispatch to you, No. 152, of the same date, in regard to the complaint of the British-American Tobacco Company that their goods, arriving at Dalny and Mukden and handled by Chinese subagents, are subjected to duty and likin taxes, while the shippers of Japanese cigarettes and tobacco do not pay, and stating that the American and other foreign agents of that company continue to complain because they are not granted permission to enter the Japanese zone of military occupation.

In this connection I inclose herewith copies of recent instructions to the legation at Tokyo on the subject.^a

^a Telegrams of March 24 and 30, pp. 174, 177.

You should lose no opportunity to impress upon your Japanese colleague the serious problems which will confront us if the Japanese assurances of the open door and equal treatment in Manchuria are disregarded.

I am, etc.,

ROBERT BACON,
Acting Secretary.

Chargé Wilson to the Secretary of State.

[Extract.]

No. 441.]

AMERICAN LEGATION,
Tokyo, April 25, 1906.

SIR: In connection with my dispatch No. 437 of the 12th instant on the subject of the opening of Manchuria, I have the honor to inclose herewith translations of editorials from leading Japanese newspapers commenting upon the steps taken to that end by the Government of Japan.^a

It will be noted that the papers quoted express satisfaction at the prospect of the opening of Manchuria to foreign commerce. They point out the rapid growth of Japanese trade in that region since the war and the advisability of utilizing cheap foreign capital on the one hand and the greater experience of the Chinese in exploiting the Manchurian markets on the other, if Japanese merchants are to hold their own in the competition that is sure to follow.

The newspapers also refer to the pressure reported to have been brought to bear upon Japan by foreign powers in this connection, and the *Nichi Nichi*, in its editorial of the 11th instant, comments upon the possibility of misunderstanding among the powers as to Japan's real purposes in relation to Manchuria. It points out that the far better policy for Japan is to fulfill to the letter her pledges regarding the opening of Manchuria and, by placing the region within the sphere of the complex interests of all the powers, to prevent any monopoly of privileges.

The *Asahi* remarks that the opening of Antung, Tatungkou, and Mukden is after all only the fulfillment of agreements suspended temporarily on account of the war. The new state of things calls for further action, and the journal urges the Government to hasten the opening of the six cities mentioned in the Japan-China supplementary agreement that are now within the lines of the Japanese occupation as the quickest and surest means of securing the early opening of the other ten cities that are within the lines of the Russian occupation, and thus to complete the opening of Manchuria so strongly desired by the powers.

I have, etc.,

HUNTINGTON WILSON.

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, *May 3, 1906.*

(States that he is informed by the Chinese Government that it will be ready in a few days to select at Antung a suitable locality for

^a Not printed.

an international settlement and otherwise comply with article 12 of our treaty of 1903. The Japanese minister says that he is authorized by his Government to cooperate with us in the matter as well as for a similar object later on at Mukden, and that he will send a duly empowered agent to Antung to discuss and agree on these matters jointly with representatives of America and China. Mr. Rockhill inquires whether he may instruct the consul-general at Newchwang to go to Antung as soon as his presence is needed there and duly empower him to agree to the site of the settlement as well as the regulations, subject to the department's approval. States that the settlement of these questions at Mukden will take place on or after June 1, and that some one must be sent there for the same object by the American Government.)

The Acting Secretary of State to Chargé Wilson.

[Extract.]

No. 187.]

DEPARTMENT OF STATE,
Washington, May 3, 1906.

SIR: I have to acknowledge the receipt of your dispatches Nos. 418 and 420, both dated the 28th of March last, relating to the policy of Japan respecting the open door in Manchuria.

The department commends your conduct in the matter.

I am, etc.

ROBERT BACON,
Acting Secretary.

Chargé Wilson to the Secretary of State.

No. 447.]

AMERICAN LEGATION,
Tokyo, May 4, 1906.

SIR: For your information I have the honor to transmit herewith a translation of the memorandum relating to the crossing of the neutral zone between the Japanese and Russian forces in Manchuria, signed October 30, 1905, to which allusion was made in the legation's dispatch No. 437 of the 12th ultimo.

A translation of the protocol of procedure for the withdrawal of troops from Manchuria and the transfer of railways, signed October 30, 1905, is likewise inclosed.

I have, etc.,

HUNTINGTON WILSON.

[Inclosure 1—Translation.]

MEMORANDUM RELATING TO THE CROSSING OF THE NEUTRAL ZONE BETWEEN THE JAPANESE AND RUSSIAN ARMIES.

In signing this day the protocol concerning the procedure in withdrawing from Manchuria the troops of the respective armies, the representatives of the commanders in chief of the Japanese and Russian armies in Manchuria have made the following agreement:

Owing to the inconvenience caused by the entrance within the localities where the respective armies are stationed of persons who are not connected

with either army, the passage from the locality of one army to that of the other, except by the inhabitants of the said districts, shall not be permitted without the mutual consent of the military authorities of the respective armies. In order to keep the respective armies in touch with each other respecting the permission referred to, each army shall designate a special headquarters for issuing permits for travelers within the locality of the other army. In granting the said permits the consent of the headquarters of the army to which the traveler is going must also be obtained in each individual case. For the present the headquarters referred to shall be located at the general headquarters of the respective armies. Any change of location that may hereafter take place shall be notified by each to the other.

(Signed) MAJOR-GENERAL YASUMASA FUKUSHIMA,
Staff of the Japanese Army in Manchuria.

(Signed) MAJOR-GENERAL OLANOVSKY,
Second in Command of the Staff of the Russian Army in Manchuria.

SZ-PING-KAI RAILWAY STATION, October 30 (17), 1905.

[Inclosure 2—Translation.]

PROTOCOL OF THE PROCEDURE IN WITHDRAWING TROOPS OF THE JAPANESE AND THE
RUSSIAN ARMIES FROM MANCHURIA AND TRANSFERRING THE RAILWAYS.

ARTICLE I. The following agreement has been concluded in accordance with the supplementary agreement relating to Article III of the treaty of peace between Japan and Russia at Portsmouth on September 5 of this year (August 23):

1. The Japanese troops occupying the front positions in Manchuria shall be withdrawn within the zone of Fakumen, Chinchiatung, Changtu, Weiyanpaoen, and Fushun by December 31 (18), 1905. The Russian troops occupying the front positions in Manchuria shall be withdrawn within the zone of Itunchou, Yekhotien Weitzukou, Pamiencheng, and Shanchengtzu by the same date.

2. By June 1 (May 19), 1906, the Japanese troops shall be withdrawn to the line of Fakumen, Tieling, and Fushun and to the south thereof, and the Russian troops to the line of Shanchengtzu, Kungshunglieng Railway Station, Itunchou, and to the north thereof.

3. By August 1 (July 19), 1906, the Japanese troops shall be withdrawn to the line of Hsinmintun, Mukden, and Fushun, and to the south thereof; and the Russian troops to the line of Shanhotun, Kuanchengtzu, and Palipu, and to the north thereof.

4. Neither of the two contracting powers shall have more than 250,000 combatants in Manchuria after April 15 (April 2), or 75,000 after October 15 (October 2), 1906. Both contracting powers are required to complete the withdrawal of their troops by April 15 (April 2), 1907.

5. In accordance with supplementary agreement I to the treaty of peace, the number of guards to protect their respective railways in Manchuria shall be 15 per kilometer on the average.

ART. II. For the purpose of transferring the railways, each of the two contracting powers shall appoint a commission consisting of three persons selected from officers and experts belonging to the section of military communication.

The said commission shall commence its work between April 10 and 20, 1906 (new calendar); and the place and time of meeting shall be determined later.

The transfer and receiving of railways south of Kuanchengtzu Station and those at Kuanchengtzu Station, as well as north thereof, shall be completed before June 1 (May 19), 1906, and August 1 (July 19), 1906, respectively.

The determination of the extreme northern point of the railways to be transferred to Japan shall be left to diplomatic negotiations.

The undersigned, having been duly empowered by the commander in chief of the Japanese and Russian armies, hereby certify that they have made this protocol in duplicate in both the Japanese and the Russian languages, and that each side keeps a text each in the Japanese and the Russian languages.

Done at Sz-ping-gai Railway Station on October 30 (17), 1905.

(Signed) MAJOR-GENERAL YASUMASA FUKUSHIMA,
Staff of the Japanese Army in Manchuria.

(Signed) MAJOR-GENERAL OLANOVSKY,
Second in Command of the Staff of the Russian Army in Manchuria.

The Secretary of State to Minister Rockhill.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 8, 1906.

(In reply to Mr. Rockhill's telegram of the 3d instant he is informed that in discussing the regulations for the international settlements at Antung and Mukden it is expected that the American agent will, as far as possible, insist on rights of foreign residence free from irksome Chinese supervision, and will object to arbitrary regulations by which trade may be hampered.)

The Secretary of State to Minister Rockhill.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 9, 1906.

(Referring to Mr. Rockhill's telegram of the 3d instant, informs him that the discussion and agreement with Japan in the matter should be only what is necessary for the acquiescence of Japan as in temporary military occupation. Beyond that it is considered to be a matter between America and China exclusively.)

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, *May 21, 1906.*

(Reports that Consul-General Sammons started for Antung and Mukden on May 19.)

Chargé Wilson to the Secretary of State.

No. 463.]

AMERICAN LEGATION,
Tokyo, May 24, 1906.

SIR: I have the honor to inform you that the Marquis Saionji, minister president of state, returned the evening of the 14th instant from the tour in Manchuria upon which, as reported in the legation's dispatch No. 440 of April 16, his excellency started on the 14th of that month, accompanied by a body of officials, with the object of investigating conditions in Manchuria.

Since the Marquis Saionji returned, an important council of statesmen has been held at the palace, at which the position of the Government with reference to Manchuria is understood to have been determined and which is said to have resulted in overcoming to a great extent the objections of the military and vindicating the policy of the "open door."

The conclusions reached at the council have been reflected in the press by articles unanimously pointing toward a more liberal course.

The Nichi Nichi Shimbun, an organ of considerable authority, summarizes the Government's intentions as follows:

(1) To respect the sovereignty of China, to carry out the principle of equal opportunity, and to develop the resources of Manchuria.

(2) To avoid a display of military force and to take measures to acquaint the people of Manchuria with Japan's sincerity of purpose.

(3) To take the utmost care not to give any cause of offense to southern China on account of Japan's Manchurian policy nor any occasion for agitation for the purpose of recovering concessions, et cetera.

Up to the present it has been impossible to obtain any assurances as to the date when the leased territory of the Kwantung Peninsula will be thrown open to foreigners and consular officers will be received at Dalny.

I have, etc.,

HUNTINGTON WILSON.

Minister Rockhill to the Secretary of State.

No. 317.]

AMERICAN LEGATION,
Peking, May 29, 1906.

SIR: I have the honor to inclose herewith an article from a recent issue of the Japan Mail of Yokohama on the growth and present prosperity of the port of Antung on the Yalu and of its probable importance as a commercial and shipping center.

The Japanese consulate was opened there on the 1st instant, but I am informed that the Japanese consul has not yet been recognized by the Chinese authorities. It would seem that the laying out at this place of a Japanese settlement, provided for by Article IX of the additional agreement between China and Japan of December 22, 1905, will prove a very difficult and useless operation, as the Japanese have already taken possession of practically the whole place and of all desirable locations adjacent to it, and probably will not surrender them. I do not think that any other peoples than the Japanese and Koreans will establish themselves for purposes of trade at Antung, so their monopolizing of all available or desirable land will not probably raise any objections on the part of other treaty powers.

I have, tc.,

W. W. ROCKHILL.

[Inclosure.]

[From the Japan Mail, May 16, 1906.]

ANTUNG.

The Kokumin Shimbun has a long letter from its correspondent in Antung. He draws a very rosy picture of the progress made by that place, and it certainly is very remarkable progress according to his figures. Antung, he says, is divided into the old town and the new. The former had only 500 or 600 Chinese inhabitants before the war and consisted mainly of squalid buildings. But it has now 30,000 inhabitants and many fine buildings adorn it. The new town—in which lies the Japanese quarter—has an area of 3,000,000 tsubo. Its population already numbers 5,000 Japanese, and constant increments are taking place. Many solid edifices in Japanese and foreign style are being erected or have been put up already. The reasons for the rapid development are numerous. In the first place there is the fact that Antung constituted a kind of military base throughout the war and thus great sums of money were spent there. Then, there is the fact that it was brought into regular railway commu-

nication with Mukden from the 1st of April, the military line having been opened to the general public on that date. This military line is now to be converted into a permanent track and of the 30,000,000 yen required for the work a considerable part must be spent in the Antung region, the place also becoming an emporium for stores. Further, Antung will probably become a port of shipment of the Fushun coal mine as it is much nearer to Fushun than Talien is, and, again it may be said to be in the most accessible situation as regards the best metal mines in Manchuria. A bridge is about to be thrown over the Yalu and this will mean that the produce of northern Korea will come to Antung for shipment, as will also be the case with timber felled along the course of the river by the united Chinese and Japanese Company. Antung used to be exposed to the ravages of floods, but this disadvantage has been obviated by the construction of a big embankment. The correspondent speaks finally of admirable sanitary arrangements and of the provision of good educational facilities.

Ambassador Wright to the Secretary of State.

No. 8.]

AMERICAN EMBASSY,
Tokyo, June 5, 1906.

SIR: As an indication of the serious attention that is being given by the Japanese statesmen to the various problems relating to Manchuria I have the honor to report that following the tour of the premier, Marquis Saionji, and his suite of experts already referred to in the embassy's dispatches No. 440 of April 16 and No. 463 of May 24, it is now announced that another deputation consisting of several parties of high officials will shortly proceed to Manchuria on similar tours of inspection. The first of these parties, consisting of Admiral Viscount Ito, member of the high military council, Field Marshal Count Nozu, Admiral Inouye and Privy Councillors Kioura, Nishi, and Takasaki started from Tokyo on the 30th ultimo.

Within the last few days a number of articles have appeared in the Japanese newspapers which seem to forecast the Japanese Government's policy with reference to commercial and industrial industries in Manchuria. I have the honor to inclose translations of a number of these, together with a clipping from the Japan Mail of May 29, relating to the official deputations above referred to.

I have, etc.,

LUKE E. WRIGHT.

[Inclosure 1—Translation.]

JAPANESE EXPORT TRADE IN MANCHURIA IN KOREA—THE JAPANESE GOVERNMENT'S POLICY.

[Editorial from the Jiji Shimpō of May 30, 1906.]

As a result of the Japanese-Russian war Manchuria is now within our sphere of influence. Though there is a splendid opportunity for our weaving industry to develop, we regret to publish the following statistics of the imports of cotton cloths to Manchuria during 1904:

Article.	American.	Japanese.
	<i>Taels.</i>	<i>Taels.</i>
Sheetings	3,643,515	5,763
Drills	1,704,385	12,443
Total.....	5,347,900	18,206

But in order to open new markets for cotton cloths in the interior of Manchuria, the following points should be observed:

(1) The Chinese have strong confidence in any long-established trade-mark. It is therefore necessary to have definite trade-marks and win their confidence.

(2) Besides having definite trade-marks, it is also necessary to maintain unity in the quality of articles.

(3) It is necessary to produce large amounts of articles in order to command the markets.

(4) Besides the three things already referred to, it is necessary to have able agents.

A union for exporting cotton cloths from Japan to Manchuria has been organized by the Osaka, Miye and Okayama spinning companies, and the Kanekin and Temma weaving companies. The Mitsui Bussan Kwaisha is to act as their sole agent in Manchuria. All the members of the union have decided to have a common trade-mark and to export at least 12,000 bales (about \$1,200,000) of cotton cloths a year. The Mitsui Company has also decided to work for the union without any compensation. Remarkable progress, however, can hardly be expected in Manchuria trade unless the traders have banking and other facilities, as there are powerful competitors. Though in Korea the Japanese have succeeded in driving out English and American cotton cloths, we are not yet to be satisfied. The following are the essential points of the statement made by the spinning and weaving companies to the ministers of finance and of communications in asking for aid:

(1) To have about 6,000,000 yen advanced on the exported goods. Bills of exchange to be paid in Manchuria after 4 months with 4 per cent interest.

(2) As there is no other way of extending the markets for the exports other than to sell them on credit, allowing a long time for payment. The companies hope that the authorities may so arrange matters as to have goods delivered before payment of bills is made, if the party concerned is reliable.

(3) That the Chinese Eastern Railway will charge nothing or half rates on the exports referred to.

(4) That the steamships carrying the exports will charge half rates.

Mr. Sakatani, minister of finance, who has been occupied with the problems of extending the markets for Japanese goods in Manchuria and Korea, was pleased with the determined steps taken by the companies referred to, including the Mitsui Company. By order of the minister of finance, the chief of the bureau of finance in the finance department, conferred with the governors of the Nippon Ginko and the Yokohama Specie Bank on this matter. They have decided to advance money without any limitations on all the exports to Manchuria at the rate of 4.5 per cent. The notification to this effect was to be sent out yesterday to the banks' branches in Manchuria. The minister of communications also conferred with the ministers of finance and of agriculture and commerce, and they seem to have decided to act in cooperation. The war department is to be consulted for making a special arrangement with the Chinese Eastern Railway, while the authorities will issue orders to the Nippon Yusen Kaisha and the Osaka Shosen Kaisha.

No negotiation has yet been made with the Dai Ichi Ginko about 3,000,000 yen to be advanced on the exports to Korea; but as the ministers of finance and of communications agree with each other on this matter, the Dai Ichi Ginko will also consent to advance the money at the rate of 4.5 per cent as soon as it is formally approached.

[Inclosure 2—Translation.]

JAPAN'S EXPORT TRADE TO MANCHURIA AND KOREA.

[Editorial from Jiji Shimpō of May 31, 1906.]

REBATES ON THE INTEREST OF EXCHANGE.

It has already been reported in these columns that, for the purpose of encouraging export trade to Manchuria, the Yokohama Specie Bank has decided to advance money at the low rate of 4.5 per cent against the goods shipped to Manchuria. Upon further inquiry we have learned that any single exporter exporting 5,000,000 yen worth of articles will be paid rebates at the rate of

one-half per cent. It will be seen, therefore, that those who export over 5,000,000 yen pay only 4 per cent for the money advanced against their goods. The drafts against the bills of lading thus to be bought by the Yokohama Specie Bank will be bought by the Government or the Bank of Japan at a lower rate of interest.

THE DAI ICHI GINKO AND KOREAN TRADE.

According to the statement of a director of the First Bank, it has close relations with Korea, and is anxious to develop our Korean trade as a post-bellum measure. If the Bank of Japan is willing to give it the necessary facilities, the First Bank will not hesitate to do just as the Specie Bank does for Manchurian trade.

THE NIPPON GINKO'S ATTITUDE.

The Specie Bank's arrangement, says a director of the Bank of Japan, to advance money at a low rate of interest against merchandise shipped to Manchuria must be meant to encourage the Manchurian trade. If the Bank of Japan makes a special arrangement with the Specie Bank in this matter, it will not hesitate to do the same thing for the First Bank. Thus it will be seen that money at a low rate of interest will be advanced against the goods exported both to Manchuria and to Korea.

SPECIAL ARRANGEMENTS.

There is no ground for the report that the Government has adopted the policy of protecting our exports to Manchuria and Korea. There is a considerable amount of money that the Government has to pay in Manchuria. Besides, the beans and bean cakes imported from Newchwang have to be paid for. These conditions always result in a one-sided exchange, and the inconvenience of shipping specie is felt. For this reason the Specie Bank has made the arrangement just referred to.

NEW MARKETS.

The Mitsui Bussan Kaisha, sole agent in Manchuria for the five companies that have formed an export union, regards that union as a very important organ for developing Japan's Manchurian trade, and has decided to work for the extension of markets without any compensation for a year. The company has already commenced the work, covering Newchwang, Dalny, Antung, Tieling, Mukden, Kuanchengtze, etc. The Mitsui Company is ready to popularize the union's trade-mark by various means. For exporting rough cotton cloths to replace the native Chinese cloths a corporation with 200,000 yen for capital has been formed.

SPLENDID OPPORTUNITY FOR EXTENDING MARKETS.

The Japanese civil administration office is now engaged in the work of exploitation. The Chinese in Manchuria have now a wonderful purchasing power owing to the influx of money during the recent war. It is now high time to take advantage of the new conditions and to export to Manchuria such things as the Chinese would like to have. Though a considerable amount of money is needed everywhere, and the scattered money should be collected as quickly as possible, the little encouragement that may be given to Manchurian trade will be a great gain in the future. The Chinese are peculiarly individualistic, and a large number of them will immigrate into Manchuria as they become used to Japan's good administration. With the increase in immigrants we can extend the markets for our exports and make Manchuria one of our good customers.

[Inclosure 3.]

MANCHURIA.

[The Japan Daily Mail, Yokohama, Tuesday May 29, 1906.]

It is stated that the sequel of Marquis Saionji's visit to Manchuria will be the immediate departure for that place of Admiral Viscount Ito, Field Marshal

Nozu, and Admiral Inouye. These high personages are to proceed on a tour of inspection, and a similar intention is attributed to three other parties at later dates, one consisting of Admiral Togo and General Nogi; another of Baron Kioura, Marquis Ito, and Marquis Yamagata; and yet another of General Terauchi, Mr. Yamagata (minister of communications), and Mr. Matsuoka (minister of agriculture and commerce). At a subsequent date a party of business men is expected to visit the three provinces.

Looking at the composition of these various parties one is led to infer that the Manchurian problem still awaits final solution as between the civil and the military views. We have little doubt that the former will ultimately carry the day, but it will occur to any thoughtful person that delay in such matters is very dangerous. Delay means an opportunity for the manufacture and circulation of rumors and the growth of a hostile public opinion in the West, the final issue thus being that when the liberal policy, inevitable from the first, is adopted, the Japanese will be said to have yielded to pressure rather than to the dictates of their own free judgment and volition.

Ambassador Wright to the Secretary of State.

[Extracts.]

No. 11.]

AMERICAN EMBASSY,
Tokyo, June 15, 1906.

SIR: I have the honor to transmit herewith a translation of an imperial ordinance published on the 8th instant promulating regulations for the establishment of the South Manchurian Railway Company, for the purpose of operating the railways and adjacent mines in southern Manchuria.

According to these regulations, the company's shares are to be held only by the Governments and subjects of Japan and China. The Japanese Government may put in its share of the capital in the form of the railways and mines that it now possesses in Manchuria, notably the southern section of the Chinese Eastern Railway Company and the coal mines at Fushun and Yentai. The shares may be divided into several issues, the first to be not less than one-fifth of the whole capital stock, and the first payment need not exceed one-tenth of the face value of the shares. The company is to have its head office in Tokyo and a branch office in Dalny. The regulations further provide for the appointment of a commission to take all the necessary measures for the establishment of the company.

In an informal conversation recently it was stated that the capital of the new company would at first be 150,000,000 yen, of which it was estimated that the Japanese Government would subscribe one-half in the shape of its Manchurian railways and mines. The remaining half will be divided among Japanese subjects and the Government and subjects of China, thus insuring a preponderating proportion of the stock in Japanese hands. It was thought that the portion of the shares taken by the Chinese would be small.

It is evident from the foregoing and from a perusal of the regulations themselves that it is the policy and purpose of Japan to own a controlling interest in and direct the operations of all the railways in Manchuria in much the same way as the government roads in Japan.

I also inclose herewith translations of some interesting comment upon the new company by the Japanese press.^a The Jiji Shimpo points out that the restriction of the shares to the two nationalities was insisted upon by China in her negotiations with Japan at Peking, following the Portsmouth peace treaty. The paper regrets that the new company has been compelled to organize upon the narrow lines of its Russian predecessor, which was so opposed to the principle of the "open door" and equal opportunity; but inasmuch as the new company is to operate not only the present line, but also the branch lines to be newly constructed, it will have to make use of foreign capital, thus giving foreign capitalists an interest in the company little short of owning the shares. Commenting upon the question of gauge, the Jiji Shimpo remarks that the most important thing for the South Manchurian Railway is to connect Japan with the various other lines of Korea and China, all of which have the standard 4 foot 8.5 inch gauge, rather than to connect with the Russian railway of the north.

I have, etc.,

LUKE E. WRIGHT.

[Inclosure—Translation.]

IMPERIAL ORDINANCE.

We hereby sanction the organization of the South Manchuria Railway Joint Stock Company and cause the following ordinance to be promulgated.

[PRIVY SEAL.]

(Signed) MANUAL.

JUNE 7, 1906.

(Countersigned) MARQUIS KIMMOCHI SAIONJI,
Minister President of State.

(Countersigned) ISABURO YAMAGATA,
Minister of State for Communications.

IMPERIAL ORDINANCE NO. 142, JUNE 7, 1906.

ARTICLE I. The Government shall cause the organization of the South Manchuria Railway Joint Stock Company for the purpose of engaging in railway traffic in Manchuria.

ART. II. The shares of the company shall all be registered and may be owned only by the Japanese and Chinese Governments or by subjects of Japan and China.

ART. III. The Japanese Government may offer its Manchurian railways and their appurtenances, and its coal mines in Manchuria, as the capital to be furnished by the Government.

ART. IV. The company may divide the new shares to be raised into several issues to be floated at different times, but the amount of the first issue shall not be less than one-fifth of the whole amount.

ART. V. The first payment upon the shares need not exceed one-tenth of the value of the shares.

ART. VI. The company shall establish its head office at Tokyo and a branch office at Dalny.

ART. VII. The company shall have a president, a vice-president, four or more directors, and from three to five inspectors.

ART. VIII. The president shall represent the company and manage its affairs.

The vice-president shall perform the president's duties when the latter is prevented from discharging them, and shall act as president when the latter post is vacant.

^a Not printed.

The vice-president and directors shall assist the president in his duties and shall take charge of various departments of the company's business.

The inspectors shall examine the business of the company.

ART. IX. The Government, subject to the imperial sanction, shall appoint the president and vice-president, whose terms of office shall be five years.

The Government shall appoint the directors from among those shareholders who own 50 or more shares. The term of office shall be four years.

The inspectors shall be elected from among the shareholders at a general meeting of the latter. The term of office shall be three years.

ART. X. The amount of compensation and allowance of the president, vice-president, and directors shall be fixed by the Government.

ART. XI. The president, vice-president, and directors of the company shall not engage in any other business or trade, under any name whatsoever, during their terms of office except by special permission of the Government.

ART. XII. The Government shall appoint a superintendent^a for the South Manchuria Railway Joint Stock Company to supervise the business of the company.

The superintendent may at any time examine the company's business and inspect their safes, books, documents, and any other articles belonging to the company.

The superintendent, whenever he may deem it necessary, may order the company to report on the various accounts and the condition of the company's business.

The superintendent may attend the general meetings of the shareholders of the company, or any other meetings, and express his opinions, but shall not be entitled to vote.

ART. XIII. The Government may issue such orders as may be necessary to superintend the business of the company.

ART. XIV. In case the decisions of the company or the conduct of its officers are in violation of laws and regulations or of the object of the company or are detrimental to the public welfare or fail to carry out the orders of the government office under whose jurisdiction the company is, the Government may cancel the said decisions or dismiss the officers concerned.

ART. XV. When the Government deems it necessary, it may apply to the company the provisions of the laws and regulations relating to the railways in Japan.

In the case referred to in the preceding paragraph the Government shall inform the company in advance as to the laws and regulations to be so applied.

ART. XVI. When not otherwise provided for in this ordinance, the provisions of the commercial code and its supplementary laws and regulations shall be applied.

ART. XVII. The provisions of imperial ordinance No. 366,^b of 1900, shall not be applied to the company that is to be organized in accordance with this ordinance.

SUPPLEMENTARY RULES.

ART. XVIII. The Government shall appoint a commission to transact all business relating to the organization of the South Manchuria Railway Joint Stock Company.

ART. XIX. The organization commission shall draw up the company's articles of association, and after the said articles have been approved by the Government shall open the subscription for the first issue of shares.

ART. XX. When the first issue of the company's shares has been subscribed, the commission shall present to the Government the subscription list and apply for permission to organize the company.

ART. XXI. When the permission referred to in the preceding article has been given, the organizing commission shall, without delay, call for the first installment upon each share.

When the first installment referred to in the preceding article has been paid in, the commission shall, without delay, call a general meeting for organization.

ART. XXII. At the close of the first general meeting the organizing commission shall turn over its business to the president of the South Manchurian Railway Joint Stock Company.

^a Superintendents?

^b Relates to the construction of railways in foreign countries by Japanese companies.

Ambassador Wright to the Secretary of State.

No. 19.]

AMERICAN EMBASSY,
Tokyo, June 22, 1906.

SIR: I have the honor to acknowledge the department's instructions No. 186, dated April 30, 1906, inclosing the commission of John Edward Jones, District of Columbia, as consul-general of the United States at Dalny, Manchuria. On applying to the foreign office for his formal recognition, I have been informed that it was quite certain that he might proceed to his post as consul-general some time in July.

In my interview with the Viscount Hayashi, minister for foreign affairs, on the 19th instant, I was assured that Doctor Jones might proceed to Dalny in his personal capacity within a few days for the purpose of engaging a house for himself and family as a residence. Doctor Jones's commission has been retained at the foreign office pending the issuance of his exequatur.

I have, etc.,

LUKE E. WRIGHT.

Minister Rockhill to the Secretary of State.

[Extracts.]

No. 332.]

AMERICAN LEGATION,
Peking, June 26, 1906.

SIR: With reference to the opening to international trade of Antung and Mukden, as specified in Article XII of the American treaty of 1903, I have the honor to inform you that on April 27 I received a note from Prince Ch'ing calling my attention to the above article, and stating that the selection of suitable localities to be set apart for international use and occupation was then under consideration by certain officials, who were also preparing surveys, estimates, and suitable regulations.

I at once replied to the Prince, pointing out that the aforesaid article of the commercial treaty requires that the selection of sites for the settlements and the preparation of regulations therefor shall be undertaken after consultation of the powers concerned. I added that my Government was ready to delegate some one to consult with the representatives of China for the purpose stated, with the understanding, however, that the cities of Antung and Mukden are themselves open to international trade, although, for convenience, certain localities might be set aside for the residence of foreigners.

On receipt of the department's telegraphic instructions received May 5, I appointed Mr. Sammons, our consul-general at Newchwang, to act in the capacity of United States representative in the forthcoming negotiations as concerned Antung, reserving for the moment the question of Mukden.

On May 22 the Chinese representatives submitted the initial regulations for the opening of the ports of Antung, Mukden, and Ta-tung-kou, to which Mr. Sammons objected in view of the department's instructions and the fact that our treaty did not provide for the opening of the latter port.

Amended regulations, omitting the mention of Ta-tung-kou but nearly similar in all other respects, were then submitted by the Chinese, but were pronounced entirely unsatisfactory by Mr. Sammons.

As soon as I received copies of the proposed regulations I telegraphed my disapproval thereof, and in a dispatch to Mr. Sammons I pointed out that, besides the fact that the preamble was absolutely erroneous in its statements, there were many provisions in open violation of rights acquired by treaty provisions and the most-favored-nation clause. I referred particularly to (1) the limiting of the period of leasing land to thirty years, (2) the question of taxation, (3) the status of the municipal council, which was to be purely Chinese in character, and (4) the adjustment of judicial cases, by which all cases of foreigners not of severe nature were to be brought before a Chinese court.

In subsequent dispatches Mr. Sammons has reported that, considering the fact that the Japanese continued in occupancy of most of the land in the vicinity of Antung and Mukden, he believes that further present discussion relating to the selection of suitable sites for international settlements must of necessity be deferred until the Japanese and Chinese authorities have agreed upon the matter of land temporarily held in Manchuria by the Japanese authorities as provided for in the Chinese-Japanese additional agreement of December 22, 1905, Article IV, which reads as follows:

The Imperial Government of Japan engage that Chinese public and private property in Manchuria, which they have occupied or expropriated on account of military necessity, shall be restored at the time the Japanese troops are withdrawn from Manchuria and that such property as is no longer required for military purposes shall be restored even before such withdrawal.

Mr. Sammons suggests that for the time being the Chinese Government should be urged to establish custom-houses at Antung and in the neighborhood of Dalny, so that all international trade in Southern Manchuria may be placed on an equal basis. I concur in these views and have urged them on the foreign office here. As a result, probably, I have within the last few days received a private note from the inspector-general of customs to the effect that he has been directed to open a customs station at Antung as soon as possible.

From other sources I understand that the Japanese will shortly consider with the Chinese the question of opening a maritime customs station at or in the vicinity of Dalny. The arrangement will probably be similar to that made last year between Germany and China for Kiaochou.

With the regular Chinese customs duties being levied on all international trade entering and going out of Manchuria through Antung and Dalny, as well as through Newchwang, some of the grievances of which our people have had to complain recently will be removed, and as soon as the Chinese and Japanese have, figuratively and literally, cleared the ground an agreement of the questions relating to settlements and regulations therefor can be reached.

As I am advised by Mr. Sammons that he has already sent to the department copies of his detailed reports concerning his work at Antung and Mukden, I hope that they, together with this brief review of the subject, will place you in possession of the necessary facts, and that my action will meet with your approval.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1—Translation.]

The Prince of Ch'ing to Mr. Rockhill.

PEKING, April 27, 1906.

I have the honor to remind your excellency that Article XII of the revised commercial treaty between China and the United States contains the following provision:

"The Chinese Government agrees that, upon the exchange of the ratifications of this treaty, Mukden and Antung, both in the province of Shengking, will be opened by China herself as places of international residence and trade."

I am now in receipt of a communication from the Japanese minister in Peking, saying:

"The commercial treaty between China and Japan provides that Mukden, the capital of Shengking, and Tatungkou shall be opened as ports of international trade, and the commercial treaty between China and the United States provides that Mukden and the district city of Antung shall be so opened. The provisions opening the three places mentioned were not carried out owing to the outbreak of war between Russia and Japan. Japan and Russia, however, made peace last year, and the withdrawal of troops is being gradually accomplished, so that the opening of the three places mentioned must take place before long. There is no need to take time for further consultation, and I have to request that the Chinese Government will at once take steps to carry out the provisions of the Chinese-Japanese and Chinese-American commercial treaties, and that Antung and Tatungkou may be opened on the 1st of the fifth moon, Japanese calendar (May 1, 1906), and that Mukden, the capital of Shengking, may be opened from the 1st of June."

Having received the above, my board recognizes that the provisions of the treaties mentioned must be carried out and the three places referred to opened to international trade. But my board finds that both the commercial treaty between China and the United States and that between China and Japan provide that "the selection of suitable localities to be set apart for international use and occupation and the regulations for these places set apart for foreign residence and trade shall be agreed upon by the governments making the treaties after consultation together," so that it is difficult under the circumstances to hastily make any satisfactory arrangement as to the date of opening. My board has already sent several telegrams to the superintendent of trade for the north and to the tartar general at Mukden, directing them to deal promptly with the matter. I have received replies from them, saying that they had already instructed the officials of the international settlements bureau to at once survey and map pieces of ground, draw up and submit sets of regulations, and estimate the cost of public improvements, and that they had already sent officers to Antung and Tatungkou to make surveys and prepare estimates of expenses for needed works. As soon as these surveys and estimates are made and suitable regulations submitted we may consult together and fix a date for the opening of these places.

My board has replied to the Japanese minister, setting forth the facts cited above, and, as in duty bound, I send this dispatch for your excellency's consideration.

A necessary dispatch.

(Signed) PRINCE OF CH'ING. [SEAL.]

[Inclosure 2.]

Minister Rockhill to the Prince of Ch'ing.

APRIL 28, 1906.

YOUR IMPERIAL HIGHNESS: I have the honor to acknowledge the receipt of your imperial highness's dispatch of yesterday's date, stating that the revised commercial treaty between China and the United States, Article XII, says:

"The Chinese Government agrees that, upon the exchange of the ratifications of this treaty, Mukden and Antung, both in the province of Shengking, will be opened by China herself as places of international residence and trade."

And that your highness had received a communication from the Japanese minister to the effect that the commercial treaty between China and Japan provides

for the opening of Mukden and Tatungkou, while that between China and the United States provides for the opening of Mukden and Antung; that the war between Russia and Japan had prevented the execution of these provisions, but that, as peace had now been restored, he requested that Antung and Tatungkou be opened from May 1 and Mukden from June 1, but that your highness had to call attention to the fact that both treaties provide that "the selection of suitable localities to be set apart for international use and occupation, and the regulations for these places shall be agreed upon by the powers making the treaties after consultation together," so that it is impossible to hastily arrange a date for the opening, that your imperial highness has directed the superintendent of trade for the north and the tartar general of Mukden to deal promptly with the matter, and that they had instructed the officials of the international settlements bureau to at once survey and map pieces of ground for settlements at the places named, prepare and submit suitable regulations, and make estimates of the cost of needed public improvements, and that officers had already gone to Antung and Tatungkou to make the necessary surveys and estimates for those places, and that on the reception of their reports your highness would be pleased to consult with me and arrange a date for the formal opening of the three ports.

In reply I have the honor to call the attention of your imperial highness to the fact that the very article of the commercial treaty quoted by your highness requires that the selection of sites for settlements at the places to be opened and the preparation of regulations for such settlements shall be undertaken after consultation of the powers concerned in the treaty. My Government, desirous as it is that this provision of the treaty shall be observed, is ready to delegate some one at as early a date as may be convenient to consult with a representative of China for the purposes stated, with the clear understanding, however, that, while special localities may be set aside for the convenience of foreigners as places of residence for them at the ports mentioned, the city of Mukden itself, with its suburbs, is open to trade with foreign merchants, and that the same is true of the port of Antung Hsien, and that the establishment of foreign settlements at the two ports referred to does not deprive the American consular authorities of the right to fix their residences within the cities of Mukden and Antung near the yamen of the Chinese authorities, and that the residence of American merchants within the boundaries of foreign settlements does not deprive them of the right secured by the treaty of conducting their business within the cities named.

Trusting that arrangements may be made speedily for the consultation required by the treaties to determine the location of the foreign settlements at the two ports to be opened, and to agree upon regulations for the same, I avail myself of this occasion, etc.

W. W. ROCKHILL.

[Inclosure 3.]

Minister Rockhill to Mr. Sammons.

PEKING, June 15, 1906.

SIR: I have to acknowledge with thanks your Nos. 236, 237, 240, and 241, in connection with the opening of Mukden and Antung. A mere cursory reading of the draft of the proposed regulations shows them to be absolutely unacceptable; not only is the preamble an incorrect statement of facts but many of the provisions are in open violation of the principle of the most-favored nation.

I refer to (1) the limiting of the period of leasing land, (2) the question of taxation, (3) the status of the municipal council, and (4) the adjustment of judicial cases.

I beg to inform you that, yesterday being reception day at the foreign office, I called the attention of T'ang Shao-i, assistant minister of foreign affairs, to the proposed regulations, and strongly impressed upon him that the terms were wholly unacceptable. I laid special stress on the fact that the two ports are treaty ports, and that we could agree to nothing which would restrict the rights which we are enjoying in other treaty ports.

His excellency said that he had not yet received a copy of the regulations; that they indeed seemed loose, but that after all they were only proposals of the Chinese representatives. He added that the United States should now

make counter proposals, and that he believed we should surely arrive at a satisfactory arrangement.

I replied that my Government was in no hurry to draw up the regulations, and that I considered "next to no" regulations perhaps better for our present purposes. I also informed his excellency that I had telegraphed to you that it was useless even to consider the Chinese proposals. I confirm my telegram to you, dated June 15, as follows:

"AMERICAN CONSUL, Niuchwang.

"Your No. 237 received. Amended regulations preposterous as to Article I, and absolutely unacceptable in nearly every feature. I would refuse positively to discuss it further. Are you preparing counter draft? I shall protest to-day to the foreign office against their amended regulations generally and specifically. "ROCKHILL."

Should you be preparing counter proposals, I beg that you will make them of the simplest description.

(Signed)

W. W. ROCKHILL.

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, July 14, 1906.

(Mr. Rockhill states that Consul-General Sammons reports that it is impossible to agree on the question of international settlements at Mukden and Antung until the Japanese Government has arranged with that of China concerning the status of the present Japanese occupants of the proposed sites. The minister is pressing the foreign office for immediate establishment of maritime customs houses at Antung, near Dalny, and in the north near the Russian lines, so that all foreign trade with Manchuria may have identical customs treatment. The foreign office now promises immediate opening of customs at Antung, and says it has a formal promise that the Japanese minister in Peking will take up the question concerning Dalny within a few days. It will do what it can to protect general trade from the Russian side. Mr. Rockhill says that he will not press the question of the settlement for the present on account of the unquestionable difficulty of the position of China. The trade of the United States will have less grounds of complaint against the Japanese with the customs discrimination against Niuchwang removed.)

Minister Rockhill to the Secretary of State.

[Extracts.]

No. 352.]

AMERICAN LEGATION,
Peking, China, July 16, 1906.

SIR: In continuation of my dispatch No. 332, of June 26 last, and in further confirmation of my cablegram of the 14th instant concerning the opening of Antung and Mukden, I have the honor to inform you that on the 11th instant I received from Consul-General Sammons a dispatch, No. 255, of July 5, in which he submitted for my approval a draft in regard to the opening of the treaty ports of Mukden and Antung."

A copy of this dispatch and the above-mentioned inclosure was sent you by Mr. Sammons.

Friday (13th) being diplomatic reception day at the Waiwu Pu, I called and saw Mr. T'ang Shao-yi, with whom I had previously discussed this matter, on which we had generally agreed.

I inclose herewith a memorandum, a copy of which I left with Mr. T'ang, and which I supplemented with oral remarks.

Mr. T'ang accepted without discussion Paragraphs I and II of my memorandum. As to Paragraph III he said that a custom-house of the imperial maritime customs service would be at once opened at Antung, and that, as regarded one near Dalny (Tairen) the Waiwu Pu had a written promise of the Japanese legation that the discussion of this matter would be taken up at once by Mr. Hayashi, the newly appointed Japanese minister, as soon as he reached Peking. (He arrived here the 14th instant.)

As to establishing a custom-house in the north of Manchuria to collect the regular duties on imports into China from Russia, Mr. T'ang said that his Government hoped to soon reach an arrangement by which this would be possible, but added that he did not think that any competition with American products need be feared from that quarter.

Mr. T'ang said he thought it quite impossible to agree to sites for settlements at Antung and Mukden until after the complete evacuation of Manchuria (April, 1907), before which time China's authority was limited. The desirable sites around both cities, he said, were now occupied by Japanese; the question of their right to continue in occupation of them had to be discussed and settled with Japan before China could offer suitable sites for the international settlements.

I asked him if I could consider his statements as official and so inform you; he replied affirmatively. He added that he would telegraph the Chinese authorities at Mukden of our understanding on the above points. This is, I think, all that is necessary for the time being; the establishment of custom-houses at Antung and Dalny will meet the strongest and most general complaint among the American business community in Shanghai against present conditions in Manchuria.

After my interview with Mr. T'ang I telegraphed to Consul-General Sammons as follows:

JULY 14, 1906.

Foreign office, after conferring with me yesterday, telegraphed Taot'ai Liang Maritime Customs to be opened at once Antung; question settlements there and Mukden to be deferred without prejudice treaty rights Americans. See Liang and get him write you a note stating steps he is taking. Nothing else needed at present.

ROCKHILL.

Trusting that my action in this matter will meet with your approval,

I have, etc.,

W. W. ROCKHILL.

[Inclosure.]

MEMORANDUM.

[Left at Wai-wu Pu July 13, 1906, by Mr. Rockhill.]

I. The last paragraph of Article XII of the commercial treaty between the United States and China provides as follows:

"The Chinese Government agrees that upon the exchange of the ratifications of this treaty Mukden and Antung, both in the Province of Shenking, will be

opened by China itself as places of international residence and trade. The selection of suitable localities to be set apart for international use and occupation and the regulations for these places set apart for foreign residence and trade shall be agreed upon by the Governments of the United States and China after consultation together."

The ratifications of this treaty were exchanged at Washington on the 13th of January, 1904, consequently the places mentioned, Mukden and Antung, may be considered as opened to foreign residence and trade since that date. That this was the understanding of China is shown by the fact that the consuls appointed by the United States to reside at Mukden and Antung were recognized by the Chinese Government on February 9, 1904.

Owing to the outbreak of hostilities between Russia and Japan, and the occupation of Manchuria by the belligerents, China was unable to establish her custom-houses and complete arrangements for the formal opening of the cities in question.

II. At the conclusion of the war Japan and Russia promised to evacuate Manchuria, and shortly thereafter began the mobilization of their respective forces to this end.

On April (27), 1906, the Japanese Government notified the Chinese Government that Antung must be formally opened to foreign residence and trade on the 1st of May, 1906, and Mukden on the 1st of June of the same year, in compliance with treaties already ratified. On these dates, therefore, China ought to have opened custom-houses at these places and begun the collection of duties upon the imports which have been coming into the Province of Shenking continuously ever since. The failure to do so has resulted in great damage to American commercial interests in Manchuria and to the Chinese revenues as well.

III. The United States Government insists upon the immediate compliance of China with the stipulations of the commercial treaty; that is to say, that China shall at once establish a custom-house at Antung and another as near as is practicable to the port of Dalny, and that she shall establish a third in the north as near as is practicable to the territory still in the possession of Russia, and proceed to collect duties according to the import tariff upon all goods brought into the country from abroad, without discrimination in favor of any country, that equal treatment for all may be secured as guaranteed by the treaties.

This is a matter of pressing concern and demands immediate attention. The question of sites for foreign residence at the newly opened ports, as well as that of regulations for the proposed foreign settlements, can very well wait for future adjustment, with the understanding, however, that such an arrangement shall be without prejudice to the rights of Americans to reside and trade at these and other ports, already guaranteed by existing treaties.

Minister Rockhill to the Secretary of State.

No. 353.]

AMERICAN LEGATION,
Peking, July 18, 1906.

SIR: I have the honor to inclose herewith for your information copies of my correspondence with the consul-general at Hankow on the subject of the regulations for the governing of the proposed new commercial settlement at Chang-te-fu, Honan, which was opened to foreign trade and residence on July 2, 1906.

You will note that I have objected to the clause of Article II limiting leases to a period of thirty years as not being in accordance with Article III of the commercial treaty of 1903 between the United States and China, and also to Article IX, in which China herself arranges for the policing of the settlement.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

Mr. Martin to Mr. Rockhill.

HANKOW, June 19, 1906.

SIR: I have the honor to forward herewith a copy of the regulations for the governing of the proposed new commercial settlement at Chang-teh-fu, Honan.

This city is situated in the Yuan River not far from the west shore of the Tung-ting Lake, and will be opened to foreign business and residence on July 2, 1906.

(Signed) WM. MARTIN.

[Subinclosure to inclosure 1.]

REGULATIONS FOR THE NEW COMMERCIAL SETTLEMENT AT CHANG-TEH-FU, HONAN, CHINA.

ARTICLE I. The locality extending alongside the river bank outside of the city of Chang-teh-fu, commencing at the city gate and reaching to the Lung Tse Bridge and then to Huang Ching Ko, and bounded at the front by the river (Yuan River), at the back partly by the city wall and partly by the boundary stones erected at the openings of the streets, is set aside to be a commercial settlement.

ART. II. Within this proposed settlement law-abiding citizens of all treaty nations are allowed to lease land for the building of houses, jetties, business premises, and godowns. If the land is in the name of the Government, they are to lease it from the officials; if it is private, they are to lease it directly from the owners. The rental is to be decided upon by both parties, according to the value of the land, but the matter must first be reported to the deputy of the measuring and constructing office, that he may, in conjunction with the local officials, examine the title and report to the taot'ai (customs), who will record the transaction and issue a leasing certificate. When the lease has been completed the lessee, if a Chinese, will produce this certificate to the commissioner of customs, and if a foreigner, to his consul, with an amount of money equal to 5 per cent of the value as a fee, to be sent to the customs taot'ai for him to forward to the district officials, that the certificate may be stamped and the name of the taxpayer changed. The customs taot'ai will then write to the consul requesting him to notify the foreign purchaser to draw up a bond, in which the foreigner should state that he is willing to comply with all the regulations of the settlement. This bond will be retained by the customs.

The foreigner will then be allowed to take possession of the land, but the tenure of the lease, after being decided upon by the lessee or lessor, will be clearly stated in the lease certificate so as to avoid trouble. If the lease is drawn up for a number of years, such number should not exceed thirty years. At the expiration of the stated time the land will revert back to the original Chinese lessor.

As the settlement includes Chinese property for the most part, foreigners can not lease all of it, and the Chinese should be allowed to continue their business within the bounds of the settlement. As they are not acquainted with the regulations drawn up, the customs taot'ai should, with the aid of the commissioner, make in detail some regulations for the control of the Chinese residing in the settlement, the same to be issued in a proclamation that they may comply with them.

ART. III. Foreigners are to pay a yearly land tax of \$2 per mow on the land they have leased, and also a sum of money equal to 2½ per cent of the rental value of their house or land as a revenue for the upkeep of a police force in the settlement. This will take the place of the various taxes paid by the Chinese in this vicinity. From the day upon which the lease is granted the lessee should pay the annual land tax, together with the stamping fee. Thereafter he should pay the full amount due as land tax to the commissioner during January of each year, to be forwarded, through the taot'ai, to the magistrate, who will then issue a tax receipt. The tax to be used in keeping up the police should also be paid during January of each year to the commissioner, to be forwarded by him to the taot'ai, who will issue a receipt. If anyone is unable to make the payment at the appointed time, an extension of three months may be made, but if he should still fail to pay within this extended limit, the customs

taot'ai will write to his consul requesting that the person be severely punished or fined.

ART. IV. As churches established for preaching convert the people to do good, and as they carry on orphanage, hospital, and other works of public benefit, they are different from places there for business; so the churches in this settlement, no matter whether they were established long ago or recently, will be exempt from paying the police tax. The stamping fee and land tax must, however, be paid by them in accordance with the regulations.

ART. V. The jetties alongside the river at Chang-teh used by the native boats are the public property of the merchants. They will be neither leased nor sold in order to avoid trouble. Chinese and foreign steamers navigating the river will endeavor to avoid any inconvenience to the native craft and shipping anchored or plying in the river. Should any merchant, Chinese or foreign, lease or purchase places near the river boat jetties he must give up 5 feet on each side of the jetty he builds as a public passage for passersby. The public truck along the river bank should be at least 6 feet wide and will under no consideration be occupied by the lessee of the adjoining land. This will be a benefit both to him and to the people.

ART. VI. Lessees or owners along the river intending to build a bund or jetties or other construction work of a like nature must first make known to the commissioner their purposes. He will communicate with the customs taot'ai who will instruct the district officials to investigate it. This must be done before work is commenced. In building warehouses, living houses, and godowns in this settlement, if any buildings are dangerous to the public interests or the materials unfit for use, etc., the construction office will direct them (the lessees) to make the necessary changes, which they should comply with. No huts or low wooden houses will be allowed in the settlement, so as to avoid the danger of fire to adjoining property.

ART. VII. If within the present settlement there are any houses obstructing the road or roads, the municipal council or police station will order them pulled down and rebuilt in the right place, so as to secure the necessary road, or buy the houses at an appraised value and pull them down, so that the road will be uniform and clean. The lower part of this settlement known as Huang Ching Ko is now occupied by poor people and may not be required at present when the place is just starting, but as soon as the business increases the constructing office is to either select a place to which these people can move or purchase their land at just prices, according to the circumstances of the time.

ART. VIII. No gunpowder, explosives, etc., which might be dangerous to life and property are allowed to be stored or secreted in or brought through the settlement. In case such materials are necessarily required for the completion of certain works the matter should first be reported in detail to the customs taot'ai and commissioner that they may instruct the constructing office to investigate into it and grant permission. After receiving the consent thereto of the taot'ai and commissioner the party will be notified as to the proper place for storing it and the limit of time in which it must all be consumed. For the storage of kerosene oil, the place must first be examined and special permission granted, otherwise no one will be allowed to store it. Filth, dirt and other matter which may be injurious to the health of the settlement must all be removed. Should any party violate this provision he will be fined according to the regulations.

ART. IX. The jurisdiction of this settlement will be held by the customs taot'ai of Chang-teh acting in conjunction with the commissioner of customs. All foreign merchants residing in the settlement must of course be protected by the Chinese officials in accordance with the treaties. Police administration is important for the place and it should be carried out in accordance with the treaties between China and Great Britain, United States, and Japan, drawn up during the 28th and 29th years of Kuang-hsu (1902 and 1903); that is, that the police work is to be carried out by China herself with the aid of the commissioner of customs. The regulations will be made out and forwarded to the higher authorities, who will appoint a man well acquainted with the workings of the police force and understanding the treaties to carry out the police administration. Such regulations must be complied with both by foreigners and Chinese.

ART. X. The postal service in this settlement will be carried out solely by the imperial Chinese post-office. Postal suboffices or branches of any foreign post-office will not be allowed to establish themselves therein. All work such as

building roads, installing telegraphs, electric lights, waterworks, telephones, and all other general improvements of public benefit and interest are to be carried out by China with her own funds. No foreign nations should interfere with this work or try to take part in it.

ART. XI. This settlement at Chang-teh is a flourishing place and all building materials are more expensive than at any other place. As all the works are to be done under the jurisdiction of the taot'ai and commissioner, all materials brought into or taken out of the settlement are to pay a wharfage duty of 2 per cent, i. e., 2 taels on each 100 taels, to be used in the construction and repair of the jetties and roads.

ART. XII. If any special improvements involving great expenditure are to be undertaken, and which demand an extra assessment of taxes, the matter must first be taken up and considered, first, by the customs taot'ai and commissioner; second, by all the foreign consuls; and, third, by a representative party chosen by the residents of the settlement. The work will then be taken up under the supervision of the taot'ai and commissioner.

ART. XIII. The residents in filling land to build on must secure the earth from some place outside and at a distance from the settlement, as no one will be allowed to take mud from places inside.

ART. XIV. This new commercial settlement will provide a place outside of the city of Chang-teh for foreigners, with their families, to live in, do business, etc. Inside the city of Chang-teh and all territory outside the bounds of this settlement are regarded as inland places and will be so considered in all matters pertaining to its jurisdiction. If in the future the business so increases in this settlement that the present place becomes too small, it will be extended according to the requirements.

ART. XV. Chang-teh is in touch with Yunnan and Kwei-chou on the west and with Kinchou on the south. As a customs office is now being established in the city, there will be a large number of both Chinese and foreign merchants coming. As the river is often filled with sand and very shallow, it will probably be impossible for steamers to get up to the city, so chartered junks by flying Chinese and foreign flags will be allowed to move cargo up to the city and to bring it away. Steam launches may also ply there to draw these boats. Chartered junks will have to be dealt with in approximately the same manner as provided for in the Chungking regulations (customs), and steam launches similar to the customs regulations at Soochow. Aside from these two kinds, all boats will be dealt with by the likin stations.

ART. XVI. Both Chinese and foreign merchants using their own boats or chartered junks which are drawn by launches must apply to the customs for certificates granting them permission. The customs will make numbers to be painted on both sides of the vessels so that they can be easily recognized. A flag will also be made to fly on the masts of these boats so that they can be distinguished from native boats, and examinations easily made.

ART. XVII. With regard to a garden in the settlement or a summer resort in the hills, if a public garden for the use of foreign officials and residents is ever desired, the taot'ai will select the place and carry out the work of its improvement; and if a summer resort is needed on some mountain, the taot'ai will make the choice of some place when the times require it. The money to meet the expenses of such places will be raised by the foreigners within the settlements.

ART. XVIII. All goods imported for shops and godowns into the settlement, on which duty has been paid, will be exempt from likin charges when brought into the settlement, but when the goods are sold to Chinese and taken out of the place, a charge for landing will be made by the likin stations. The maximum charge or likin on such goods should not exceed $2\frac{1}{2}$ per cent of the value thereof. For goods intended for export the likin must have been paid in full before application is made the customs for the cargo to be loaded into steamers. For rice (husked or unhusked) the likin and all assessments for charitable purposes must have been paid before it can be exported. Both Chinese and foreign merchants must act alike and in accordance with the regulations. Chinese merchants are not permitted to use the names or signs of foreign merchants, and foreign merchants are not permitted to use their influence to aid Chinese. Any person violating these provisions will be fined and punished accordingly.

ART. XIX. If any deed for a lease is lost or damaged, the matter must be reported to the officials in detail, and reliable guarantors provided, and must have been advertised in the newspapers for three months before new certificates

can be secured. If a foreigner intends to sublease, mortgage, or transfer his land to another, he must produce his old deeds to his consul, who will forward them to the taot'ai, where they will be recorded and a new certificate issued to the new lessees. This person must pay the stamping fee as provided in the regulations. If a foreigner wishes to return home, or in case of accident, he should report to the constructing office the name of his attorney or trustee and also have the same recorded with his consul. After the date upon which the bounds of this settlement are made, any Chinese selling or mortgaging their house or lands, no matter with whom the transaction is made, it must be reported in detail to the constructing office and a record of the same made, with the names of the seller, purchaser, and middlemen. Such deeds must be forwarded to the magistrate's yamen and be stamped before the purchaser can take possession. If any secret transfer is made, it will be invalid and the parties will be punished for attempting the stamping fee.

ART. XX. In establishing theaters, inns, and teashops, within the settlement, taxes will be levied on them according to their capital and volume of business, to be decided on from time to time.

ART. XXI. The judgment in all lawsuits within this commercial settlement will lie with a deputy appointed by the customs taot'ai. Those cases in which foreigners are concerned will be reported, for the time being, by the deputy to the taot'ai, who will, write to the consul at Hankow or Changsha for decision and action. As soon as all nations have consuls at Chang-teh the taot'ai and these consuls will decide upon regulations to govern a mixed court in the settlement. Cases in which foreigners are not concerned will still be dealt with by the deputy and local officials.

The above regulations are proposed as a temporary trial. If in the future any changes are deemed advisable the taot'ai and commissioner will from time to time take up the matter.

(Drawn up by the Yochow Taot'ai Han and the Yochow commissioner of customs.)

[Inclosure 2.]

Mr. Rockhill to Mr. Martin.

PEKING, July 16, 1906.

SIR: I have the honor to acknowledge the receipt of your No. 205 of June 19, with inclosed regulations for the proposed commercial settlement at Chang-te, Hunan.

You are directed to call the attention of the Chinese authorities concerned to the fact that the clause of Article II limiting leases to a period of thirty years is not in accord with the provisions of Article III of the commercial treaty of 1903 between the United States and China, which provides that "citizens of the United States may * * * in all ports or localities * * * which are now open or may hereafter be opened to foreign trade and residence * * * rent or lease in perpetuity land and build thereon."

You will also call attention to the fact that the treaty of 1903 between the United States and China makes no such arrangement for the policing of settlements by China herself, as stated in Article IX. The regulations for the settlements of Mukden and Antung are to be drawn up after consultation between the two Governments.

You will inform the Chinese authorities that the American Government can not consent to any regulations for the proposed commercial settlement at Ch'ang-te which in any way abridges the rights of American citizens in China as guaranteed by existing treaties.

(Signed) W. W. ROCKHILL.

Minister Rockhill to the Secretary of State.

No. 354.]

AMERICAN LEGATION,
Peking, July 18, 1906.

SIR: I have the honor to transmit herewith for your information copies of correspondence between the president of the American

China Association, of Shanghai, and this legation concerning the protection of American commercial interests in Manchuria.

Similar communications, based on the same report, have been addressed to the dean of the diplomatic body by the Shanghai General Chamber of Commerce, and to the British and German chargé d'affaires by the China Association, of Shanghai, and the German Chamber of Commerce of Shanghai.

I have reason to think that the answers which will be or have been made to these complaints are substantially in accordance with my reply to Doctor Reid, which I trust will meet with your approval.

The Japanese view of the complaints of the Shanghai people is very well set forth in the inclosed editorials from recent issues of the Yokohama Japan Daily Mail.

I have sent copies of Doctor Reid's letter, with its inclosures, and also my reply to the same, to our ambassador at Tokyo for his information.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

Mr. Rodgers to Mr. Rockhill.

SHANGHAI, July 6, 1906.

SIR: I have the honor to forward herewith by request of the American Association of China certain documents relating to the Manchurian commercial situation. I can only add that the representations of the American Association in regard to this matter are, as they apply to American interests in Shanghai, based entirely upon facts.

The best evidence of the stagnation of northern trade from which Shanghai is suffering is to be seen by the idle shipping in the harbor. Upon a recent inspection I was able to count over two dozen northern cargo ships which are now tied up. The strain upon the financial resources is growing tense and there will undoubtedly be many failures among the Chinese having large stocks of American and English cotton goods on hand unless there is speedy relief.

I do not pretend to state that all of this is due to the conditions in southern Manchuria, brought about by Chinese occupation, but there is unquestionably warrant for some features of the protest. I insist, however, that a goodly part of the present evil is attributable to the reaction which naturally follows a period of such strenuous trade as that induced by the war.

(Signed) JAMES L. RODGERS.

[Inclosure 2.]

The American Association of China to Mr. Rockhill.

SHANGHAI, July 2, 1906.

SIR: I herewith submit for your consideration and action a report, which has been prepared by three of our merchants in respect to the protection of American commercial interests in the three provinces of Manchuria. The president of the China Association and the president of the German Association, besides reference to Peking, have also made representations to their home governments. We, on our part, solicit your immediate aid in first ascertaining whether the Chinese Government will give assurances that no preference shall be given to the commerce of any one nation in any part of Manchuria. Such assurances would give confidence to our business men, whose trade has been for some time, so far as Manchuria is concerned, in a state of stagnation.

Should China excuse herself, on the ground of inability, we beg you, in our behalf, to urge on our Secretary of State at Washington the importance of making representations to the Japanese and Russian Governments for the maintenance of Manchuria of equal opportunity for the commerce of all nations. The report herewith presented refers more especially to obstruction placed to our trade by the Japanese, but this is because most of American goods going into Manchuria from Shanghai will pass through territory occupied by the Japanese, and also because the competition with American goods on the part of Russia is less than that from Japan. The principle, however, is as true with the one nation as with the other. We base our right of protest on Article IV of the Portsmouth convention, which stipulates that "Japan and Russia reciprocally engage not to obstruct any general measures common to all countries which China may take for the development of the commerce and industry of Manchuria."

It is probably true that all three Governments will have to be officially approached. In doing this our own Government is favorably situated for making strong representations, having interposed in time of war between Russia and Japan for the restoration of peace.

We beg to emphasize that prompt action is necessary. With every month of delay the disadvantage is to non-Japanese goods, while the advantage is all accruing to Japan. I therefore most respectfully urge upon your attention the facts contained in the inclosed report and the specific requests which are summarized at the close.

With expressions of esteem from the members of the executive committee,

(Signed) GILBERT REID,
President of American Association of China.

[Subinclosure 1.]

Messrs. Scaman, Rudy, and Thomas to Doctor Reid.

SHANGHAI, June 25, 1906.

SIR: The undersigned, appointed at a meeting of the committee on the 6th instant as a subcommittee to solicit from the party of gentlemen which recently made a trip in southern Manchuria such information as they were willing to communicate bearing on trade conditions in that quarter, respectfully report as follows:

On the 11th instant we, on intimating our desire for the purpose referred to, were invited to attend a meeting which had been arranged with the United States consul-general and at which were present Mr. C. W. Wrightson, Mr. L. Midwood, Mr. de Gray, and Mr. J. R. Patterson, who had returned from their trip a few days previously. After explaining in a general way the object of their journey, which was primarily to ascertain the conditions affecting the import trade of Manchuria, as at present existing, Mr. Wrightson read a paper which had been prepared for publication, and which was published in the North China Daily News the next day, the 12th instant, and which embodied the results of their investigations. We attach a copy of the said paper and make it the basis of this report.

In addition to the information thus conveyed, and in reply to various questions asked, nothing of material importance was elicited. It appeared that at Newchwang, through which port practically all the foreign trade of southern Manchuria has hitherto passed, orderly conditions prevailed under Japanese jurisdiction, and, although the Japanese flag flew over the custom-house, it does not follow that any interference existed on the part of the Japanese authorities administering the foreign settlement with the ordinary customs administration under the Chinese system. It was understood, however, that a part of the revenues from the "native customs" was impounded by the Japanese and applied to the sanitary and general improvement of the settlement. No interference on the part of the Japanese with the ordinary course of trade was discovered, and adequate facilities, which had previously been commanded for military purposes, now exist for the transport of goods by cart and boat on the Liao River. The import trade was, however, in a very depressed condition, as, although the stocks were not large, no demand existed from the interior.

It is also asserted, but of this we have no proof, that a heavy likin is now exacted on goods going to the interior from Newchwang, an impost that has not been made in the past, and from which Japanese traders passing their goods through by rail are exempt.

Proceeding north by rail the party continued their investigations at important points, as described in their report, until they finally reached Hsin-mun-tun, whence they returned by rail to Shanhaikwan and Peking.

The party was permitted, in this first instance, to proceed beyond Newchwang only after soliciting and obtaining passports from the Japanese Government at Tokyo, and throughout their trip they were virtually the guests of the Japanese authorities, who, however, afforded them every facility for pursuing their investigations.

From the tenor of their report it would appear that the chief explanation of the present slack trade lies in the unsettled condition in which large sections of the country, the scene of the recent hostilities, still remain, but the people are not neglecting such means as they possess toward reestablishing themselves, rebuilding their houses, and cultivating their crops.

Several important factors, however, adverse to general import trade remain to be referred to. It is alleged that the Japanese are importing their own fabrics and merchandise freely into Manchuria by way of Dalny (now renamed by them Tairen) and the Chinese Eastern Railway, paying neither duty nor likin thereon to the Chinese authorities, and that this facility is granted only to Japanese subjects. This practice is obviously in open violation of the existing treaties between China and all the other treaty powers, and is properly a subject calling for diplomatic protest on the part of our minister at Peking. It is, we further venture to remark, in contravention of the stipulations of the treaty of peace between Russia and Japan.

Bearing on this point, evidence has been submitted to us to the effect that a heavy impost is levied on all goods from Chinese ports entered at Port Arthur or Dalny, whether such goods are Chinese or of foreign origin. Whilst other foreign traders have been estopped from doing business in the interior towns of Manchuria, the Japanese have had free access thereto with their goods, upon which they are protected by their authorities from the payment of local tax levies to which native (Chinese) traders are subject.

As the distribution of foreign goods in the interior is conducted through native agencies, this discrimination in favor of the trade in Japanese goods, conducted by Japanese agents, creates a monopoly in their interests wherever the articles dealt in are of a competing character.

The absence of any stable medium of exchange or monetary system is also an obvious hindrance to satisfactory trade conditions. The native banking facilities became disorganized by the war, and the country was flooded by the war issues of the contending forces, which afforded the only medium of exchange. In the section occupied by the Japanese their war notes have sustained very variable exchange values and are at present convertible with notes of the Yokohama Specie Bank only, which also have local currency only at equivalent rates, and it follows that a monopoly of the exchanges of the region is created in Japanese interests.

The control and virtual administration of the country in its several sections by the forces of the late contestants continue to present serious hindrances to a satisfactory reestablishment of trade. With a view, therefore, to the relief of our trade, which, in several articles of primary importance, has become reduced to a point approaching extinction, we respectfully recommend that a representation of the prevailing conditions be addressed to the United States minister at Peking, soliciting his efforts in support of the following objects:

1. That the Chinese Government be pressed to resume the effective administration of the Manchurian provinces at the earliest possible date.
2. That an efficient Chinese customs administration be established to regulate the trade entering the country through the borders now under Japanese and Russian control, in accordance with our existing treaties.
3. That a uniform system of currency be established in substitution of the present chaotic conditions.
4. That he take such further action as in his judgment the circumstances call for.

We have, etc.,

(Signed)

J. F. SEAMAN.
W. A. RUDY.
J. A. THOMAS.

[Subinclosure 2.]

NOTES OF A VISIT TO INQUIRE INTO THE TRADE CONDITIONS OF MANCHURIA.

After a most comprehensive inquiry it is most difficult, if not impossible, to offer any satisfactory evidence to substantiate the theory that the Japanese Government, through the instrumentality of either its military or civil authorities, is at present purposely interfering with or placing any obstacles in the path of other nations for the industrial exploitation of this important part of the Chinese Empire.

The absence of demand from this large, fertile, and thickly populated province, which is not only being felt in the cotton piece goods trade but in other commodities, is directly and principally attributable to the disorganized condition, both financial and commercial, of this district, a vast area of which, it must be remembered, was practically laid waste by both armies in their recent struggle. That crops were destroyed and entire villages devastated can not be questioned, and ocular demonstration of the havoc wrought during the war is still obtainable. The Chinese are, however, sustaining their reputation for rapid recuperation, the natives having returned to their usual villages or towns, and the work of rehabilitation is progressing as favorably and quickly as can be expected. Their homes are, however, still in some cases under reconstruction, and the crops, it must be noted, are still to be harvested.

That a large sum of money has been expended during the past few years by both Russians and Japanese can not be contradicted, but that a small percentage of this amount has as yet reached the merchant classes is also generally conceded. It is fair to presume that adventurers and coolie classes have been the principal beneficiaries.

It must not be forgotten that the territory of which we write was the seat of a big and disastrous war, and that less than eight months have elapsed since a treaty of peace was signed. If we mistake not, a similar condition of affairs existed subsequent to the hostilities in South Africa, when it will be recalled heavy losses were sustained by overconfident traders who overpurchased in anticipation of a demand which materialized only after long delay. The disruption of transportation facilities by the commandeering of both native junks and carts for military purposes, and the partial destruction of the railway line from Port Arthur to Mukden, are also important factors that must be recognized from a trade point of view. The recovery must necessarily be gradual, and while it is true trains are running between the points named, it is not quite reasonable to suppose that these were available until quite recently for trade purposes.

Patience must therefore be the watchword of those materially interested in this question, and it is our confident belief that a revival of trade on a much larger scale than hitherto witnessed will be the final result.

It is satisfactory to record that the stock of cotton piece goods, which article engaged our special attention, can not be considered more than normal at either the distributing point of Newchwang or in the interior consuming centers, and we submit this opinion without reservation, our inquiries regarding this feature of the situation having been exhaustive both amongst the larger dealers and smaller shopkeepers throughout the country we have traversed, including the cities of Newchwang, Liao-yang, and Mukden.

The financial system in Manchuria is very unsatisfactory and leaves much to be desired. The circulation of war notes by the Japanese Government to the extent of about 200,000,000 yen, while increasing the wealth of the province, will naturally tend to divert trade to their own country, more especially while this issue continues at any discount from local currency. The Japanese are unquestionably taking advantage of their military occupation and the tardiness of the Chinese Government to introduce their goods throughout Manchuria, and they will be more strongly entrenched the longer this province remains under their control. The powers should therefore be urged, through the usual channels, to use their good offices in expediting the time when the Chinese will assume jurisdiction, and also in concluding arrangements whereby the important port of Dalny—through which the Japanese, in the absence of a Chinese customs station, are now bringing in their goods not only free of import duty but free of all likin charges to any point in the interior where transportation can be effected by rail—will be placed on a basis similar to the port of Tsingtau, viz, open to the trade of all nations, and a Chinese customs station established for the purpose of collecting the customary duties on the goods passing out of Dalny into

Manchuria. The renewal or construction of the railway bridge over the Liao River in the neighborhood of Hsinmuntun, which now seriously interferes with the large junk traffic over this waterway, is a matter requiring immediate attention and seems so reasonable that we can not doubt that the Japanese Government will promptly instruct the military administration to remedy the difficulty beyond further complaint.

The opinion among the merchants of Newchwang is practically unanimous that the trade of that port is seriously affected by the disorganization of the usual railway transportation between Thieling and Kuan-chong-tsu, the latter a very important distributing center, now in the hands of the Russians, about 40 miles of the line having been torn up, but is now being relaid. The northern portion of the line is still in possession of the Russians, who are said to be charging arbitrary rates with the purpose of forcing the trade of Kuan Chong Tsu through Vladivostok.

We are reliably informed that since our departure from Newchwang the failure of a native bank involving some \$400,000 has been satisfactorily adjusted, and that approximately the equivalent of 1,000,000 taels has been remitted to Shanghai by local merchants or bankers. These reports, if true, are significant and will necessarily inspire confidence.

Every facility has been afforded us by the Japanese military and civil authorities in our investigation, and our treatment has been uniformly civil and courteous.

SHANGHAI, June 9, 1906.

[Inclosure 3.]

Mr. Rockhill to the American Association.

JULY 16, 1906.

DEAR DOCTOR REID: I have to acknowledge the receipt of your letter of the 2d instant, forwarded to me by the consul-general of the United States at Shanghai, together with a report on the protection of American commercial interests in Manchuria, signed by Messrs. J. F. Seaman, W. A. Rudy, and J. A. Thomas.

You request in the name of your association the immediate aid of this legation in securing from the Chinese Government assurances that no preference shall be given to the commerce of any nation in any part of Manchuria. You also call my earnest attention to four specific requests made in the report, and which are:

1. That the Chinese Government be pressed to resume the effective administration of the Manchurian provinces at the earliest possible date.
2. That an efficient Chinese customs administration be established to regulate trade entering the country through the borders now under Japanese and Russian control, in accordance with our existing treaties.
3. That a uniform system of currency be established in substitution of the present chaotic conditions.
4. That he (I) take such further action as in his (my) judgment the circumstances call for.

As regards the request made in your letter, I would say that I am not aware that the Chinese Government has granted or purposes to grant or has shown any disposition to grant preferential treatment to the commerce of any nation in Manchuria. The present conditions, not only as regards trade, but the general administration of that part of the Chinese Empire, can not be directly charged to China; they are, as pointed out in the letter of Messrs. Seaman, Rudy, and Thomas, results of the recent Russo-Japanese war. The dislocation of trade and of Chinese administration are certainly as prejudicial to China's interests as to ours. It can not be conceived that China should not take the necessary steps to remedy this unsatisfactory state of affairs as soon as she is in a position to do so, but, as you are aware, the withdrawal of the Japanese and Russian forces from Manchuria is being carried out under treaties concluded between Japan and Russia, and the resumption of Chinese effective control over Manchuria proceeds *pari passu*, and it is also regulated by the treaty of December 22, 1905, between China and Japan. Until the evacuation has been completed it logically follows that Chinese administration can not be absolute.

As regards the specific requests contained in the report of Messrs. Seaman, Rudy, and Thomas, the above considerations must be my answer to their request No. 1.

As to request No. 2, "That an efficient Chinese customs administration be established to regulate the trade entering the country through the borders now under Japanese and Russian control, in accordance with our existing treaties." I would say that this matter has been under discussion between this legation and the Chinese foreign office for some months past, and that orders have now been given for the immediate opening of a custom-house of the imperial maritime customs service at Antung Hsien, on the Yalu River.

I am also officially informed by the Chinese foreign office that it hopes to take up within the next few days the discussion of the question of establishing a custom-house near Dalny, and that it trusts it may be able to establish similar customs facilities in the north for trade coming from Russian, although it contends, in this agreeing with your own conclusions, that there is very little fear of competition with American trade in Manchuria from that quarter.

The subject of the establishment of a uniform system of currency (in Manchuria presumably), which is request No. 4, is one, the Wai-wu Pu informs me, that has been and still is receiving its most earnest consideration, and has been the subject of much discussion. It entertains the hope that a solution of this question may shortly be reached, as the "present chaotic conditions" are highly prejudicial to the interests of its people in Manchuria. I may say that I have it on very good authority that the "war notes" are being rapidly withdrawn, and that there are probably not 40,000,000 yen outstanding at the present time.

With the establishment of customs facilities at Antung and near Dalny within a very short space of time the discrimination against Newchwang, the port of entry of American goods in Manchuria, and of which your association complains, will at all events be removed.

The association may rest assured that our Government will continue to urge the prompt adoption by China of every measure which it seems possible for it to take to insure perfect equality of treatment of our commerce in Manchuria.

I note with interest that the gentlemen who visited southern Manchuria are of opinion that the slack trade in that country is "directly and principally attributable to the disorganized condition, both financial and commercial, of this district," and that "patience must be the watchword of those materially interested in this question, and it is our confident belief that a revival of trade on a much larger scale than has hitherto been witnessed will be the final result."

These conclusions, in the latter of which I can most heartily concur, and the effective steps the Chinese Government is now taking, as stated above, should help relieve any apprehension of a continuance of the causes of complaint as specified in your communication and its inclosures.

I have sent a copy of your letter and its inclosures, together with a copy of the present reply, to the Secretary of State at Washington, and to the American ambassador at Tokyo for his information.

Trusting that the above statement may prove satisfactory to the association, I remain, etc.,

W. W. ROCKHILL.

Acting Secretary of State Bacon to Minister Rockhill.

[Telegram—Paraphrase.]

[Extract.]

DEPARTMENT OF STATE,
Washington, July 24, 1906.

(Mr. Rockhill's telegram of July 14 is acknowledged, and his action therein stated approved. The department, however, considers it important vigorously to urge settlement of the Mukden and Antung matters at the first favorable opportunity. Mr. Rockhill is instructed to endeavor to secure the cordial cooperation of Japan, which the United States should have promptly, but, if this is impossible, Japan's attitude should not be allowed to retard the settlements. The United States Government fully agrees that the open door in Manchurian ports should not be impeded nor should trade be diverted into particular directions for the benefit of Japan alone by want of uniformity in customs treatment.)

Minister Rockhill to the Secretary of State.

[Extract.]

No. 364.]

AMERICAN LEGATION,
Peking, July 31, 1906.

SIR: On receipt of the department's cabled instruction of the 24th instant in which you told me to endeavor to secure cordial cooperation of the Japanese legation in the negotiations now pending for the opening of Antung Hsien and Mukden, I called on Mr. Hyashi, the newly arrived Japanese minister, and discussed the matter fully with him. He is thoroughly posted on all questions concerning China, as he has been for the last seven years Japanese minister to Korea.

I found Mr. Hyashi's views in perfect accord with my own and he evidenced the strongest desire to see carried out all the steps necessary to insure in Mukden, Antung, and throughout Manchuria perfect freedom of international trade under equal favorable conditions for all nationalities. He admitted freely that the present situation of affairs at Antung—created by the Japanese military authorities having acquired possession by purchase of all the land suitable for a settlement in that locality—was embarrassing, but it must be remedied by his Government. His suggestion that at Mukden the land now held by the Japanese in the vicinity of the railway station should be incorporated in the international settlement is, I think, an excellent one, and I am confirmed in this opinion by friends who have just returned from visiting Mukden.

I may also add that I learn that at the present time the chief import into Dalny and Antung is American flour, which is on the free list in the Chinese tariff. It is being taken to those ports by Chinese junks from Chefoo.

I have, etc.,

W. W. ROCKHILL.

The Acting Secretary of State to Ambassador Wright.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 1, 1906.

(Mr. Bacon instructs Ambassador Wright to inform the Japanese Government that the Government of the United States would regard with lively satisfaction the speedy establishment in Manchuria of custom-houses as the best effective refutation of the criticism and complaint now frequently made and as giving proof of the intention of Japan.)

Ambassador Wright to the Secretary of State.

[Telegram—Paraphrase.]

[Extract.]

Tokyo, August 9, 1906.

(In reply to the department's telegram of August 1, Mr. Wright reports that the minister for foreign affairs reiterated that Dalny would be opened September 1, and stated that Japan had requested

China to establish a custom-house there and at the same time to establish custom-houses covering importations into Manchuria from Vladivostok and Russia. Mr. Wright then stated that he thought his Government would cooperate in urging China to that end.)

Minister Rockhill to the Secretary of State.

No. 370.]

AMERICAN LEGATION,
Peking, August 9, 1906.

SIR: In further reference to the economic policy of Japan in Manchuria and especially to my dispatch No. 364 of July 31, I inclose herewith an abstract of an interview given by the Japanese minister of foreign affairs to a representative of one of the leading Japanese papers on this subject.

Viscount Hayashi's statements are, you will note, in absolute agreement with those which have at various times been made to me by Japanese officials or foreigners in whose opinions and judgment I could place confidence.

I have, etc.,

W. W. ROCKHILL.

[Inclosure.]

VISCOUNT HAYASHI ON MANCHURIA.

His excellency, Viscount Hayashi, interviewed by a representative of the Jiji Shimpō, is reported to have said that Japan intends to adhere strictly to the policy of equal opportunity for all in Manchuria, and that she does not contemplate, and never did contemplate, the granting of exclusive advantage to any nationals whether her own or other. Of course, during the war Manchuria, being in military occupation, could not possibly be thrown open to trade. Even after peace was concluded there remained nearly a million and a quarter of combatant and noncombatant Japanese subjects in that region, all of whom had to be supplied with food and other necessaries from home, and the duty of carrying out such a work absorbed the means of communication so that free access for commercial commodities in general was out of the question. This, however, was an exceptional and temporary state of affairs and simultaneously with its removal the place would be thrown open. It might be affirmed publicly that Manchuria, so far as concerned the parts originally in Japanese occupation, could be completely thrown open to all nations at about the beginning of September. Only those that were unacquainted with the facts could entertain any doubt under such circumstances. The truth was that according to treaty Japan might have continued in military occupation until next April. Nobody could have questioned her right to do so. But, on the contrary, she has employed extraordinary expedition to repatriate her troops and prepare for the restoration of civil administration, and if she succeeds in opening southern Manchuria by the beginning of September that will be seven months earlier than the date conventionally fixed for evacuation. In the presence of such celerity the world, instead of doubting Japan's intentions, ought to be thankful for her efforts. It is, of course, possible that Japanese may have sold to the Chinese inhabitants of Manchuria some of the goods imported nominally for the use of the troops. That kind of thing is more or less inevitable; no precautions would suffice to prevent it, especially amid conditions such as accompany the evacuation of territory by great armies. The Japanese Government's desire is not to lose a day in throwing open the whole of Manchuria, but every one must understand that there are many preparations necessarily precedent to such a consummation, as, for example, the organization of civil administration, courts of law, and so forth. These matters could not be arranged in a day. The

long and short of the matter is that if any foreigner entertains a feeling of dissatisfaction about Japan's proceedings in Manchuria, his mood must be attributed solely to ignorance of the real facts of the case.

You may mention in this context that, according to the Yorozu Choho, a representative of which seems to have interviewed Doctor Morrison at Antung on the 13th instant, The Times' correspondent dissents radically from those who entertain suspicions about Japan's policy in Manchuria. Doctor Morrison's observations lead him to conclude that Japan is leaving no stone unturned to win the sympathy and approval of the powers.

The Acting Secretary of State to Minister Rockhill.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 10, 1906.

(Communicates for his information telegram of August 9 from Ambassador Wright.^a)

Ambassador Wright to the Secretary of State.

[Extracts.]

No. 45.]

AMERICAN EMBASSY,
Tokyo, August 11, 1906.

SIR: As a result of repeated conversations with the Viscount Hayashi, minister for foreign affairs, relative to Manchurian affairs I have been impressed with his entire frankness and fairness, and I am led to believe that the policy of equal opportunity for all nations in the trade and commerce of Manchuria is fixed and will be adhered to by Japan.

I am persuaded that but comparatively small quantities of Japanese goods are going into Manchuria at this time. The fact is that the Japanese military authorities are using the railway, extending from Dalny and Port Arthur to Mukden and northward as far as under their control, in bringing out enormous quantities of supplies, which accumulated there during the late war, for reshipment to Japan.

There has been a large accumulation of foreign goods in Shanghai and perhaps also at other Asiatic points during the late war between Japan and Russia, intended to supply both the war demand and the normal trade of Manchuria. The sudden ending of the war found an enormous stock on hand which the owners are unable to dispose of. Naturally, they are looking to the Manchurian market and are impatient at any delay in opening that territory to trade.

Even when Manchuria is fully opened to the trade of the world, I am inclined to think that the demand for foreign goods will be very disappointing, for the reason that the territory has been thoroughly devastated by the two great armies carrying on their operations therein. I am informed that hundreds of thousands of Manchurians were forced to leave their homes and take refuge in China and the remote portions of Manchuria outside the sphere of military opera-

^a Supra.

tions. These unfortunates are now returning to their homes and re-planting their crops, but necessarily considerable time must elapse before they are in a position to buy foreign goods as in former years.

I have, etc.,

LUKE E. WRIGHT.

Minister Rockhill to the Secretary of State.

No. 377.]

AMERICAN LEGATION,
Peking, August 15, 1906.

SIR: In further reference to the subject of the establishment at Antung of customs facilities, I have the honor to inclose herewith copies of notes I have recently addressed to the Prince of Ch'ing.

I have received replies to neither of these notes. Yesterday I called at the Wai-wu Pu and asked that an early answer should be sent me.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

Mr. Rockhill to the Prince of Ch'ing.

PEKING, *July 25, 1906.*

YOUR IMPERIAL HIGHNESS: On the 13th instant I had the honor to call at the yamen of your highness's board and leave with their excellencies Lien-fang and T'ong Shao-i a memorandum in which it was stated that my Government would insist upon the immediate compliance of China with the stipulations of the commercial treaty with regard to the opening of Antung in Manchuria, that is to say, the establishment of a custom-house at once at that port, etc.

Their excellencies, the ministers mentioned, assured me that the Chinese Government was both willing and anxious to do so, and that orders to that effect would at once be sent to the authorities in Manchuria.

I have now the honor to state that I am just in receipt of a communication from the American consul-general at Newchwang, dated the 19th instant, in which he informs me that he had addressed a note to the tao't'ai liang of the bureau of foreign affairs of Mukden, inquiring what steps were being taken to establish the maritime customs at Antung, and that he had received a reply, sent indirectly through the department of the bureau charged with the opening of ports, to the effect that "as to the matter of establishing custom-houses, the bureau had it under consideration, and that as soon as the manner of procedure should be decided upon the custom-houses would be opened one after another as they might be needed."

As this vague statement is not in accordance with the promise made to me by the vice-president of your highness's board, their excellencies Lien-fang and T'ong Shao-i, I have the honor to request that your imperial highness will at once instruct the authorities concerned that the imperial maritime customs must be opened at once at the port of Antung in compliance with the requirements of the treaty.

Trusting that this matter will receive the prompt attentoin of your imperial highness, I avail, etc.,

(Signed) W. W. ROCKHILL.

[Inclosure 2.]

Mr. Rockhill to the Prince of Ch'ing.

PEKING, *August 3, 1906.*

YOUR IMPERIAL HIGHNESS: I have the honor to call the attention of your imperial highness to a communication from the bureau of open ports at Mukden to the American consul-general at Newchwang, which the said consul-general has transmitted to me.

In the matter of establishing the imperial maritime customs at Antung, the bureau of open ports says:

"This office has written to the inspector-general of the imperial maritime customs at Peking requesting him to take the matter up and send men with the necessary blanks, and informing him that suitable quarters will be prepared for temporary occupation as residences and offices, so that the customs work may be started at once, but that in the present instance the establishment of the maritime customs is to be in accordance with the arrangements generally adopted at the ports voluntarily opened (by China); that there are to be no regulations of an exceptional character," etc.

I have the honor to ask that your imperial highness will inform me in what particular the establishment of an office of the maritime customs at a port voluntarily opened by China differs from such establishment at any other open port. I have the further honor to remind your imperial highness that the port of Antung is opened in compliance with the stipulations of Article XII of the commercial treaty between the United States and China, and that the said article expressly provides that "the selection of suitable localities to be set apart for international use and occupation and the regulations for these places set apart for foreign residence and trade shall be agreed upon by the Government of the United States and China after consultation together."

Your highness, I am sure, will agree with me that no regulations for the port of Antung can be adopted without the approval of my Government. I have the honor therefore to inform your imperial highness that my Government can not consent to waive any right guaranteed by the treaty mentioned.

I avail, etc.,

(Signed)

W. W. ROCKHILL.

The Acting Secretary of State to Minister Rockhill.

No. 176.]

DEPARTMENT OF STATE,
Washington, August 29, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 352, of the 16th ultimo, treating of your negotiations for the opening of Antung and Mukden to international trade.

Copy of Mr. Sammons's dispatch No. 255, of July 5, referred to by you, was received by this department in the regular course of the mails some days before your dispatch under acknowledgment. The conclusion arrived at on perusal thereof was that compliance by China with the terms of her treaty with the United States is a matter of more importance than the overcoming of difficulties as to settlement sites and land titles and should not be made subordinate thereto.

This conclusion seemed clear from your telegram of the 14th ultimo, and it is confirmed by your dispatch under acknowledgment, from which it appears that you were in accord with this view and that, recognizing the entirely subordinate nature of the settlement obstacles, you were pressing the foreign office for the immediate establishment of Chinese custom-houses at Antung and other points—the essential thing being the fulfillment of Paragraph III, Article XII, of the treaty of October 8, 1903, to the letter, so far as the opening of Mukden and Antung is concerned, and in its spirit as relates to the establishment of custom-houses at all necessary points, so that all foreign trade at Manchuria may have identical customs treatment. The memorandum which you left with the Wai Wu Pu on July 13 last accurately expresses this department's views as to the rights of the United States and the duties of China in Manchuria, as well as to

the order of importance (Paragraph III) of the various matters to be taken up.

Your dispatch under acknowledgment meets with this department's entire approval.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

The Acting Secretary of State to Minister Rockhill.

No. 177.]

DEPARTMENT OF STATE,
Washington, August 30, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 353, of the 18th ultimo, transmitting correspondence with the consul-general at Hankow in regard to the regulations for governing the commercial settlement of Changteh Fu, in Honan, and your objections to some of them, and to inform you that your objections commend themselves to the department and are in accord with its telegram of May 8 last, directing that in discussing regulations for international settlements at Antung and Mukden the American agent object to irksome Chinese supervision and arbitrary municipal regulations.

If Americans are to secure proper treatment at Mukden and Antung, the best way to do so is to begin by insisting in every case that regulations which may become a precedent for future ports shall contain no objectionable features.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, *August 30, 1906.*

(Mr. Rockhill reports that, notwithstanding constant pressure, he is still unable to get the Chinese Government to fix the date of opening customs at Antung or to take any action whatsoever looking to the establishment of customs anywhere in Manchuria; states that on the preceding Monday the British chargé d'affaires, by order of his Government, informed the Chinese Government that Newchwang should be made a free port until customs are established at all other localities in Manchuria. Mr. Rockhill inquires whether he shall make a similar demand. Little disposition to take action is being shown by the Chinese Government. Japan will not allow customs at Tarien unless they are established simultaneously on the frontier of Russia. Information has been received by Mr. Rockhill that the matter has not even been broached as yet to the Russian legation by the Chinese Government.)

The Acting Secretary of State to Minister Rockhill.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 30, 1906.

(Referring to Mr. Rockhill's telegram of August 30, Mr. Adee instructs him to make demand in accord with British, which is understood to be that, until customs are established throughout Manchuria, no duties be levied at Newchwang.)

Minister Rockhill to the Secretary of State.

[Extracts.]

No. 385.]

AMERICAN LEGATION,
Peking, September 3, 1906.

SIR: Friday last (31st August), I called at the Wai Wu Pu and informed his excellency T'ang Shao-i that the department was of opinion that so long as customs houses were not established at Antung, Dalny, and on the Russian frontier of Manchuria where the railway enters and leaves Chinese territory, neither export nor import duties should be levied on foreign goods at Newchwang.

The argument that Dalny and Antung were opened to our trade on the same conditions as to the Japanese was worthless, for the houses which handled our trade were at Newchwang and our trade would continue to center there.

The suggestion now made by me that customs should not be levied at Newchwang was, I said, made chiefly in the interest of China. If this measure was adopted, both Japan and Russia would urge the prompt establishment of Chinese customs; any trade which had been driven away from Newchwang by the fact that Antung, Dalny, or Vladivostok were free ports, would come back to its old channel—Newchwang—if this latter was not discriminated against.

His excellency said that the Newchwang customs were pledged to the powers for the Boxer indemnity, and that it would be impossible without the consent of all of them to suspend collections there. The advantages of Dalny were not only that it was a free port but the Japanese were charging freight rates between it and Mukden only one-half of that charged between Newchwang and Mukden. The suspension of the collection of duties at Newchwang would not help it.

The question establishing customs at Dalny was settled in principle; it only remained to secure an agreement with the Russians and Japanese and fix a date, but that each one wanted the other to act first.

I told him that the uncertainty in which the commercial world was placed as to the probable date when these arrangements would be carried out was particularly disturbing to trade. I thought he was now in a position where he could come to some understanding with Russia and Japan and fix a date for the opening of customs in Manchuria. If this were done, I felt sure that the anxiety of the commercial world would quickly subside.

His excellency said that it would certainly be accomplished by the 15th of next April—perhaps much sooner; but the date he mentioned—that on which, under the Portsmouth treaty, the evacuation of Manchuria is to be completed—seemed the safest on which to count.

Referring to Antung, he said his Government could not establish customs there; there was literally no ground on which to do so, as the Japanese had taken possession of every foot of suitable land.

I have, etc.,

W. W. ROCKHILL.

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, *September 3, 1906.*

(Mr. Rockhill reports that he is assured by the Chinese foreign office that it is doing everything in its power to settle the Manchurian customs question promptly.)

Minister Rockhill to the Secretary of State.

No. 395.]

AMERICAN LEGATION,
Peking, September 12, 1906.

SIR: I have the honor to inclose herewith, for the information of the department, copies of two notes from the foreign office stating (1) that Mukden, Antung, and Ta-tung-kou, and also (2) T'iehling, T'ung-chiang-tzu, and Fa-ku-men have been opened to international trade.

I have been verbally informed at the foreign office that these two notes are merely formal statements that the above cities are now open to foreign trade, and that later on the special arrangements as to customs, etc., will be perfected.

I have already informed the American consul-general at Newchwang of the receipt of the inclosed notes.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1—Translation.]

*The Prince of Ch'ing to Mr. Rockhill.*FOREIGN OFFICE,
Peking, September 5, 1906.

YOUR EXCELLENCY: The twelfth article of the commercial treaty between China and the United States and the tenth article of the commercial treaty between China and Japan provide for the opening to international trade by China herself of the city of Mukden, the district of Antung, and the port of Ta-tung-k'ou.

My board has repeatedly telegraphed to the superintendent of trade for the north and the Tartar general of Shengking to make all necessary arrangements for the opening of these places, as the records will show.

Now the superintendent of trade for the north and the Tartar general of Shengking have jointly memorialized the Throne, stating that since Antung and Ta-tung-k'ou have been made open ports, it is necessary to establish the maritime customs at Antung, to be known as the Antung customs, and that the taot'ai of the Eastern Marches will be superintendent of customs; that, as Ta-tung-k'ou is but several tens of li distant from Antung, it will not be necessary to establish a separate customs station there, but that it should be a branch station of the customs at Antung and under the control of the customs taot'ai of that port.

As in duty bound, therefore, I communicate this for your excellency's information.

A necessary dispatch.

(Signed)

PRINCE OF CH'ING.

[Inclosure 2—Translation.]

*The Prince of Ch'ing to Mr. Rockhill.*FOREIGN OFFICE,
Peking, September 10, 1906.

YOUR EXCELLENCY: It is provided in the first article of the supplementary treaty between China and Japan with regard to the three Manchurian provinces that as soon as the troops occupying Feng-tien should be withdrawn the following places, Feng-huang-ch'eng, Liao-yang, Hsin-min-tun, T'ieh-ling, T'ung-chiang-tzu, and Fa-k'u-men, should be opened voluntarily by China as places of international trade.

It now appears that the Japanese troops have already been withdrawn from the three places—T'ieh-ling, T'ung-chiang-tzu, and Fa-k'u-men—and, as required by the treaty, steps should first be taken to open them to international trade.

As in duty bound, therefore, I send this dispatch to your excellency for your information.

A necessary dispatch.

(Signed) PRINCE OF CH'ING.

The Acting Secretary of State to Ambassador Wright.

No. 31.]

DEPARTMENT OF STATE,
Washington, September 20, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 45, of the 11th ultimo, concerning the open door in Manchuria and the importance of the establishment of customs-houses there.

The department entertains the confident hope that the good disposition evidenced by Japan will tend actively to the early adjustment of all these commercial questions in Manchuria.

I am, etc.,

ALVEY A. ADEE.

The Acting Secretary of State to Ambassador Meyer.

No. 174.]

DEPARTMENT OF STATE,
September 20, 1906.

SIR: I inclose a copy of a dispatch^a from the embassy at Tokyo, in regard to the open door in Manchuria, in which special reference is made to the necessity for the establishment of customs-houses in that region.

You are requested to represent to the Russian Government the importance the United States attaches to the early establishment of Chinese customs-houses on the line of the Chinese Eastern Railway.

I am, etc.,

ALVEY A. ADEE.

The Acting Secretary of State to Minister Rockhill.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 27, 1906.

(Mr. Adee asks what action has been taken concerning customs at Newchwang, in pursuance of department's telegram of August 30.)

^a Dispatch No. 45, printed on p. 217.

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, *September 28, 1906.*

(Mr. Rockhill reports that he duly made representations concerning the suspension of customs at Newchwang. The foreign office replied, as shortly before to the British legation, that it was impossible to act as requested, the revenue from the Newchwang customs being pledged to the powers. Mr. Rockhill states that representations by the British and himself have hastened the general settlement of Manchurian customs. He is informed by the Russian minister that the latter's Government will agree shortly to the proposals telegraphed to the department September 3 by Mr. Rockhill. The Japanese are hastening a settlement of the Tairen customs.)

The Secretary of State to Minister Rockhill.

No. 195]

DEPARTMENT OF STATE,
Washington, October 4, 1906.

SIR: I have to acknowledge the receipt of your telegram of the 28th ultimo, reading as follows:^a

You will continue pressure for the customs-houses, and you will inform the Chinese Government that the demand as to Newchwang will be renewed with increased emphasis if the present condition is allowed to continue.

I am, etc.,

E. Root.

Minister Rockhill to the Secretary of State.

[Extracts.]

No. 419.]

AMERICAN LEGATION,
Peking, October 6, 1906.

SIR: Under the general provisions of Article II of the treaty of December 22, 1905, between China and Japan, a joint stock company composed of Chinese and Japanese capitalists was to be organized for the exploitation of the Manchurian railways which had been ceded by Russia to Japan.

A Japanese imperial ordinance (No. 142, June 7, 1906) sanctioned the organization of the South Manchurian Railway Joint Stock Company, and Article III provided that shares of the company "shall all be registered and may be owned only by the Japanese and Chinese governments or by subjects of Japan and China."

Under the terms of Article V of the article of incorporation of this company, which fixed the amount of the first subscription of shares at 20,000,000 yen, the Chinese Government was duly asked to subscribe, and was informed that the subscription closed on the 5th of October (yesterday). I am informed that the Chinese Government has not taken any portion, however small, of the shares offered it, nor have the Chinese subjects subscribed, so far as I can learn.

^a Supra.

Article X of the additional agreement between China and Japan of December 22, 1905, provided for a joint stock company of forestry, of Chinese and Japanese capitalists, for the exploitation of the forests in the region on the right bank of the river Yalu.

This company has been duly organized by Japan, and the Chinese Government asked to participate.

At Antung, although the maritime customs has organized a staff for the service of that port, it seems more than likely that nothing will be done by China to open it until after the complete evacuation of Manchuria by Japan in April of next year.

I have, etc.,

W. W. ROCKHILL.

Minister Rockhill to the Secretary of State.

[Extract.]

No. 423.]

AMERICAN LEGATION,
Peking, October 9, 1906.

SIR: I have the honor to transmit herewith copy of a note received to-day from the foreign office, informing me that the Japanese troops having now evacuated Hsin-min Fu (or tun) said locality is opened to international trade.

I have, etc.,

W. W. ROCKHILL.

[Inclosure—Translation.]

The Prince of Ch'ing to Mr. Rockhill.

PEKING, *October 8, 1906.*

YOUR EXCELLENCY: The first article of the supplementary convention between China and Japan with reference to affairs in Manchuria provides that, upon the withdrawal of the troops from the province of Feng-t'ien (Shengking), China will herself open to international trade the places, Feng-huang-ch'eng, Liao-yang, Hsin-min-t'un, T'ieh-ling, T'ung-chiang-tzu, and Fa-k'u-men.

On September 10 of the present year I had the honor to inform your excellency that the three places T'ieh-ling, T'ung-chiang-tzu, and Fa-k'u-men had already been opened to international trade, as the records will show.

I now have the honor to inform your excellency that the Japanese troops have been withdrawn from Hsin-min Fu, and it becomes necessary in accordance with the convention to open that place to international trade.

As in duty bound, therefore, I send this dispatch for your excellency's information.

A necessary dispatch.

(Seal of the Wai-wu Pu.)

Minister Rockhill to the Secretary of State.

[Extracts.]

No. 427.]

AMERICAN LEGATION,
Peking, October 11, 1906.

SIR: Conditions have been constantly changing in southern Manchuria for the last year, through the gradual withdrawal of the Japanese forces and the resumption of control by the Chinese authorities. Trade has been necessarily dislocated, its volume has perhaps been less than in 1905.

That the competition of the Japanese for a large share in the markets of southern Manchuria will be sharp, I have not the remotest doubt, but I think, from what I can learn from Japanese officials, that we and other nations interested in this trade will be offered every opportunity—I may even say inducement—to take a full share of it. The Japanese need capital to develop either Manchuria or Korea; foreign capital and enterprise are essential to them to insure the success of enterprises they already have there—such as the Southern Manchuria Railway—and to repel foreign assistance or put foreign capital under any disadvantage would be extremely unwise.

I understand from reliable sources that for months past most of the trade of Dalny and Antung has been in American flour and piece goods, handled, of course, by Chinese and very largely by Japanese, and imported from Chefoo and Japan. It would seem possible that the volume of American trade in Manchuria has not in reality been much less than in past normal years, if not, in fact, well up to the average; but the channels of trade have temporarily changed, and local business interests are consequently disturbed.

There will rise up in the near future numerous questions concerning rights and privileges of Japan and its subjects in Manchuria; but I still confidently believe that our people will have equal opportunity for trade there, and will enjoy all the rights of the most favored nation, if they will avail themselves of them. Unfortunately, our people have not conducted their business in China as other nations do, especially the Japanese and Germans, establishing direct relations with their customers. The greater part of all our merchandise, if we exclude petroleum and a few other articles of trade, is handled by foreign or Japanese firms who either import them directly from the United States or get them through commission houses, usually in Shanghai. Our interest in most of our products ceases the day they leave the factory or the port of shipment in the United States. The little brief excursion recently taken by the American Shanghai merchants to Newchwang and adjacent localities was, I think I am right in saying, the first they had made to a market only 800 miles away, and which they rightly consider one of the most important they have in China. This apparent lack of interest, for it can only be apparent, is recognized by American business men with whom I have spoken as deplorably short-sighted and discriminates more against us than any other cause, be it Japanese or Chinese. Let us hope we will finally recognize the absolute necessity of following the lead, to some extent, at least, of the countries which are making such a success in extending their trade interests here and ourselves watch local markets and local requirements and establish local relations.

I have, etc.

W. W. ROCKHILL.

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, *October 3, 1906.*

(Referring to his telegram of September 28, Mr. Rockhill says that he has been informed by the Russian minister that his Government has agreed to the opening of railroad frontier customs by the Chinese, and that he will now settle details with the Government of China.)

The Acting Secretary of State to Minister Rockhill.

No. 206.]

DEPARTMENT OF STATE,
Washington, October 25, 1906.

SIR: I have to acknowledge the receipt of your dispatch, No. 395, of the 12th ultimo, inclosing copies of notes from the Chinese foreign office stating that Mukden, Antung, Ta-tung-k'ou, T'ish-ling, T-ung-chiang-tzu, and Fa-k'umen have been opened to international trade.

The department is gratified that some progress is being made toward the settlement of a long-standing question.

I am, etc.,

ROBERT BACON.

The Acting Secretary of State to Chargé Coolidge.

No. 217.]

DEPARTMENT OF STATE,
Washington, November 23, 1906.

SIR: I inclose herewith, for your information, a copy of a dispatch from the American ambassador to Russia, reporting the substance of a conversation which he has had with the Russian minister for foreign affairs respecting the establishment of Chinese customs-houses in Manchuria.

I am, etc.,

ROBERT BACON,
Acting Secretary.

(NOTE.—Same to the Embassy at Tokyo, No. 47, November 23, 1906.)

[Inclosure.]

Ambassador Meyer to the Secretary of State.

No. 683.]

AMERICAN EMBASSY,
St. Petersburg, November 7, 1906.

SIR: I beg leave to acknowledge receipt of your instructions No. 174, dated September 20, in regard to the open door in Manchuria, in which special reference is made to the necessity for the establishment of custom-houses in that region.

Yesterday I took up the matter with Mr. Izvoisky, minister of foreign affairs, and called to his attention that the Japanese authorities were willing to accede to the establishment of Chinese custom-houses in southern Manchuria, provided the Russian Imperial Government invited the Chinese Government to establish custom-houses in northern Manchuria.

The minister of foreign affairs stated that the question was complicated by the neutral zone and other considerations, but that the matter had been seriously taken up and he would report to me later on the subject.

I have, etc.,

G. V. L. MEYER.

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, *December 18, 1906.*

(Mr. Rockhill reports that he has been informed by the foreign office that, according to the agreement with the Russian minister, the three cities, Kirin, Harbin, Manchuria, will be opened to international residence and trade January 14, 1907.)

RECIPROCAL PROTECTION OF TRADE-MARKS IN CHINA.

[Continued from Foreign Relations, 1905, pp. 169 et seq.]

Minister Rockhill to the Secretary of State.

No. 95.]

AMERICAN LEGATION,
Peking, September 15, 1905.

SIR: I have the honor to inclose herewith a personal note from Baron von Mumm, the German minister, dated August 11 last, in reference to an exchange of notes for extending to China the provisions of our respective trade-marks convention. I was authorized to effect such exchange by your instruction of April 17, 1905, and by your cablegram of July 24.

I also inclose a copy of a note which I wrote my German colleague in reply to his of the 11th August.

Yesterday Baron von Mumm called on me and requested me to ask you whether you would authorize me to include "Schutzgenossen" or protégés in the notes to be exchanged between us. He assured me that Germany had no Chinese protégés except in the leased territory of Kiao-chou, and that his Government had no intention of extending protection to any natives except to those in the actual employ of the German Government in China. All the other "Schutzgenossen" were either Germans or citizens of friendly nations, chiefly Swiss, not represented by diplomatic or consular officers in China and whose protection was intrusted to Germany.

Baron von Mumm assured me that most of the other powers with whom Germany had exchanged notes for reciprocal protection of trade-marks in China had agreed to the German request of the inclusion of "Schutzgenossen," which he held was necessary, so that the terms of the German trade-mark law might be complied with.

Although I fail to see that any of Baron von Mumm's arguments meet the objections I made to this point in my note, I told him that I would at once submit the matter to you and ask that you wire me whether I can comply with his request.

I would also be pleased if you would instruct me on the second point raised by the German minister concerning the use of the term "punishment," which I assume covers both civil and criminal suits.

I have the honor, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

Baron von Mumm to Mr. Rockhill.

PEITAIHO, August 11, 1905.

MY DEAR COLLEAGUE: With reference to your conversations with Baron von der Goltz concerning the reciprocal protection of our trade-marks, I submit to your examination and eventual approval herewith the draft of a note which I am ready to address to you. I would be obliged if in exchange you would kindly let me have, through Baron Goltz, the draft of your proposed answer. The formal exchange can then take place under the same date.

From the English version, which Baron Goltz sent me, my draft differs in some minor points: I have added the word "Schutzgenosse" in accordance with our agreements with other countries on the same subject, as we might as well give each other all protection we possibly can "Schutzgenossen," according to the terms of our laws, are either former German subjects, who have lost their nationality without acquiring another one, or they are citizens of friendly

nations (chiefly Swiss) not represented by diplomatic or consular officials, who, in consequence of existing treaties, have asked for our consular protection and have been duly registered at a German consulate; they are employees of the legation or the consulates. My wording of the note affords your citizens protection against infringements also from protégés, and I would in consequence consider it fair if your note would grant to our "Schutzgenossen" your consular protection against falsifications by adding the words "and protégés" after German subjects.

Furthermore, I did not speak of "extension to China of the provisions of the trade-marks conventions existing between our two countries." Probably this term would have been quite correct, but as I don't know exactly at present the contents of those provisions I do not know if their "extension" to China would be feasible. As my instructions don't mention this extension, but simply authorize me to provide with you for mutual protection of our trade-marks in China, I believe to be on the safer side, if I follow, as I have done, the wording of your exchange of notes with Sir Ernest. I may mention here that I have used in German two terms: "Handels und Fabrikmarken," but suppose that the English term "trade-marks" covers them both sufficiently.

Lastly, I beg to draw your attention to the words "punishment of such infringements" in the English draft. You will be a better judge than myself in telling me, if these words do not perhaps only comprise the prosecution in criminal proceedings whilst our aim would of course be to afford protection against infringement of trade-marks as well on the "zivil- wie auf dem strafgerichtlichen Wege"—i. e., the person whose trade-mark was infringed, could, for instance, sue as well in a civil law case for damages or ask for punishment by criminal court. My term "auf zivil- wie strafgerichtlichen Wege einzuschreiten" covers both; it is for you to judge how you might best express this in your note.

Hoping to hear from you soon, I remain, my dear colleague,

Yours, sincerely,

(Signed)

A. MUMM.

[Subinclosure—Translation.]

I have the honor to inform your excellency that I have been empowered by the imperial chancellor, in the interests of German and American trade, to insure by an agreement with you the reciprocal protection of German and American trade-marks in China against counterfeiting on the part of German citizens and protégés and in like manner on the part of citizens of the United States and dependencies.

Since your excellency also has received a corresponding authorization from your honorable Government, I hereby declare that, by virtue of the imperial law of May 12, 1894, for the protection of trade-marks, German consular judges are empowered to proceed by civil and criminal action against German citizens and protégés under their jurisdiction on the ground of the counterfeiting of the trade-marks of citizens of the United States of America, likewise of American protégés, which have been properly registered in Germany.

As I am looking forward to the receipt of a corresponding declaration on your part, I am empowered and ready to inform the imperial consular authorities in China at once in the above sense, as soon as your excellency shall have given me the announcement that the American consuls in China will be furnished with like instructions.

I also avail myself of this occasion to renew to your excellency the assurance of my highest consideration.

[Inclosure 2.]

Mr. Rockhill to Baron von Mumm.

AMERICAN LEGATION,
Peking, August 22, 1905.

MY DEAR COLLEAGUE: I have been unavoidably prevented by my pressing work here from replying earlier to your note of the 11th instant, in regard to our proposed exchange of notes for the reciprocal protection of German and American trade-marks in China. I beg that you will accept my apologies.

I fear that without instruction from the department I can not include "Schutzgenossen" (or protegés) in my note, for I do not apprehend that persons of other nationality than German can have the same rights as Germans to protection against infringement of their trade-marks in China by Americans, unless the government of the country of which they are citizens or subjects have a trade-mark convention with the United States. This remark applies to "protegés" of Swiss origin to whom you refer, but more particularly to employees of the German legation and consulates in China, most of whom are presumably Chinese. The United States has no "protegés" in China, so I could not expect you to include this class in your note to me. If the term were applied only to former German subjects whose actual status is in abeyance, as it were, through prolonged sojourn abroad, but who have not absolutely lost their German nationality, I might see my way to include this term with a definition of it.

As regards your remark on the use of the term "punishment" that it may be understood as implying only prosecution in criminal proceedings and as precluding civil, I am disposed to think that "punishment" covers both. I am not prepared, however, to state what are the provisions of our law as to the protection afforded by it to the German owners of trade-marks duly registered in the United States, but whatever they are, and presumably they are satisfactory to your Government, since it has a convention with the United States for the reciprocal protection of our respective countries of trade-marks of our nationals, I can assure you that we are willing to extend them to your people in China where "effectual provision" exists in our Consular Courts against all infringement by all American citizens.

Should you deem it necessary that I should include "Schutzgenossen" in my note, it will afford me much pleasure to submit the suggestion to the Department of State for its instructions.

Very sincerely, yours,

(Signed)

W. W. ROCKHILL.

The Secretary of State to Minister Rockhill.

No. 70.]

DEPARTMENT OF STATE,
Washington, November 8, 1905.

SIR: I have to acknowledge the receipt of your dispatch No. 95, of September 15 last, inclosing a copy of correspondence between you and the German minister to China in reference to the proposed exchange of notes between you and him for the purpose of extending to China the provisions of the trade-marks convention of the United States and Germany.

Our trade-mark law (sec. 16, act of Feb. 20, 1905) makes provision for the bringing of an action for damages by the owner of a trade-mark registered under the act against any person who, without the consent of the owner, reproduces, counterfeits, copies, or imitates such trade-mark, etc. Section 19 provides for the obtaining of injunctions to prevent the violation of any right of the owner of a registered trade-mark and declares that upon a decree being rendered for the wrongful use of a trade-mark the owner shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages sustained. Section 25 declares that any person who shall procure the registration of a trade-mark or entry thereof in the office of the Commissioner of Patents by a false or fraudulent declaration or representation, or by any false means, shall be liable to pay any damages sustained in consequence thereof to the injured party, to be recovered by an action on the case.

There is, however, no statute of the United States making the infringement, counterfeiting, etc., of a trade-mark criminal. It seems to me, therefore, that the word "punishment" should not be used in the draft of notes to be exchanged. The language employed in the exchange of notes concerning the protection of trade-marks in Morocco, viz, that "henceforth trade-marks of British citizens, having been duly registered in the United States of America, will be protected against infringement," etc., or similar language, should be used.

For your convenient use I inclose herewith three copies of the pamphlet entitled "United States and Great Britain—Protection of Trade-marks in Morocco—Agreement Effected by Exchange of Notes, December 5, 1899."

As the United States has no "protégés" in China, and as, under our treaties with China and the laws passed to carry them into effect, there would appear to be no authority for subjecting "protégés" to the consular jurisdiction, you should inform the German minister that this Government is unable to include "Schutzgenossen," or "protégés," within the scope of the proposed arrangement.

In answer to your request for instructions by cable, the following telegram was sent you on the 6th instant, which I now confirm.

"Acknowledging your ninety-five, infringement of trade-marks is not made criminal by our law, but ample provision is made therein for protection against infringement, by injunction and civil suits for damages. Period. Can not include 'protégés' within scope of arrangement, as that relation is unknown to our laws and treaties with China."

I am, sir, etc.,

ELIHU ROOT.

Minister Rockhill to the Secretary of State.

No. 209.]

AMERICAN LEGATION,
Peking, China, January 25, 1906.

SIR: I have the honor to acknowledge the receipt of the department's dispatch No. 70, of November 8 last, and unnumbered dispatch of December 9 last, the former expressing the department's views regarding the penalizing of infringements of trade-marks and informing me that there is no statute of the United States making the infringement, counterfeiting, etc., of a trade-mark criminal, and that the department is of the opinion that the word "punishment" should not be used in the draft of notes exchanged.

On learning the department's views as to the use of the word in question, I addressed a note to each of the ministers with whom I had exchanged notes on the subject, a copy of which I inclose, informing them "that the word punishment must be understood to refer to a civil action only, and not to a criminal procedure as might be inferred from the use of the word without the present explanation added thereto."

I have also informed the various consuls that the word punishment must not be interpreted to include a criminal offense, and have called to their attention sections 16, 19, and 25 of our trade-mark law (act of Feb. 20, 1905).

I have the honor, etc.,

W. W. ROCKHILL.

[Inclosure.]

Mr. Rockhill to the ministers of Great Britain, France, the Netherlands, Belgium, Germany, and Italy.

PEKING, January 22, 1906.

MR. MINISTER AND DEAR COLLEAGUE: In connection with the notes which I had the honor to exchange with your excellency on Great Britain, June 28, 1905; France, October 3, 1905; the Netherlands, October 23, 1905; Belgium, November 27, 1905; Germany, December 6, 1905; Italy, December 18, 1905, looking to the reciprocal protection from infringement by our respective nationals in China of trade-marks belonging to them I duly transmitted copies of the same to my Government.

In reply the Secretary of State has called to my attention, as possibly misleading, the use made in my note to you of the word "punishment" by our consular courts in China of American citizens who may have infringed in China trade-marks the property of persons under the jurisdiction of Great Britain, France, the Netherlands, Belgium, Germany, and Italy.

In view of the fact that there is no statute in the United States making the infringement, counterfeiting, etc., of a trade-mark a criminal offense, and that effectual provision exists by a civil action for damages by the owner of a trade-mark, my Government is of the opinion that the word "punishment" should be understood to refer to a civil action only, and not to a criminal procedure, as might be inferred from the use of the word in question without the present explanation added thereto.

I beg leave to call your excellency's attention to the above provision of our law, so that nothing in my notes of June 28, October 3, October 23, November 27, December 6, and December 18, last, may be construed as conflicting therewith.

I avail myself of this opportunity to renew to your excellency the assurances of my highest consideration.

W. W. ROCKHILL.

The Italian chargé to the Secretary of State.

[Translation.]

ROYAL EMBASSY OF ITALY,
Washington, D. C., March 11, 1906.

MR. SECRETARY OF STATE: His excellency the minister of foreign affairs informs me that on December 18 last, by means of an exchange of notes between the royal minister at Peking and the representative of the United States in consequence of a proposal presented by the latter in accordance with instructions received from his Government, an agreement^a was effected for the reciprocal protection of Italian and American trade-marks in the Chinese Empire, similar to that which was concluded in 1903^b between Italy and the United States for the protection of trade-marks in Morocco.

Agreeably to instructions received from my Government and by way of perfecting the understanding, I have the honor to advise your excellency that the royal consular officers in China have, with a view to the execution of the said agreement, already been furnished with the same instructions as were at the time sent to the royal legation at Tangier for the execution of the second agreement above referred to and of which this royal embassy transmitted the text, together with the respective accompaniments, to the Department of State in its note of December 19, 1903.

Accept, etc.,

C. C. MONTAGNA.

^a See Foreign Relations for 1905, p. 175.^b See Foreign Relations for 1904, pp. 407 et seq.

Minister Rockhill to the Secretary of State.

No. 333.]

AMERICAN LEGATION,
Peking, China, June 28, 1906.

SIR: Referring to my dispatch No. 173^a of December 18 last, informing you that I had effected an agreement with the Italian minister for the reciprocal protection of trade-marks in China, I now have the honor to inform you that I have this date made a similar arrangement with the Russian minister.

I have the honor to inclose herewith copies of the notes exchanged with the Russian minister.

I have the honor, etc.,

W. W. ROCKHILL.

[Inclosure.]

AGREEMENT EFFECTED BY EXCHANGE OF NOTES JUNE 28, 1906.

Mr. Rockhill to Mr. Pokotilow.

PEKING, *June 28, 1906.*

MR. MINISTER AND DEAR COLLEAGUE: The Government of the United States being desirous of reaching an understanding with the Government of Russia for the reciprocal protection against infringement in China by citizens and subjects of our respective nations of trade-marks duly registered in the United States and Russia, I am authorized by the Secretary of State of the United States to inform you that the American consular courts in China afford protection against infringement in China by American citizens of trade-marks the property of Russian subjects which have been duly registered in the United States.

I beg that you will kindly inform me whether like protection will be given to American citizens in the consular courts of Russia in China against the infringement by Russian subjects of their trade-marks duly registered in Russia.

I have the honor to be, my dear colleague, your obedient servant,

W. W. ROCKHILL.

HIS EXCELLENCY D. POKOTILOW,

*Envoy Extraordinary and Minister Plenipotentiary, etc.,
Russian Legation, Peking.*

Mr. Pokotilow to Mr. Rockhill.

[Translation.]

PEKING, *June 28, 1906.*

MR. MINISTER AND DEAR COLLEAGUE: I have the honor to acknowledge the receipt of your note of to-day's date by which you kindly inform me that the Government of the United States being desirous of reaching an understanding with the Imperial Government of Russia concerning the protection in China of trade-marks duly registered in Russia and the United States, you have been authorized to declare that the American consular courts in China have jurisdiction in all matters concerning the infringement by persons subject to the jurisdiction of the United States of trade-marks the property of Russian subjects which have been duly registered in the United States.

^a Foreign Relations for 1905, p. 175.

Being duly authorized by my Government, I have the honor to inform you that the Imperial Government is equally ready to insure in China through the Russian consular courts protection for trade-marks the property of persons subject to the jurisdiction of the United States and duly registered in Russia which may be infringed by Russian subjects. I deem it necessary, however, to observe that infringements of trade-marks not being considered by the American statutes a criminal offense persons subject to the jurisdiction of the United States having suffered injury can, through reasons of reciprocity, only claim before the Russian courts indemnification for the damages sustained by them.

Please accept, Mr. Minister and dear colleague, the assurance of my highest consideration.

D. POKOTILOV.

His Excellency W. W. ROCKHILL,
*Envoy Extraordinary and Minister Plenipotentiary, etc.,
American Legation, Peking.*

PROTECTION OF TRADE-MARKS IN CHINA.

Minister Conger to the Secretary of State.

No. 1553.]

AMERICAN LEGATION,
Peking, China, March 28, 1904.

SIR: I have the honor to inclose copy of correspondence with the foreign office concerning the putting in force of the provisions of our treaty in regard to copyrights, trade-marks, and patents, which is self-explanatory.

After waiting a reasonable time, if I am not informed of the completion of its work by the board of commerce, I shall write the foreign office again, and at the same time if a trade-mark should be presented for registration, or any work to be copyrighted, I shall ask that some temporary provisions be made to fit the case.

I have the honor, etc.,

E. H. CONGER.

Inclosures.

1. Mr. Conger to Prince Ch'ing, March 12, 1904.
2. Foreign office to Mr. Conger, March 26, 1904.

[Inclosure 1.]

Mr. Conger to the Prince of Ch'ing.

AMERICAN LEGATION,
Peking, March 12, 1904.

YOUR IMPERIAL HIGHNESS: I have the honor to remind your imperial highness that the new commercial treaty between the United States and China, signed on the 8th of October last, and ratifications of which have been duly exchanged, is now of force, and that Articles IX, X, and XI provide that the Government of

China shall fully protect any citizen, firm, or corporation of the United States in the exclusive use in China of any lawful trade-marks, to the exclusive use of which in the United States they are already entitled or which they have adopted and used, or intend to adopt and use as soon as registered, for exclusive use within the Empire of China; and that it will establish a patent office and adopt special laws with regard to inventions and issue certificates of protection, valid for a term of years, to citizens of the United States on all their patents issued by the United States in regard to articles the sale of which is lawful in China, which do not infringe on previous inventions of Chinese subjects; and that it will give full protection, in the same manner in which it agrees to protect trade-marks, to all citizens of the United States who are authors, designers, or proprietors of any book, map, print, or engraving especially prepared for the use and education of the Chinese people, or translation into Chinese of any book, in the exclusive right to print and sell such book, map, print, engraving, or translation in the Empire of China during ten years from the date of registration.

I have the honor to inform your imperial highness that I am continually in receipt of inquiries regarding these matters from citizens of the United States, and I have to request that your highness will inform me what procedure it is necessary for Americans to take in order to secure the promised protection of their trade-marks, patents, and copyrights.

Trusting that your imperial highness will give this matter your early attention and favor me with a reply, I avail myself of the opportunity to renew to your imperial highness the assurance of my highest consideration.

(Signed) E. H. CONGER,

Envoy Extraordinary and Minister Plenipotentiary of the United States.

To His Imperial Highness PRINCE OF CH'ING,
President of the Board of Foreign Affairs.

[Inclosure 2.]

The foreign office to Mr. Conger.

On the 26th day of last month (March 12, 1904) we had the honor to receive a note from your excellency, saying:

"Whereas the Chinese-American commercial treaty has already been ratified and exchanged, it should be put into full operation. It is clearly stated in the 9th, 10th, and 11th articles of said treaty that duly registered trade-marks and all new inventions shall be protected, and it is agreed to establish a special office to deal with such matters, and to decide upon special rules for inventions and the issuance of patents. Books and maps, and printed or engraved matters as well, are all to be protected in the same manner as trade-marks. The treaty calls for complete protection of all such rights. The United States minister has received inquiries in regard to the above matters from an American merchant, and it therefore becomes his duty to write and ask how this protection is to be afforded and the benefits derived. He hopes that the matter will be given immediate consideration, so that he may expect a reply at an early date."

On the receipt of the above we at once addressed a communication to the board of commerce for their information. They have discussed the matter and now reply as follows:

"The board of commerce, having special charge of trade affairs, and being just now in the beginning of its work, has a great many matters on hand. In regard to registering trade-marks, making rules for the protection of new inventions, books, etc., the board is just now considering satisfactory regulations and compiling specific rules. As soon as the rules have been drawn up in order, the board will memorialize the Throne asking for their official publication. Then the foreign board may communicate by dispatch with the foreign ministers of the various countries, who may, in turn, instruct the foreign merchants to act accordingly."

Such is the report of the board of commerce; so it seems that the said board are at present just deliberating upon satisfactory rules, and that they intend to memorialize the Throne asking for official publication of the same.

We beg to state that as soon as we have been notified of this memorial we will again communicate with your excellency giving detailed information. As in duty bound, however, we send this answer first for your excellency's information.

We take the opportunity to wish you daily happiness.

Cards inclosed.

SECOND MOON, 10TH DAY (MARCH 26TH, 1904).

The Acting Secretary of State to Minister Conger.

No. 797.]

DEPARTMENT OF STATE,
Washington, May 19, 1904.

SIR: I have to acknowledge the receipt of your dispatch No. 1553, of March 28 last, inclosing a copy of correspondence between you and the Chinese foreign office concerning the putting into force of those provisions in the new commercial treaty between the United States and China which relates to copyrights, trade-marks, and patents.

The department approves your action in the matter.

You will insist upon some provisional rules for the protection of copyrights, trade-marks, and patents, and you will get a date fixed for the coming into force of the regulations provided for in the treaty. These regulations should be submitted to you before their promulgation in order to determine whether they comply with the stipulations of the treaty.

I am, sir, etc.,

FRANCIS B. LOOMIS,
Acting Secretary.

Minister Conger to the Secretary of State.

No. 1643.]

AMERICAN LEGATION,
Peking, June 24, 1904.

SIR: Continuing the subject-matter of my No. 1626,^a I have the honor to inclose herewith copy of trade-mark regulations furnished me by the foreign office in a note dated the 9th instant, herewith inclosed. I also inclose a copy of my reply thereto.

I have, etc.,

E. H. CONGER.

[Inclosure.]

The Prince of Ch'ing to Mr. Conger.

On the 23d day of the fourth moon and thirtieth year of Kuangshü (June 7, 1904) my board received a communication from the board of commerce, saying: "In each of the three recent commercial treaties with the United States, Great Britain, and Japan the necessity of registering trade-marks is plainly stated. This board has now decided upon a set of regulations which it proposes for trial. The board of foreign affairs, however, should first send these regulations to the ministers of the United States, Great Britain, and Japan, respectively, for their perusal; and for that reason we send this communication, that you may be informed and that you may take the necessary action. In addition, this board proposes to memorialize the Throne in the matter of these regulations upon the 2d day of the fifth moon (June 15, 1904), and we trust that as soon as the various ministers have sent in their replies your board will communicate with us without delay."

^a Not printed.

It becomes our duty, therefore, to send to your excellency a printed copy of the above-mentioned regulations, and we trust that a reply will be forthcoming without delay.

Inclosure: One copy of regulations.

THIRTIETH YEAR, FOURTH MOON, 26TH DAY (JUNE 9TH, 1904).

[SEAL.]

[Regulations are same, practically, as inclosure with No. 1681, August 15, 1904, *infra*.]

Minister Conger to the Secretary of State.

No. 1681.]

AMERICAN LEGATION,
Peking, China, August 15, 1904.

SIR: Referring to your No. 797 of May 19 last, I have the honor to transmit herewith a copy of the trade-mark regulations which have now received imperial approval and will be put tentatively in force on the 23d of October next.

I inclose also copies of correspondence with the foreign office and with Consul-General Goodnow concerning them.

I have the honor, etc.,

E. H. CONGER.

TRADE-MARK REGULATIONS.

1. Anyone, no matter whether Chinese or foreigner, who desires to have the exclusive use of a trade-mark must first register the same according to these regulations.

A distinctive design, inscription, and emblem, either all three employed in combination or any one or two of them, constitute the essential characteristics of a trade-mark.

2. The board of commerce will establish a bureau of registration to attend especially to matters of registration, and the customs at Tientsin and Shanghai will serve as branch offices for receiving applications to the greater convenience of those who apply, who may present their petitions at the place nearest to them.

3. Applicants for registration may either send their applications direct to the bureau of registration or forward them through a branch office of application.

4. Every application must be accompanied by a description, in which there shall be inclosed three impressions of the trade-mark. The description shall clearly and correctly explain in a general way the pattern of the trade-mark and tell on what sort of goods it is to be used, and to what class they belong according to the classification appended to the subordinate rules annexed to these experimental regulations. If the application be forwarded through a branch office of application, duplicates must be made both of the application and the description.

5. The bureau of registration, having received an application, and having found nothing in it contrary to the requirements, shall file the same for six months, and if within that time no person shall have petitioned against the registration, the said trade-mark shall be registered.

6. If applications be made for the registration of trade-marks which are similar to one another and which are to be used upon the same sort of goods, registration must be granted to the one first making application. If the several applications be presented at the same time on the same day, permission to register must be given to all.

7. In case of a trade-mark already registered in a foreign country, if application for its registration in China be made within four months from the date of its registration abroad, the date of such registration abroad may be recognized.

8. Trade-marks of the character specified below shall be refused registration :

(i) Those which destroy respect for rank, do injury to the customs of the country, and (are likely to) deceive the people.^a

(ii) Those which imitate the impressions of seals especially reserved for the use of the Government (such as the Imperial seal and the oblong lead seals of the various yamens), or which imitate the designs of the Imperial flag, the military banners, or decorations conferred for merit.

(iii) A trade-mark identical with one already registered belonging to another person or identical with one in public use in China more than two years before the present application shall have been made, or trade-marks similar to either of the above, if used upon the same sort of goods.

(iv) Those which can not be recognized by some distinctive feature.

9. The term during which any merchant, Chinese or foreigner, may be allowed exclusive use of a trade-mark shall be twenty years, beginning with the date of registration by the bureau. But trade-marks already registered in another country and for whose registration here application shall have been made according to the regulations, shall be allowed a term of exclusive use corresponding to that provided for in the registration abroad. (But in no case shall such term extend beyond twenty years.)

10. If, after the expiration of the term of exclusive use, it should be desired to extend such term, and application for a renewal of registration be made within six months before the expiration of the term of exclusive use, such application for renewal may be allowed.

11. Should the owner of a trade-mark already registered desire to sell to some one else the right to its exclusive use, or should he find it necessary to share its exclusive use with others, he must at once make application at the bureau of registration for registration of the change.

12. If any trade-mark already registered shall be found to violate the provisions of (i), (ii), and (iv) of regulation 8, the bureau of registration may cancel the registration of such trade-mark.

13. If a trade-mark already registered shall be found to violate the provisions of regulation 6, or those of (iii) of regulation 8, the injured party may make application to have the registration of such trade-mark annulled. But this provision shall not apply to any trade-mark already registered for three years.

14. If, upon application having been made for the registration of a trade-mark, the bureau of registration shall find that such trade-mark does not comply with the requirements the bureau shall indorse clearly upon the rejected application the reasons for refusing registration.

15. Any person unwilling to submit to the refusal mentioned in the preceding regulation may within six months after the date of the said refusal present a statement of facts and request the bureau of registration to reconsider the application.

16. If, in any application for the registration of a trade-mark, the owner of the trade-mark shall not be in China, or if he should reside at a considerable distance from the bureau of registration, he must select a reliable friend and report him as his agent or representative.

17. Should anyone desire to make a copy of any records in the trade-mark registration files, or examine the same, he may make application for such privilege either at the bureau of registration or at one of the branch offices. If he shall reside at a considerable distance his agent or representative may make such application.

18. The bureau of registration shall publish trade-mark reports announcing therein, for the information of the public, what trade-marks have been registered and the circumstances connected with the cancellation of any registration.

19. Should anyone infringe the right to the exclusive use of a trade-mark the owner thereof may bring suit against the offender, who shall be required to pay damages if investigation sustain the charges made.

20. In case of a suit for the infringement of a trade-mark procedure shall be as follows: (1) If the defendant be a foreigner, the local magistrate shall send a dispatch informing the consul of defendant's nationality, and shall sit with him in a trial of the case. (2) If the defendant be a Chinese, the consul concerned shall send a dispatch informing the local magistrate, and shall sit with

^a For instance, such as use official emblems or employ pictures which Chinese may regard as improper.

him in a trial of the suit. (3) If both parties to the suit should be foreigners, or if both parties should be Chinese, immediately upon information being given of the infringement, the court or officer having jurisdiction will take action as required, so that due protection may be given.

21. Anyone guilty of any of the following offenses may be punished with not more than one year's imprisonment and not more than 300 taels fine, but no action shall be taken against any such offender except after suit duly brought by the injured party.

(i) Imitation of another's trade-mark with the purpose of using such imitation upon the same sort of goods as that on which the original is used, or selling such imitation.

(ii) Making an imitation of another's trade-mark and using the same upon the same sort of goods as those upon which the original is used, or, with a knowledge of the circumstances, selling such goods or storing them with the intention to sell.

(iii) Using the imitation of another's trade-mark as a shop sign in advertisement or placard.

(iv) While knowing that the receptacle used by another (such as large or small box, bottle, jar, etc.) or the wrapper bears a registered trade-mark, yet using the same for goods of the same sort as the originals, or, while knowing the circumstances, selling such goods.

(v) Purposely importing such goods into any port, knowing well that such action will injure (the sale of) another's goods which bear a registered trade-mark.

22. When on account of the circumstances set forth above such counterfeit trade-marks, or the instruments used in making them, are seized and confiscated, the goods, receptacles, and signs bearing such trade-mark, since it can not be distinguished from the genuine, shall all be destroyed.

23. Fees for application, registration, and issue of certificates, etc., shall be paid by all persons, whether Chinese or foreign merchants, as follows:

(i) Application fee, Kuan-p'ing taels 5 each mark.

(ii) Fee for registration and issue of certificate, Kuan-p'ing taels 30 each mark.

(iii) Registration of transfer of rights, by contract of sale or partnership, Kuan-p'ing taels 20 each.

(iv) Application for extension of expired term and renewal of registration, Kuan-p'ing taels 25 each.

(v) Copy of record of registration of trade-mark, Kuan-p'ing taels 2 (for every 100 characters over 100, 50 tael cents additional).

(vi) Examination of records, for each half hour, Kuan-p'ing taels 1.

(vii) Duplicate lost certificate, Kuan-p'ing taels 10 each.

(viii) Filing complaint of infringement, Kuan-p'ing taels 5 each.

(ix) Application for reconsideration of rejected trade-mark, Kuan-p'ing taels 5 each.

(x) Application for cancellation of registry, Kuan-p'ing taels 30 each.

(xi) Transfer of certificate to heirs, Kuan-p'ing taels 5 each.

24. These regulations shall be of force from and after Kuanghsu XXX Year, Ninth Moon, 15th Day (October 23, 1904).

25. Inasmuch as mutual protection is required by the treaties, if, before the bureau of registration shall have entered upon its duties, request for the registration of any trade-mark shall have been presented at any yamen having jurisdiction the bureau shall regard the application as having been already properly made.

26. If within six months after the bureau shall have commenced operations application shall be made for the registration of trade-marks which were already registered in another country before the bureau began its work, the bureau shall recognize such trade-marks as entitled to precedence.

27. Although before the bureau shall have been established various officials may have issued proclamations giving protection to various trade-marks, such marks shall not receive the benefit of protection unless within six months after the opening of the bureau application shall have been made for registration according to the provisions of these regulations.

28. The provisions of the three regulations immediately preceding are independent of the requirements of regulation 5.

All of the above regulations are to be put into operation experimentally. Matters not fully provided for in them may be taken into consideration and rules referring to them be added after these shall have gone into effect.

The Acting Secretary of State to Minister Conger.

No. 833.]

DEPARTMENT OF STATE,
Washington, August 23, 1904.

SIR: Referring to your dispatch No. 1643, of June 24 last, in relation to Chinese trade-mark regulations, I inclose herewith a copy of a letter^a from the Acting Secretary of the Interior, inclosing a copy of a letter from the Acting Commissioner of Patents containing suggestions looking to the betterment of the trade-mark regulations proposed to be adopted in China.

You will endeavor to secure the adoption of the changes suggested by the Acting Commissioner of Patents, at least of the more important ones.

I am, sir, etc.,

ALVEY A. ADEE,
*Acting Secretary.**The Secretary of State to Minister Conger.*

No. 843.]

DEPARTMENT OF STATE,
Washington, October 12, 1904.

SIR: I inclose herewith, for your information, a copy of a note from the German ambassador at this capital, suggesting that steps be taken to secure the postponement for a few months of the date on which the new Chinese trade-marks regulations are to go into effect.

A copy of my note in reply is also inclosed.

I am, sir, etc.,

JOHN HAY.

[Inclosure 1.]

*The German Ambassador to the Secretary of State.*IMPERIAL GERMAN EMBASSY,
Lenox, Mass., September 29, 1904.

DEAR MR. SECRETARY: Understanding the importance you attach to a clear understanding as regards all questions connected with the trade of the Far East, I ask you to permit me to draw your attention to the following:

In connection with the new treaty between America and China, the Chinese Government, as reported by the German minister at Peking, has issued regulations concerning the protection of trade-marks.

My Government considers these regulations a marked improvement over the existing ones, and thinks that they contain certain passages which might lead to misunderstandings and difficulties among the trading communities.

As these regulations are not to come into force until October 23, my Government is of the opinion that it would be advantageous to have the date of their putting into force postponed for a few months in order to gain time to have certain explanations or amendments added which might save delays and misunderstandings in the future.

The German minister at Peking further reports that the American and English merchants in China earnestly favor this postponement.

I venture to suggest that if you may consider a postponement wise, the United States minister at Peking should be instructed to use his influence in arranging for a postponement, as indicated above.

Asking you to favor me with a kind reply, I have the honor to be,
Mr. Secretary,

Yours, most sincerely,

STERNBURG.

[Inclosure 2.]

*The Secretary of State to the German Ambassador.*DEPARTMENT OF STATE,
Washington, October 10, 1904.

My DEAR MR. AMBASSADOR: I have received your note of the 29th September, in which you inform me that your Government is of the opinion that it would be advantageous to postpone the date on which the regulations recently agreed upon between the United States and the Chinese Government for the registration of trade-marks should go into effect. This delay is thought advisable by the Imperial German Government so as to secure certain explanations or amendments which might save delays and misunderstandings in the future.

In reply, I have to say that the regulations in question have been formally recognized by the Chinese Government to be purely experimental and subject to change or addition at any time. While some of their provisions are perhaps burdensome and others too intricate, our minister at Peking is of opinion that great delay would undoubtedly occur, if, before these tentative regulations were put in temporary operation, they were subjected to general discussion and amendment. In this opinion I concurred, and it having been made perfectly clear to the Chinese Government that we accept the regulations as purely tentative and reserve the right to amend or alter them at any time, we have agreed that they be put into operation on the 23d of this month.

The American minister at Peking has informed me that his British and Japanese colleagues are quite willing that these regulations in their present shape shall be put in temporary operation, and our consul-general at Shanghai has reported that at a meeting on August 3 of the American business men of that city "the feeling was quite strong that it was very desirable to have some regulations at the earliest possible moment."

It is with sincere regret, therefore, that I do not see my way to comply with the request of the Imperial German Government to postpone for some months the putting into operation of these trade-mark negotiations, but I trust that the reasons given above may convince it that future delay and misunderstanding will be probably best prevented by putting the regulations promptly on trial and correcting them as circumstances and conditions may subsequently prove to be desirable.

I am, my dear Baron von Sternburg,
Sincerely, yours,

JOHN HAY.

Minister Conger to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, October 12, 1904.

(Mr. Conger reports that the merchants of all nationalities request postponement for six months of enforcement of trade-mark regulations. German and French ministers, in accordance with instructions, strongly demand postponement. The British minister will not object. The majority of the merchants wish no regulations whatever.)

The Secretary of State to Minister Conger.

[Telegram—Paraphrase.]

WASHINGTON, October 12, 1904.

(Mr. Hay states that for the reasons given in Mr. Conger's No. 1681, he sees no necessity of postponing the enforcement of the regulations so far as this Government is concerned. The objecting powers can ask amendments at any time. An official declaration from Chinese Government that regulations are tentative and subject to revision might be required.)

Minister Conger to the Secretary of State.

No. 1724.]

AMERICAN LEGATION,
Peking, China, October 13, 1904.

SIR: I have the honor to confirm my cipher telegram of yesterday, and your reply of the same date, as follows:^a

The German and French ministers have both filed strong protests against the regulations being put in force on the 23d, as already decided upon, and have had several personal conferences with the wai wu pu upon the subject. They insist upon many changes and amendments, the most important of which are, that marks heretofore registered in foreign countries shall as a matter of course be registered in China; that all marks in general use in China for previous two years shall be entitled to protection without registration; that hong names (firm names) shall be registered without fees, and that one registry shall be sufficient for, and cover the use of, the same mark on every variety of articles in the same class; that foreign experts should be employed; that a provisional or tentative law would be worse than no law; that the Chinese Government is not prepared either with places, methods, or men to at present undertake the work, and that six months or even a year will hardly be sufficient for the necessary preparations.

I am told that Sir Robert Hart, inspector-general of customs, in whose department this work is to be begun, says that it is impossible to properly take up the work for some months.

I have to-day received a dispatch from Consul-General Goodnow, with inclosures, copy of which is transmitted herewith,^b which more fully explains the general objections to the regulations and the position of the American merchants.

Most of the merchants, when they were urging treaty negotiations upon this question, believed they would be protected against the fraudulent use of their marks by persons of every nationality, but when they discovered that the protection is only against Chinese, except where special agreements exist between particular countries, and that one trade-mark can not cover all the articles handled by one firm, they concluded the present situation is preferable, and they do not wish or need trade-mark regulations at all. This applies more especially to European merchants than to American.

Having, as you know, urged upon the Chinese the necessity of compliance with the treaty by an early adoption of trade-mark regulations, I shall for the present take no part in the question of postponement, except in accordance with your telegraphic instructions. The Chinese Government have already officially declared that the regulations are put in force only tentatively.

I have the honor, etc.,

E. H. CONGER.

The Secretary of State to Minister Conger.

No. 855.]

DEPARTMENT OF STATE,
Washington, November 18, 1904.

SIR: The department has read very carefully your dispatch No. 1724, of the 13th ultimo, and its inclosure, on the subject of the move-

^a Supra.^b Not printed.

ment among the foreign merchants in China to secure the postponement for six months of the date on which the new Chinese trade-mark regulations were to go into effect.

The department sees no reason for changing the views previously expressed on the matter.

The opinion among the foreign mercantile community at Shanghai appears, from the printed inclosures accompanying your dispatch, to be divided between the desirability of putting these trade-mark regulations into effect immediately and of asking the Chinese Government to postpone the enforcement of them. As shown by inclosure No. 3, the opinion of nearly every one of the men interviewed is in favor of the regulations being put into force at once.

The department having already informed both you and the German ambassador here that it sees no reason to ask for a postponement, approves your position, as indicated in the last paragraph of your dispatch, namely, that you would, for the present, take no part in the question of postponement, except in accordance with the department's telegraphic instructions.

I am, sir, etc.,

JOHN HAY.

Minister Conger to the Secretary of State.

No. 1762.]

AMERICAN LEGATION,
Peking, December 8, 1904.

SIR: I acknowledge receipt of department instructions No. 843, of October 12, 1904, inclosing copies of correspondence between the Department of State and the German embassy at Washington, concerning the postponement of the new Chinese trade-mark regulations.

Notwithstanding the efforts of several of the ministers to have the regulations postponed, their postponement has not yet been accomplished. In order to come to some agreement with these ministers the wai wu pu recently proposed certain alterations in the regulations, but, not being satisfactory to either the German or British minister, have not yet been put in force.

I have, etc.,

E. H. CONGER.

[Inclosure.]

PROPOSED CHANGES IN EXPERIMENTAL TRADE-MARK REGULATIONS.

* * * * *

I. It is proposed to alter regulation 26 of the original plan and change the first time limit from six months to twelve months, during which time trade-marks already registered in another country shall be entitled to precedence.

The reason for this is, that it is clearly intended in regulation 26, to fix the time limit for the special benefit of trade-marks registered abroad. But how is it for their benefit? In that all trade-marks already registered abroad before these regulations go into effect will be given precedence if application be made within six months after these regulations go into effect, and no matter whether such applications be made early or late all will be given precedence alike, and will be dealt with as having been made at the same time; and since, according to regulation 6, if several applications be made at the same time permission to register must be given to all; therefore, if there be any conflicting trade-marks, no matter which application was made first, and no matter whether they are or are not identical, or similar, permission to register must be given to all of

them. Moreover, applications made according to this article are not like applications for ordinary trade-marks and need not observe regulation 5, filing their application for six months before registration is allowed. The convenience and special benefit of this is very great as compared to that in the case of ordinary trade-marks. So this period for six months can not but be regarded as a very important matter as regards trade-marks already registered abroad; for if a nation be very far away, or if its commercial citizens can not acquaint themselves with these regulations, then the benefits of the regulations are entirely lost; and it is hard to guarantee that there will not be some foreigners who will desire to have this time limit at the beginning extended. And if such is the case, then, since China has made these regulations for the benefit of foreign trade-marks, if she should not succeed in giving them the complete protection she intended to give, there will be much cause for regret. As herein stated, therefore, the six months will be extended to twelve, and then, even if a country be very distant, it can still receive the advantages and special benefits of the regulations. Moreover, in that time the commercial people of all countries can become thoroughly acquainted with the intent of these regulations; and the result will be practically the same as if the date of putting the regulations into effect had been postponed six months.

II. Applications made according to regulations 25 and 26 will not be required to pay the application fee of 5 taels.

III. Applications made according to regulation 26 need not be examined to determine whether or not they are in accordance with the requirements of Article VIII, section 4, but shall be granted registration without such examination.

The reason for this is as follows: Among those who discussed the matter of postponing the date when these regulations should go into operation, there were some who wished that applications made according to regulation 26 should not be examined in this respect to determine whether or not they should be registered. They say that in article 6 of the agreement drawn up by the International Convention for the Protection of Industrial Property, it is stipulated that "any trade-mark regarded as lawful in its own country, provided there be nothing in it to the prejudice of the public order, upon application for registration in any country a party to this convention, shall at once be granted registration." In the special article for mutual protection entered into by Germany and Italy in 1892, it is stipulated in article 6, that if trade-marks are already registered in any of the outside possessions of the countries which are parties to the agreement, then, even though the form of the trade-mark or anything connected therewith be not according to the law of the said countries, still, said countries can not for that reason refuse registration within their own borders also. The above change, then, regarding applications made according to regulation 26, is made in order that the wishes of those interested might be fulfilled.

Once more let us explain fully the foregoing items. As to the provisions of Article VIII, section 4, of the original regulations, regarding the necessity of recognition by some distinctive feature, the customs of different countries are not the same. What one country recognizes as a distinctive feature another country will not, and will claim that registration should not be permitted. The various regulations on the point are numerous. For instance, according to the German rules it is not permissible to register a trade-mark which has only numerals or letters thereon without a special distinctive feature. France, on the other hand, permits registration if numerals or letters are used, provided the class of the goods is made clear.

Among those who speak of postponing the date upon which the regulations shall go into effect there are some who say that one who requests registration under these regulations ought not to have his application examined as stated in Article VIII, section 4, before registration is allowed, because there may be differences between the trade-mark regulations of China and of his own country, and it is feared that a trade-mark already recognized as lawful at home, and registered there, may be denied registration in China. Such being the case, and the 26th regulation being altered, as shown above, it will be unnecessary to insist on the provisions of Article VIII, section 4, but all trade-marks recognized in their own country as having a distinctive feature, and registered there, shall be recognized in China also as having a distinctive feature, and it will not be necessary to reject any under the provision of Article VIII, section 4.

Chargé Coolidge to the Secretary of State.

No. 1788.]

AMERICAN LEGATION,
Peking, China, January 7, 1905.

SIR: Acknowledging the receipt of Department Instruction No. 855, of November 18, and continuing Mr. Conger's dispatch No. 1762, of December 8, with regard to trade-mark regulations, I have the honor to transmit a statement by Mr. Williams, the Chinese secretary of this legation, giving an exact account of the subsequent development of the situation, from which it will be seen that the protesting ministers^a have succeeded in their effort to secure the postponement of registration for, I fear, an indefinite period. This postponement probably also involves the abandonment, for the present, of any attempt at framing patent or copyright regulations, as provided by recent treaties. This result will be received with satisfaction by the foreign commercial communities in the treaty ports, with the exception of the Japanese.

The question of the registration of the trade-marks already filed, in accordance with the regulations as originally issued, will come up for settlement when the legal time for registration arrives.

I have, etc.,

JOHN GARDNER COOLIDGE.

[Inclosure.]

MEMORANDUM—PRESENT SITUATION AS TO TRADE-MARK REGULATIONS.

Mr. Conger, learning that some agreement was about to be arrived at between the wai wu pu and the representatives of Germany, France, Austria, Italy, and Great Britain for the postponement of the registration of trade-marks and the amendment of trade-mark regulations, directed me to go to the wai wu pu to say that the United States had asked for the adoption of trade-mark regulations, and that upon their issue had accepted them in good faith; that the United States Government had taken no part in the effort to have their operation postponed; and that it was but due to the United States that it should be promptly informed if any suspension were contemplated.

At the yamen of the wai wu pu I saw his excellency Lien-fang, who could give very little information, but two or three days later he and his excellency Na-tung called at the legation and handed to Mr. Conger a copy of the correspondence between the wai wu pu and the five ministers just mentioned. At the same time they said that it was proposed to postpone the date at which registration would begin, but that no notice to that effect had as yet been issued; that none would be issued until replies should be received from the five protesting ministers; that so soon as agreement should be reached as to the course to be taken a dispatch would be sent to inform the United States minister.

A perusal of the correspondence, however, showed that a practical agreement had already been reached, and a day or two later a notice appeared in a Tientsin paper, embodying a letter from His British Majesty's consul-general to the chairman of the chamber of commerce, announcing the postponement of registration on the authority of the British minister.

Immediately upon its receipt (December 29) Mr. Conger wrote to the wai wu pu calling attention to it and to the promise of the wai wu pu that he would be promptly informed if registration should be postponed. No answer having been received, on January 4, at Mr. Conger's direction, I went again to the wai wu pu to inquire, and was told that the reply was drafted and would be sent that day. It came as promised. While there I was told that

^a Correspondence not printed.

no replies had come from the five ministers, who had referred the matter to their Governments, but that the arrangement was practically agreed to, that no registration would be begun until the regulations were amended to the satisfaction of the ministers named. I was also told that it was understood that the postponement would be not more than six months; but this appears to be understood by the Chinese Government only. I pointed out that no such limitation was mentioned in the correspondence. His excellency Na-tung replied that it was implied in the terms of the correspondence, requiring that the matter be treated promptly, but that the words "six months" had not been used lest the revision should not be fully completed in that time.

In the first conversation which I had with his excellency Lien-fang, he also said the postponement would be for six months.

His excellency Na-tung said, further, that no notice of postponement had been issued, and that none would be issued until replies were received from the five ministers, and that the wai wu pu was not responsible for the notice in the Tientsin paper.

Asked as to the registration of trade-marks already filed, he said none would be registered until an agreement should be reached. I pointed out that this would violate rights acquired under existing regulations to have registration in six months from date of application. He denied any violation of rights, yet insisted that no registration would be made until agreement should be reached. He said that immediately upon the receipt of replies from the five Governments mentioned, agreeing to the arrangement set forth in the correspondence, the wai wu pu would inform the board of commerce, which board would issue a general notification postponing the date on which registration would begin, but that applications for registration would still be received. I was told that some 800 Japanese trade-marks had already been filed and not a few belonging to merchants of other nationalities.

I have the honor, etc.,

E. T. WILLIAMS,
Chinese Secretary.

Chargé Coolidge to the Secretary of State.

No. 1888.]

AMERICAN LEGATION,
Peking, China, May 19, 1905.

SIR: Referring to department instruction No. 886 of March 2, 1905,^a I have the honor to inclose a copy of a memorandum which I communicated informally to the foreign office, with regard to the position of the American Government as to the rights of real and original owners of trade-marks.

I have the honor, etc.,

JOHN GARDNER COOLIDGE,
Chargé d'Affaires.

[Inclosure.]

[Memorandum left at foreign office, May 9, 1905.]

Articles of the old regulations, specifying that trade-marks of a certain character are to be refused registration, provides in Section III as follows:

"A trade-mark identical with one already registered belonging to another person, or identical with one in public use in China more than two years before the present application shall have been made, or trade-marks similar to either of the above, if used upon the same sort of goods as they."

Perhaps among those which have been in public use in China for more than two years, and for which registration may be requested, there might be some which originally were imitations; and if the original owner of such mark used upon the same class of goods as the imitation should also apply for registration, after investigation of the facts in the case, he should be allowed to register the mark, and the application for the registration of the imitation

^a Not printed.

ought to be rejected; or, if it shall have been already registered, such registration ought to be canceled.

The American Government holds that some such provision as the foregoing ought to be incorporated in the revised regulations.

The Acting Secretary of State to Minister Rockhill.

No. 22.]

DEPARTMENT OF STATE,

Washington, July 10, 1905.

SIR: I have to acknowledge the receipt of Mr. Coolidge's dispatch No. 1888 of May 19 last transmitting a copy of a memorandum communicated to the foreign office as to the rights of real and original owners of trade-marks, and to inform you that Mr. Coolidge's action is approved by the department.

I am, sir, etc.,

ALVEY A. ADEE,
Acting Secretary.

The Acting Secretary of State to Minister Rockhill.

No. 42.]

DEPARTMENT OF STATE,

Washington, August 17, 1905.

SIR: Mr. Conger, with his No. 1842 of March 28 last,^a inclosed a pamphlet containing proposals for amending the trade-mark regulations governing the registration of trade-marks in China, published by the Deutsche Vereinigung, and with his 1877 of May 5 last^a he inclosed a copy of a project formulated by the diplomatic representatives in China of Great Britain, Germany, Italy, and Austria, intended to serve as a basis for negotiations on the subject of the registration of trade-marks in China.

These two dispatches have been considered by the Secretary of the Interior and the Commissioner of Patents, and I inclose herewith for your information and guidance their views thereon.^a

You will observe that they find that the project inclosed with Mr. Conger's No. 1877 is in accordance with the general construction of the trade-mark laws of this country and most European countries, and that it is not objectionable in any material regard, excepting section 25, which reads as follows:

All demands of registration made by means of the competent Chinese authorities before the going into force of the present regulation shall be considered as having been made the day of the regulation going into force.

It is pointed out that this section may destroy the effect of registrations effected by American owners of trade-marks under the trade-mark regulations heretofore published. It would appear just that the effect of such regulations should not be impaired.

They also call attention to the fact that section 22 of the project referred to, which reads as follows:

One can not be prosecuted in any case who shall prove that he first lawfully in any country made the use which he "loyally" continues, of the same mark before the registration opposed to him in China,

^a Not printed.

has been replaced in the pamphlet published by the Deutsche Vereinigung (inclosure 2 in No. 1842) by an article providing for the destruction of counterfeit trade-marks and the receptacles and signs bearing such trade-marks.

The Commissioner of Patents points out that the retention of section 22 of the project is of the greatest consequence from the American point of view; that its exclusion by the Deutsche Vereinigung represents the German view of trade-mark in which the property right arises from and depends upon registration; while the American trade-mark position is and always has been predicated upon the origin of the property right in adoption and use.

In view of the opinion expressed by the Secretary of the Interior and the Commissioner of Patents, that it is desirable that some adequate system be adopted by the Chinese Government at the earliest possible time, you will, as desired by them, offer no objection to the adoption of the project further than to the probable effect of section 25, as herein pointed out.

I am, sir, etc.,

ALVEY A. ADEE,
Acting Secretary.

Minister Rockhill to the Secretary of State.

No. 148.]

AMERICAN LEGATION,
Peking, November 10, 1905.

SIR: AS a further acknowledgment of your cabled instruction received November 7, asking me what progress has been made in negotiating for trade-mark regulations with China, I have the honor to report as follows:

On receipt of the department's instruction No. 42, of August 17, 1905, I wrote the foreign representatives interested in the preparation of a new system of trade-mark regulations to be agreed upon with China that our Government considered that provision should be made to the end that registrations effected by American owners of trade-marks under the trade-mark regulations heretofore published should not be impaired.

On the 24th of October I received from the German minister the inclosed note, in which he informs me that he and his colleagues find it difficult to agree to the views of the United States as conveyed in my note.

Before transmitting this note to you I had wished, in order to save time, to include in it a report which I have asked for of our consuls-general at Shanghai and at Tientsin, stating how many, if any, Americans have registered trade-marks under the regulations heretofore published by China. I am inclined to think that very few have been so registered, and it might be possible in that case to have specific mention made of the fact of their registration in the new regulations or in some other official way which would enable us to meet the wishes of the other interested powers.

I have the honor, etc.

W. W. ROCKHILL.

[Inclosure 1.]

Minister Rockhill to the German Minister.

OCTOBER 16, 1905.

MR. MINISTER AND DEAR COLLEAGUE: Mr. Coolidge, under date of April 26, had the honor to acknowledge the receipt of a note which you and certain of your colleagues had sent him on the 23d of the same month, inclosing copy of a proposed measure for the protection of trade-marks in China. He further informed your excellency that your communication and its inclosures would be submitted to the American Government.

I am now in receipt of an instruction from the Department of State in which it is stated that the Government of the United States found the "project" submitted by you in accordance with the general construction of the trade-mark laws of the United States and most European countries, and that it is not objectionable in any material regard, excepting section 25, which reads as follows:

"All demands of registration made by means of the competent Chinese authorities before going into force of the present regulations shall be considered as having been made the day of the regulations going into force."

As this section may destroy the effect of registrations effected by American owners of trade-marks under the trade-mark regulations heretofore published, it would appear just that the effect of such regulations should not be impaired.

As the Government of the United States deems it most desirable that some adequate system be adopted by the Chinese Government at the earliest possible date, it offers no objection to the adoption of the project further than to the possible effect of section 25, as herein pointed out.

Trusting that you will kindly submit the views of my Government to those of our honorable colleagues who elaborated the project with you, I avail myself of this opportunity to renew to you, Mr. Minister, and dear colleague, the assurance of my highest consideration.

(Signed) W. W. ROCKHILL, *etc.*

[Inclosure 2—Translation.]

The German minister to Minister Rockhill.

PEKING, October 24, 1905.

MR. MINISTER AND DEAR COLLEAGUE: I have not failed to communicate to those of our colleagues who are interested in the matter, the letter which you were pleased to write me on the 16th October concerning trade-mark regulations.

We were pleased to see that your Government approved the great part of the proposal which we have submitted to China; we have carefully gone over the only modification suggested by the Department of State and we would have been gratified to meet it, but to our great regret it has seemed to us difficult, considering the instructions of our respective Governments, to agree that registrations made before the putting into effect of the regulations should antedate said putting in force. It has seemed preferable to us to obviate all discussion, to hold them all as dating from the day on which the registration goes in force.

We would be obliged to you to again call the attention of your Government to this matter, and we hope that it will be pleased to find some means to take into account the above considerations.

In sending this communication to you in the name of the representatives of Great Britain, France, Italy, Austria, and my own, I avail myself of the opportunity to renew to you the assurances of my high consideration.

(Signed) A. v. MUMM, *etc.*

Minister Rockhill to the Secretary of State.

No. 160.]

AMERICAN LEGATION,
Peking, China, December 1, 1905.

SIR: In further reference to my dispatch, No. 148, of November 10, referring to the present status of the negotiations for trade-mark regulations in China, and to my statement that I hoped to be able to submit to you a report, by our consular officers, on the number of Americans who had received registration for their trade-marks under the provisional regulations issued by China last year, I have now the honor to inclose copies of letters received from our consuls-general at Shanghai and Tientsin.

Offices for the registration of trade-marks under the provisional regulations of last year were only opened, I believe, at Shanghai and Tientsin. If others, of which I have not learned, were opened, it is practically certain that applicants for registration received everywhere the same treatment. It appears, therefore, that while a number of American firms in China made application under the terms of the provisional regulations for registration of their trade-marks, said applications were simply given provisional record numbers in the different offices, with the understanding that final registration would be granted later.

The question therefore arises whether the objection made by our Government to the regulations now being discussed, and communicated to this legation in the department's No. 42, of August 17, 1905, that section 25 "may destroy the effect of registration effected by American owners of trade-marks under the trade-mark regulations heretofore published," which objection the diplomatic representatives here, as reported to you in dispatch No. 148, declared themselves unable to agree with, may not be waived, as no American interests would seem to be imperiled by so doing.

I beg that the department will give me instructions in the matter.

I have the honor, etc.,

W. W. ROCKHILL.

The Acting Secretary of State to Minister Rockhill.

No. 105.]

DEPARTMENT OF STATE,
Washington, February 20, 1906.

SIR: Referring to your dispatches Nos. 148 and 160, of November 10 and December 1 last, respectively, on the subject of negotiations for trade-mark regulations in China, I have to inform you that the department has received from the French, British, and German ambassadors notes looking to securing the withdrawal of the objection which, under the department's instruction, you have made to section 25 of the project intended to serve as a basis for negotiations on the subject of the registration of trade-marks in China.

As indicative of the reply sent to each of these ambassadors, I inclose herewith a copy ^a sent to the French ambassador.

I am, sir, etc.,

ROBERT BACON.

^a Not printed. See memoranda from and to German embassy immediately following.

MEMORANDUM.—TRADE-MARKS IN CHINA.

GERMAN EMBASSY, *January 18, 1906.*

The representatives of Great Britain, France, Austria, Italy, and Germany some time ago made representations in Peking with regard to the regulations on trade-marks. The Chinese Government agreed to the proposed changes. Mr. Rockhill explained that the State Department likewise agreed except with those enumerated in article 25 of the project.

The representatives of the first-mentioned powers fear grave dangers for their trade interests if article 25 should be omitted. The reason they give is that such countries, situated near China, would gain unjust advantages over those which geographically are placed at a greater distance, because the merchants of the former would be able to use the trade-marks at a much earlier date.

MEMORANDUM TO GERMAN AMBASSADOR.

DEPARTMENT OF STATE,
Washington, February 17, 1906.

The Department of State and that of the Interior have given consideration to the memorandum of the German embassy, dated January 18, 1906, looking to the withdrawal of the objection raised, under instructions, by the American minister at Peking to section 25 of the project for regulations governing the registration of trade-marks in China, formulated by the representatives of Germany, Austria, France, Great Britain, and Italy.

Section 25 in question reads:

"All demands of registration made by means of the competent Chinese authorities before the going into force of the present regulation shall be considered as having been made the day of the regulation going into force."

The probable effect of this section would be to destroy the priority of date which may have been made under the trade-mark regulations heretofore published, and to reduce the effect of such registrations to the day of going into force of section 25 in question.

It is necessary in this connection to give consideration to section 7 of the project, which reads as follows:

"If within a delay of four months, counting from the day of registration of a trade-mark in a foreign country, there is presented a demand of registration in China of this mark, the original date of registration in the foreign land must be recognized if the demand is accompanied with the production of a writing certifying the registration made in the foreign land."

It appears from reports of the American consuls-general at Shanghai and Tientsin that last year four American firms at Shanghai and sixteen American firms at Tientsin filed applications for registration of trade-marks in the bureaus heretofore established at those places.

Now, if section 7 and section 25 both remain in this project, these twenty American firms who have effected registration of their trade-marks under the provisional regulations heretofore promulgated would be stripped by section 25 absolutely from any priority arising from the fact of such registration, and the day after the new regulations of the present project become effective, if each of these American firms shall file application for registration of these marks, it may meet upon that day a demand of registration filed by a subject or citizen of one of the European powers named, whose demand, filed that day, will be entitled to a priority of four months by reason of a demand of registration filed within that period in some European trade-mark registry bureau.

In such case the actual legal right already secured and vested in this American firm by reason of its prior actual registration under the provisional regulations in China is destroyed, while an effective and controlling priority will be given by virtue of section 7 to this European competitor, whose registration in Europe has been effected many months later, for it is to be observed that this project is to take effect one year after its publication in the Gazette of Peking.

The priority provisions of section 7 correspond to the priority provisions of the International Convention for the Protection of Industrial Property, and are intended to furnish a limited working period within which any unjust advantage derived from geographical proximity may be overcome. This Government is

not disposed to question the general utility of delayed priority, but its value and existence bear no possible relation to the concomitant demand embodied in section 25, that existing property rights of American citizens should be struck down.

This Government can see no ground for apprehension on the part of other powers that there will be grave dangers for their trade interests if section 25 is omitted. On the other hand, grave dangers may be feared to the financial interests of the twenty American firms heretofore referred to if their existing rights swept away by section 25 of the project. This Government proposes as an amendment to section 25 the following:

"All demands of registration made by means of the competent Chinese authorities before the going into force of the present regulation shall be considered as assimilated to the right of priority provided by section 7, and shall be effective from their dates."

The Secretary of State to Minister Rockhill.

No. 159.]

DEPARTMENT OF STATE,
Washington, June 30, 1906.

SIR: With instruction No. 105 of February 20 last the department sent you a copy of its reply to the notes of the French, British, and German ambassadors regarding trade-mark regulations in China. On the 12th ultimo the German ambassador made a reply to that memorandum, a translation of which reply is inclosed herewith, urging this Government to withdraw its opposition to section 25 of the draft previously submitted, and advancing arguments in support of his position.

This reply was submitted to the Secretary of the Interior, for reference to the Commissioner of Patents, for consideration. Copies of the reply of the Secretary of the Interior and of a letter from the Commissioner of Patents are inclosed herewith. You will observe that the conclusion reached by the Commissioner of Patents is that if the American merchants have acquired no rights under the imperfect system of registration heretofore effected at Tientsin and Shanghai the German ambassador's proposal to supplement section 7 and retain section 25 may be concurred in; but if they have acquired rights thereby the position heretofore assumed by this department should be maintained.

Whether or not definite valuable rights were thus acquired is a question of law and of fact. That American merchants supposed themselves to be obtaining rights is sufficiently indicated by their making application for registry. It may, however, be that the Chinese Government's declaration, cited by the German ambassador, "That applications received by the branch registry offices should not be granted a right of priority and that no registry should be made," deprives such prior registration of all value.

Aside from this consideration, it may also be that for this Government to insist on the recognition of prior registry by American merchants would be a disadvantage to these merchants themselves, as it would necessarily involve the recognition of prior registry by merchants of all nationalities, and it would, perhaps, be better to waive all rights under prior registration and to start anew upon a basis of equal opportunities. It may be that adjacent trade rivals of the American merchant may be found to have anticipated his registry of his own marks.

You are instructed to consult with the American commercial community and to inform the department, by cable if practicable, whether or not rights are held to have been acquired by the registration heretofore effected, and whether or not the German ambassador's proposal would, if accepted, adversely affect them.

I am, sir, etc.,

ELIHU ROOT.

[Inclosure 1—Translation.]

The German Ambassador to the Secretary of State.

IMPERIAL GERMAN EMBASSY,
Washington, May 12, 1906.

MR. SECRETARY OF STATE: The memorandum of the State Department of February 17 last concerning the regulation of the protection of trade-marks in China has been laid before the Imperial Government, and I have the honor by instruction to submit to your excellency some remarks of the Imperial Government on the said memorandum.

According to the German view, it is urgently desirable that the principle be adhered to of conceding to applications for registry of trade-marks filed in branch registry offices at Tientsin and Shanghai only those rights which are established in article 25 of the draft of a Chinese trade-mark law. This appears just, moreover, for the reason that the "Provisional Regulations," in accordance with which applications for registry of trade-marks have heretofore been made, have not yet gone into force, although they were published at the proper time. As is seen from the inclosed translation of a letter from the Imperial Chinese Government, dated December 22, 1904, the latter expressly declared that applications received by the branch registry offices should not be granted a right of priority and that no registry should be made. The granting of a right of priority would involve a serious injury to the interests of those persons who, relying on the declaration of the Chinese Government, have hitherto refrained from filing their trade-marks.

The Government of the United States entertains the apprehension that trade-marks filed meantime by American citizens would, after the going into force of the new Chinese law, have to yield the precedence to those which, in accordance with article 7 of the draft, are to enjoy a right of priority of four months, counting from their registry in a foreign country. This apprehension would appear, however, to be unfounded. As is so correctly stated in the memorandum of February 17 last, the provisions of article 7 correspond to those of section 4 of the International Convention for the Protection of Industrial Property. However, inasmuch as the legal aspect (relation) is the same, the construction which has been placed upon said section in practice by the United States would likely, in view of article 7, lead to the result that the right of priority here established could only be asserted with regard to such foreign marks as have been registered in a foreign country after the going into force of the Chinese law. Such a construction would probably also be in conformity with the principles of American law (cf. the decision of the Patent Office in *re Stiff v. Galbraith*, Official Gazette, vol. 107, p. 2532).

Should the United States Government deem it important to have the provisions of article 7 supplemented by a clause to the effect that "the right of priority shall extend only to such trade-marks as have been registered in a foreign country after the going into effect of the law," the German Government would offer no objection.

I have the honor to request your excellency to kindly consider our standpoint and reply thereon.

Please accept, Mr. Secretary of State, the renewed assurance of my most distinguished consideration.

STERNBURG.

[Inclosure 2.]

*The Secretary of the Interior to the Secretary of State.*DEPARTMENT OF THE INTERIOR,
Washington, June 19, 1906.

SIR: Your letter of May 22, 1906, has been received, transmitting copy of translation of a note from the German ambassador, with its inclosure, consisting of translation of a note from Prince Ch'ing to the German minister to China, relative to the project for affording protection to trade-marks of foreigners in China, formulated by the representatives of certain powers in that country. The particular point which is discussed in said note from the German ambassador is the suggestion made in the note of the State Department to said ambassador dated February 17, 1906, that section 25 of the project in question, which now reads as follows:

"All demands of registration made by means of the competent Chinese authorities before the going into force of the present regulation shall be considered as having been made the day of the regulation going into force"

should be amended so as to read as follows:

"All demands of registration made by means of the competent Chinese authorities before the going into force of the present regulation shall be considered as assimilated to the right of priority provided by section 7, and shall be effective from their dates."

The priority provision of section 7 of the project, referred to in the proposed amendment, is as follows:

"If within a delay of four months, counting from the day of registration of a trade-mark in a foreign country there is presented a demand of registration in China of this mark, the original date of registration in the foreign land must be recognized if the demand is accompanied with the production of a writing certifying the registration made in the foreign land."

The proposed amendment to section 25 of the projected Chinese trade-mark regulations suggested in your memorandum of February 17, 1906, was drafted by the Commissioner of Patents, in order that such regulations might not work injury to the interests of 20 American firms which have heretofore registered trade-marks at Shanghai and Tientsin. As section 7 gives a four-months preference to trade-marks registered in foreign countries, and section 25 as originally drawn provides that all trade-marks registered in China prior to the going into effect of the proposed regulations, shall be regarded as having been made on the date when the same go into effect, these provisions would place the American firms at a disadvantage in case their marks should conflict with trade-marks registered in Europe and subsequently (within four months) presented for registration in China.

It is noted that the German ambassador, while unwilling to accept the amendment suggested in the State Department memorandum, would offer no objection to supplementing article 7 by a clause to the effect that "the right of priority shall extend only to such trade-marks as have been registered in a foreign country after the going into effect of the law."

In response thereto I have the honor to transmit herewith copy of a letter from the Commissioner of Patents,^a to whom the matter was referred, expressing his views upon the proposed amendments to the regulations. It will be seen therefrom that the discussion resolves itself, in his opinion, to the question whether the registrations filed at Shanghai and Tientsin by the American firms (which he presumes were made under article 9 of the treaty between the United States and China of October 8, 1903) were of any legal force whatever. He assumes that this question, however, is not referred to him for determination. If these firms did acquire any rights by such registrations the rights would be surrendered if section 7 and section 25, in its original form, both remain in the project.

The conclusion reached by the Commissioner of Patents is that if the American firms described did in fact acquire legal rights by virtue of their registrations already made, the position heretofore taken by the State Department that section 25 of the project be amended so as to assimilate these rights of

^a Not printed.

priority to those provided by section 7 should be adhered to; but if they acquired no rights by such registrations, the proposed modification of section 7 and the retention of section 25, as suggested by the German Government, may be concurred in.

The conclusion reached by the Commissioner of Patents is concurred in by me.
Very respectfully,

E. A. HITCHCOCK, *Secretary.*

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, *August 17, 1906.*

(Mr. Rockhill reports that in reference to instructions 159 from the department, he has inquired through the United States consuls at Tientsin and Shanghai. They say American merchants are inclined to believe they may have acquired some rights by filing under the provisional regulations. Chinese foreign office note of December 22, 1904, inclosed, does not apparently affect the fact that several days application for registration was lawful. Japanese probably filed very many more than Americans. Other nationalities may have also. For reasons given on page 2, paragraph 2, of the instruction from the department he advises acceptance German proposal.)

The Secretary of State to Minister Rockhill.

No. 199.]

DEPARTMENT OF STATE,
Washington, October 15, 1906.

SIR: I have to acknowledge receipt of your dispatch No. 384,^a of the 30th of August, regarding the acceptance of the project for trade-marks in China prepared by the representatives of Germany and other powers. Your statement that "though the stand taken by the American Government from the outset has been right and just," you "do not think that, as far as can be judged in the prevailing confusion, American-acquired rights would suffer materially if the Government were, in the interest of harmony, to modify its attitude and come to an agreement with Germany and the other powers," coincides with my view.

I have accordingly written to the German ambassador in reply to his note of the 12th of May, copy of which was inclosed to you in department's No. 159, of the 30th of June last, to the effect that if Germany and the other powers interested will agree to the addition to article 7 suggested by him, this Government would withdraw its objection to article 25. A note to the same effect has been sent to the French and British ambassadors. Copies of these three notes are inclosed herewith for your information, and you will be advised what further action is taken in connection therewith.

I am, etc.,

ELIHU ROOT.

The Secretary of State to the British Ambassador.

No. 546.]

DEPARTMENT OF STATE,
Washington, October 15, 1906.

EXCELLENCY: In my note of the 17th of February last I had the honor to inclose a copy of a memorandum regarding the protection of trade-marks in China, in reply to the memorandum of the German ambassador of January 18, 1906. In a note of the 12th of May the German ambassador submitted some remarks of his Government on this memorandum, which have had my careful consideration, and I have now written to the German ambassador that this Government is prepared, on certain conditions, to withdraw its objection to section 25 of the project for the protection of trade-marks in China formulated by the representatives at Peking of Germany, France, Italy, Austria-Hungary, and Great Britain. I have the honor to inclose for your information copies of these two notes. Upon the acceptance by the Governments named above of the addition to article 7 as stated to the German ambassador, the American minister at Peking will be instructed to agree to the project formulated by the representatives of the above-mentioned powers.

I have the honor, etc.,

ELIHU ROOT.

The Secretary of State to the German Ambassador.

No. 444.]

DEPARTMENT OF STATE,
Washington, October 15, 1906.

EXCELLENCY: Referring to your note of the 12th May and to this department's acknowledgment thereof of the 30th June, I have the honor to inform you that this Government has given careful consideration to your request to withdraw the objection heretofore raised to article 25 of the project for the protection of trade-marks in China prepared by the representatives at Peking of Germany, France, Italy, Austria-Hungary, and Great Britain.

This Government is prepared to make this withdrawal on the understanding that the German Government and the other Governments above named shall agree to the addition to article 7 suggested by you, viz: "the right of priority shall extend only to such trade-marks as have been registered in a foreign country after the going into effect of the law."

You state that the German Government would offer no objection to this addition, and it is to be presumed that it would be equally unobjectionable to the other powers. You are requested to advise your Government that upon the acceptance of the above modification of the regulations formulated by the representatives of Germany, Austria-Hungary, France, Great Britain, and Italy, this Government will at once adhere thereto and will so advise the American minister at Peking.

Accept, Excellency, the renewed assurances of my highest consideration.

ELIHU ROOT.

The Secretary of State to the French Chargé d'Affaires ad interim.

No. 342.]

DEPARTMENT OF STATE,
Washington, October 15, 1906.

SIR: In my note of the 17th of February last I had the honor to inclose a copy of a memorandum regarding the protection of trade-marks in China, in reply to the memorandum of the German ambassador of January 18, 1906. In a note of the 12th of May the German ambassador submitted some remarks of his Government on this memorandum, which have had my careful consideration, and I have now written to the German ambassador that this Government is prepared, on certain conditions, to withdraw its objection to section 25 of the project for the protection of trade-marks in China formulated by the representatives at Peking of Germany, France, Italy, Austria-Hungary, and Great Britain. I have the honor to inclose for your information copies of these two notes.^a Upon the acceptance by the Governments named of the addition to article 7 as stated to the German ambassador, the American minister at Peking will be instructed to agree to the project formulated by the representatives of the above-mentioned powers.

Accept, sir, the renewed assurances of my high consideration.

ELIHU ROOT.

AIDE MÉMOIRE (FROM THE GERMAN EMBASSY).

WASHINGTON, *November 2, 1906.*

On April 23 of last year Mr. Rockhill informed the German minister in Peking and through him the representatives of Great Britain, France, and Austria that the United States Government found the project of a measure for the protection of trade-marks in China unobjectionable in any material regard excepting the proposed section 25, which reads as follows:

"All demands of registration made by means of the competent Chinese authorities before the going into force of the present regulations shall be considered as having been made the day of the regulations going into force."

It was contended that this section might destroy the effect of registration filed by American owners of trade-marks under the trade-mark regulations heretofore published, and that the effect of such regulations should, in fairness to such owners, therefore not be impaired.

The representatives in Peking concerned in the elaboration of this project have given their most earnest consideration to the objection raised by Mr. Rockhill against section 25, but in view of the instructions received from their respective Governments were, to their great regret, unable to assent to the modification suggested by the State Department, by which such registrations filed at an anterior date should rank according to their priority.

The Imperial Government sees grave grounds for apprehension if section 25 is omitted or modified. The object of this article is to

^a Inclosures to No. 159 of June 20 to Minister Rockhill (*supra*).

prevent such persons who are able, in consequence of the favorable geographical proximity of their country, to proceed immediately after publication of this trade-mark law with the registration of trade-marks to take undue advantage of such persons who, living at a greater distance, receive later information of this law and can only register their trade-marks after a longer lapse of time. The Imperial Government appreciates the view of the State Department that a certain number of American firms who have already effected their demands of registration might be in a better position, if the provisions of priority were based on the priority of date made under the trade-mark regulations heretofore published as suggested. It is pointed out, in connection with this, that several European firms are in this same position. In the opinion, however, of the Imperial Government such minor considerations should have no weight as opposed to the general disadvantages which would evolve from such admission of the principle of priority and which would affect the great bulk of distant firms concerned in trade with China. There seems to be no doubt on this head that the interests of the United States move on the same lines as those of the other powers concerned. It is earnestly hoped, therefore, that the United States Government, after further consideration of the matter, may waive their objections with regard to section 25 of the proposed regulations and assent to the principle of delayed priority as provided for by that article.

Minister Rockhill to the Secretary of State.

No. 384.]

AMERICAN LEGATION,
Peking, China, August 30, 1906.

SIR: I have the honor to acknowledge the receipt of your instruction, No. 159, of June 30, with regard to the rights of American merchants who applied for the registration of trade-marks during the short time that the tentative trade-mark regulations were in force.

On receipt of the above dispatch I communicated immediately with the consuls in Shanghai and Tientsin, directing them to ascertain the feeling of Americans in their respective ports on this subject and the importance they attached to rights based on such applications. The replies were naturally very vague, as the situation has never been clear to anyone. As soon as they reached me I sent my conclusions in my telegram of August 17, which I confirm, as follows:

AUGUST 17, 5 p. m.

SECRETARY STATE, *Washington:*

In reference to your instructions 159, I have inquired through our consuls Tientsin and Shanghai. They say American merchants are inclined to believe they may have acquired some rights by filing under provisional regulations. Chinese foreign office note of December 22, 1904, inclosed, does not apparently affect the fact that for several days application for registration was lawful. Japanese probably filed very many more than Americans; other nationalities may have also. For reasons given, page 2, paragraph 2 of your instructions, I advise acceptance German proposal.

ROCKHILL.

I have the honor to refer once more to the legation's dispatch No. 1788 of January 7, 1905, and to state that, though I consider the stand taken by the American Government from the outset has been right and just, I do not think that, as far as can be judged in the

prevailing confusion, American acquired rights would suffer materially if the Government were in the interests of harmony to modify its attitude and come to an agreement with Germany and the other powers.

In gauging the importance of this discussion we should not lose sight of the fact that the purpose of these regulations is to prevent the manufacture and sale of spurious foreign articles by the Chinese. As a matter of fact, the Chinese do not manufacture fraudulent imitations of foreign articles, and a very simple enactment would be sufficient to avert this danger for a long time to come. As for the sale of spurious goods of foreign manufacture, redress should lie in taking action in the country of their origin or in the consular courts of those countries whose nationals import such goods and sell them to the Chinese, and with whom we have concluded by exchange of notes arrangements for this purpose.

I have the honor, etc.,

W. W. ROCKHILL.

The Secretary of State to Minister Rockhill.

No. 226.]

DEPARTMENT OF STATE,
Washington, December 21, 1906.

SIR: Referring to previous correspondence regarding the project of regulations for the protection of trade-marks in China, I inclose herewith a copy of a note from the French ambassador at this capital, stating that his Government sees no objection to the addition to Article VII of said project of a clause reading as follows:

The right of priority shall extend only to such trade-marks as have been registered in a foreign country after the going into effect of the law.

When the other powers shall have concurred in the addition above quoted, the German proposal may be accepted by you, whereupon efforts should be made to induce China to put the trade-mark regulations into effect.

I am, etc.,

ELIHU ROOT.

[Inclosure—Translation.]

The French Ambassador to the Secretary of State.

EMBASSY OF THE FRENCH REPUBLIC
TO THE UNITED STATES.
Washington, December 15, 1906.

MR. SECRETARY OF STATE: By your letter of October 15 last your excellency was pleased to inform me that the Federal Government, after an exchange of views with the cabinet of Berlin, was prepared to acquiesce in the position of the other interested powers on the project of regulations for the protection of trade-marks in China, subject to an addition to be made to Article VII of the said project.

The additional clause should provide that "the right of priority shall extend only to such trade-marks as have been registered in a foreign country after the going into effect of the law."

I have the honor to inform you that the Government of the Republic, which I promptly acquainted with your communication, sees no objection to the above-quoted addition, and has taken pains to advise the minister of France at Peking in that sense.

Be pleased to accept, etc.,

JUSSERAND.

PATENTS AND COPYRIGHT IN CHINA.

The Secretary of State to Minister Rockhill.

No. 101.]

DEPARTMENT OF STATE,
Washington, February 14, 1906.

SIR: I inclose herewith a copy of a letter from the Remington Typewriter Company asking what are the present regulations regarding patents and copyrights in China, and what may be proposed for the future.

The department would be pleased to receive from you such information on the subject as will enable it to answer these inquiries.

I am, etc.,

ELIHU ROOT.

Minister Rockhill to the Secretary of State.

No. 269.]

AMERICAN LEGATION,
Peking, March 27, 1906.

SIR: I have the honor to acknowledge the receipt of your instruction No. 101, of February 14, inclosing a copy of a letter from the Remington Typewriter Company asking for information about legislation regarding patents and copyrights in China.

In reply I have the honor to report that the American commercial treaty of 1903 contains clauses in which China promises to enact legislation for the protection of trade-marks, patents, and copyrights.

When the time came to carry out these stipulations the Chinese Government decided and announced that the question of trade-marks would be taken up first, and that when regulations had been issued which were found to be suitable by experience they would be used for a basis for measures for the protection of patents and copyrights. In accordance with this decision, after much previous consultation with foreign representatives, a system of trade-mark regulations was promulgated by imperial decree to go into effect the 23d of October, 1904. This aroused strong opposition among the commercial communities in the treaty ports, with the result that some of the powers, in joint action, exerted such pressure that the rules were withdrawn a few days after they went into operation, and protracted negotiations were entered upon in the hope of arriving at a solution which would suit all interests concerned.

These negotiations are now practically finished, and the approval of the different governments has been obtained for the very elaborate system which has been evolved. The only cause for further delay is the uncertainty as to whether the American Government will withdraw its objection to section 25, a point on which I can give no information until the answer to my No. 160, of December 1, is received.

If this system goes into force and proves acceptable and effective, patents and copyrights will in their turn occupy the attention of the Chinese Government and the foreign representatives.

At present, though there are no laws regarding patents and copyrights, it is, and has been for many years, the practice for local authorities to give protection to patents and copyrights which have been registered by the owners at their respective consulates.

I have, etc.,

W. W. ROCKHILL.

Minister Rockhill to the Secretary of State.

[Extract.]

No. 325.]

AMERICAN LEGATION,
Peking, China, June 12, 1906.

SIR: I have the honor to acknowledge the receipt of the department's instruction No. 137 of April 19^a inclosing a letter from Mr. Leonard E. Reibold, of the American Book Company, making suggestions with regard to a copyright convention between the United States and China "to replace the existing convention, which merely gives copyright protection for a period of ten years only to such American publications as may be specially prepared for the education of the Chinese."

There is no such existing convention. Article XI of our commercial treaty with China of October 8, 1903, stipulates that "Whereas the Government of the United States undertakes to give the benefits of its copyright laws therefore the Government of China, in order to secure such benefits in the United States for its subjects, now agrees to give full protection, in the same way and manner and subject to the same conditions on which it agrees to protect trade-marks."

As reported in my No. 269 of March 27 last, the trade-mark regulations have not yet been agreed upon, consequently no copyright convention has yet been made, and it would be contrary to the article referred to if we were to make a convention on the lines proposed.

Furthermore, as China has no copyright laws and grants no protection to her own people, it would avail Americans little to be placed upon the same footing with them.

I have the honor, etc.,

W. W. ROCKHILL.

MINING REGULATIONS IN CHINA.

(Continued from Foreign Relations, 1905, pp. 234 et seq.)

The Acting Secretary of State to Minister Rockhill.

No. 76.]

DEPARTMENT OF STATE,
Washington, December 9, 1905.

SIR: I inclose herewith a copy of a letter from Mr. F. W. Sutterle, managing director of the American-Chinese Company,^a repeating his statements that the so-called experimental mining regulations now in force in China are in direct contradiction to the spirit of Article VII of the treaty of October 8, 1903, and complaining that the regulations are an absolute disbarment to the attraction of foreign capital.

You will bring the matter to the attention of the Chinese Government and request that the mining regulations be amended in accordance with the treaty.

I am, sir, etc.,

ROBERT BACON,
Acting Secretary.^a Not printed.

Minister Rockhill to the Secretary of State.

[Extract.]

No. 200.]

AMERICAN LEGATION,
Peking, China, January 18, 1906.

SIR: With reference to my No. 177 of December 23^a, transmitting a copy of the "New Chinese Mining Regulations," together with my protest to the foreign office against the enforcement of the provisions of Regulation VII, I have the honor to inclose herewith a copy of Prince Ch'ing's reply to the above protest.

The reply states that the regulation in question was made to prevent people from making such private sales among themselves as would lead to fraudulent practice, and that it in no way conflicts with the commercial treaty between the United States and China. It further states that "if American citizens, in accordance with Article VII of the American-Chinese commercial treaty, make application for permission to open mines, it shall be the duty of the local Chinese officials to delimit the concession and consult with the owner of the property as to the price to be paid."

I am still of the opinion that Article VII of the Provincial Mining Regulations is open to the objections made, but with this dispatch as a commentary the objection is lessened, since Americans will be allowed to purchase with the approval of the officials.

As the original mining regulations require all applicants first to obtain a prospecting permit and later a permit to mine, the officials have all foreign applicants under their control, so that the addition of the above Regulation VII can work no greater hardship to Americans than before, provided the official interpretation is kept in mind. From the new explanation given, the rule is evidently intended to protect Chinese of other provinces than that in which the mining lands in question are situated.

But even under this interpretation it still remains true that Americans can not buy mining lands from private owners, except through the Government officials.

It is important that the department have the inclosed explanation on file, as the official interpretation of Article VII of the new mining regulations.

I have the honor, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

*The Prince of Ch'ing to Mr. Rockhill.*PEKING, *January 10, 1906.*

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your dispatch of December 23 calling my attention to the new mining regulations by which provision is made for the establishment of provincial bureaus of inspection. In referring to Article VII of these regulations, which says that "property belonging to the people may only be sold to a native of the district in which it is located," your excellency said: "I need hardly remind your highness that this clause of the regulations is in direct conflict with the provisions of the treaty of 1903 between the United States and China, wherein it is distinctly

^a Foreign Relations, 1905, p. 235.

stated that China 'will permit citizens of the United States to carry on in Chinese territory mining operations and other necessary business relating thereto, etc.,' and that the new regulations to be adopted by China 'will be imposed by China on its subjects and foreigners alike;' it is further stated that the new rules 'will offer no impediment to the attraction of foreign capital.' Inasmuch as this regulation forbids the purchase by foreigners of mining lands owned by private individuals, it prevents the investment of American capital in such lands and refuses to citizens of the United States the permission allowed to Chinese subjects to carry on mining operations in China except on lands belonging to the Government." For the reasons stated above your excellency felt it your duty to protest against the enforcement of Rule VII.

In reply I have the honor to state that upon receipt of your excellency's communication my board communicated at once with the board of commerce with regard to the matter, from whom the following reply has now been received:

"With regard to the new mining regulations in which provision is made for the establishment of provincial bureaus of inspection and the seventh article of these regulations, which says that 'property belonging to the people may only be sold to a native of the district in which it is located,' we have to state that this provision was made to prevent the people from making such private sales among themselves as would lead to fraudulent practice, the falsifying of names, etc. The natives of a district know well all the history of the land in their own neighborhood, and will not be easily deceived, so this special restriction upon private sales forbidding the sale of land to any but natives of the district was imposed in order to prevent corrupt practices and the defrauding of wealthy families. If American citizens, in accordance with the seventh article of the American-Chinese commercial treaty, make application for permission to open mines, it shall be the duty of the local Chinese officials to delimit the concession and consult with the owner of the property as to the price to be paid, that there may be no fraud or other corrupt practices in the premises, it will not be necessary to act in accordance with Article VII of the regulations regarding the provincial bureaus of inspection.

"Take, for instance, Article III of the original regulations drawn up by this board. It says: 'If the mining land in question be a place which the Government ought to develop, the officials must buy the land at a fair valuation, and the owner must offer no opposition.' Now, if the American minister says that private mining property may only be sold to natives of the district in which it is situated, how about these mines which the Government must develop? Can they be sold to none but natives of the district? If the two sets of regulations be considered together and compared, it will be evident that the seventh article of the regulations, relating to provincial bureaus of inspection, in no way conflicts with the commercial treaty between the United States and China, as the two refer to different things. This board has now explained the matter in such detail that his excellency the American minister can not be mistaken again in regard to it."

The above communication having been received by my board, it becomes my duty to transmit it herewith for your excellency's information.

A necessary dispatch.

Minister Rockhill to the Secretary of State.

No. 206.]

AMERICAN LEGATION,
Peking, China, January 21, 1906.

SIR: I have the honor to acknowledge the receipt of your instruction No. 76, of December 9, 1905, inclosing copy of a letter from Mr. T. W. Sutterle, managing director of the American Chinese Company, respecting his statements that the so-called experimental mining regulations now in force in China are in direct contradiction to the spirit of Article VII of the treaty of October 8, 1903; and directing me to bring the matter to the attention of the Chinese Government and request that the regulations be amended in accordance with treaty obligations.

In my dispatches No. 153, of November 24, and No. 177, of December 23, 1905,^a I had the honor to transmit to you copies of notes sent by me to the Chinese foreign office protesting against said mining regulations and subsequent ones.

I beg that the department will instruct me on what other points it desires me to request the Chinese Government to amend these regulations, as my knowledge of the matter is not sufficient for me to venture much beyond the points indicated as objectionable by the Secretary of the Interior in his letter to the Secretary of State under date of August 27, 1904 (Foreign Relations, 1904, pp. 161-167), and especially the inclosure thereto which I used in my note to the Chinese foreign office of November 29, 1905, above referred to.

I have also to report that the British and German ministers here are using, I believe, their best efforts to get the Chinese Government to recast its mining regulations in the spirit of the British treaty of 1902 and ours of 1903. I will keep you informed as to the results of their efforts.

I have the honor, etc.,

W. W. ROCKHILL.

The Secretary of State to Minister Rockhill.

No. 95.]

DEPARTMENT OF STATE,
Washington, February 7, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 177, of December 23 last,^b inclosing a copy of a translation of new mining regulations, approved by the Chinese Government on November 27 last, by which provincial bureaus of inspection are established.

You call attention particularly to a clause in Regulation VII, which provides that mining lands belonging to private individuals may be sold only to natives of the district in which such lands are located, and you inclose a copy of your note to the Chinese foreign office protesting against the enforcement of that regulation, on the ground that it is in direct conflict with Article VII of our last treaty with China.

Your note to the Chinese foreign office is approved by the department.

I am, sir, etc.,

ELIHU ROOT.

Minister Rockhill to the Secretary of State.

No. 225.]

AMERICAN LEGATION,
Peking, China, February 13, 1906.

SIR: In continuation of my No. 200, of January 18 last, in regard to Article VII of the new mining regulations, I have the honor to inclose herewith a copy of my note to Prince Ch'ing of the 30th ultimo, in further remonstrance against the above article.

^a Foreign Relations, 1905, pp. 234, 235.

^b Foreign Relations, 1905, p. 235.

I have insisted that Article VII shall be amended so that it shall not conflict in any way with the provisions of the treaty of 1903 between the United States and China.

I have the honor, etc.,

W. W. ROCKHILL.

[Inclosure.]

Mr. Rockhill to the Prince of Ch'ing.

PEKING, January 30, 1906.

YOUR IMPERIAL HIGHNESS: I have the honor to acknowledge the receipt on the 10th instant of your imperial highness's dispatch in reply to mine of December 23, 1905, in which I presented objections to Article VII of the regulations providing for provincial bureaus of inspection in mining affairs. Your highness states that you had written to the board of commerce about the matter, and had received its reply, which you quote at length and forward to me without comment.

I have the honor now to bring the question once more to the attention of your imperial highness, and to say plainly that the reply of the board of commerce is not at all satisfactory.

If the intention of the article be, as is said, to prevent fraud, the object may easily be accomplished without employing language which to the ordinary reader seems clearly to forbid the sale of lands to foreigners. American citizens are permitted by treaty to purchase mining lands, and, as Article VII of these new regulations forbids the sale of such property to any person not a native of the Province, it is clear that it does conflict with the treaty. The board of commerce points out that it also conflicts in the same way with Article III of the original regulations, and this is an additional reason for amending Article VII of the new regulations, and not, as the board seems to think, a reason for letting it stand.

It becomes my duty, therefore, to insist that the article referred to shall be amended so that it shall not conflict in any way with the provisions of the treaty of 1903 between the United States and China. Since the board of commerce disclaims the intention to forbid the sale of mineral lands to foreigners, it will be a very simple matter to make the verbal change that is required, and I trust that your imperial highness will take the action necessary to this end without delay.

I avail myself, etc.,

(Signed) W. W. ROCKHILL,

Envoy Extraordinary and Minister Plenipotentiary of the United States.

The Acting Secretary of State to Minister Rockhill.

No. 110.]

DEPARTMENT OF STATE,
Washington, March 2, 1906.

SIR: I inclose herewith, for your information merely, a copy of a letter from Mr. F. W. Sutterle, of the American-Chinese Company,^a stating that the Chinese authorities refused to allow Mr. A. Spitzel, a British subject, who represents certain British capitalists, to examine certain mining property in the province of Hunan, and prevented him and his two engineers from leaving the city of Changsha to go into the interior.

I am, sir, etc.,

ROBERT BACON,
Acting Secretary.

^a Not printed.

The Acting Secretary of State to Minister Rockhill.

[Extracts.]

No. 114.]

DEPARTMENT OF STATE,
Washington, March 2, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 200, of January 18 last, inclosing a copy of Prince Ch'ing's reply to your protest of December 23 last, to the Chinese foreign office, against the enforcement of the provisions of Article VII of the new Chinese mining regulations.

The reply states that the article in question was made to prevent people from making such private sales among themselves as would lead to fraudulent practice, and that it in no way conflicts with the commercial treaty between the United States and China. The reply further states that "if American citizens, in accordance with the seventh article of the American-Chinese commercial treaty, make application for permission to open mines, it shall be the duty of the local Chinese officials to delimit the concession and consult with the owner of the property as to the price to be paid."

The proof of this interpretation of the objectionable rule remains to be furnished in actual practice. If no discrimination be made against Americans or other foreigners, and the consent of the authorities be not made the pretext for exorbitant demands, but shall be found to operate in fact in such a way as to do away with fraud and corrupt practices, as promised in the reply of Prince Ch'ing, no great inconvenience may result. It should, however, be pointed out to the Prince that the just and nondiscriminatory treatment offered to Americans in this regard is merely a matter of interpretation, hidden away in correspondence between the board of commerce and the Wai-wu Pu.

Amendment of the regulations, or public announcement having the effect of such amendment, would appear to be the necessary and proper way to make this interpretation known to all concerned and thus avert the differences and friction which may readily be foreseen if the business were suffered to rest as it now is and the local authorities were left to interpret and apply two conflicting sets of regulations. That these regulations are in conflict among themselves appears from the report of the board of commerce, and it does not appear sufficient merely to state as the opinion of the board that when considered together the provisions of one of them do not conflict with American treaty rights. More than this is needed, and the possibility of conflict of local interpretation to the prejudice of American rights should be authoritatively excluded.

I am, etc.

ROBERT BACON,
*Acting Secretary.**The Secretary of State to Minister Rockhill.*

No. 117.]

DEPARTMENT OF STATE,
Washington, March 10, 1906.

SIR: In your dispatch No. 206, of January 21 last, in which you acknowledge the receipt of instruction No. 76, of December 9 last, inclosing a copy of a letter from Mr. F. W. Sutterle, managing

director of the American-Chinese Company, in which he says that the so-called experimental mining regulations in force in China are in direct contradiction to the spirit of Article VII of the treaty of October 8, 1903, you say:

In my dispatch No. 153, of November 24, and No. 177, of December 23, 1905, I had the honor to transmit to you copies of notes sent by me to the Chinese foreign office protesting against said mining regulations and subsequent ones.

I beg that the department will instruct me on what other points it desires me to request the Chinese Government to amend these regulations, as my knowledge of the matter is not sufficient for me to venture much beyond the points indicated as objectionable by the Secretary of the Interior in his letter to the Secretary of State under date of August 27, 1904 (Foreign Relations 1904, pp. 161-167), and especially the inclosure thereto which I used in my note to the Chinese foreign office of November 29, 1905, above referred to.

Instruction No. 114, of the 2d instant, will have shown you the desire of this Government that the mining regulations be so amended as to remove all discrimination against foreign miners and secure their peaceful and practical working of their properties. Your British and German colleagues can presumably have no less interest in such a result than we have.

Keeping in view our own purpose to secure equal, just, and non-discriminatory treatment for Americans interested in mining operations, and making yourself acquainted with the demands put forward by other governments, you should have little difficulty in deciding upon what points you may go outside of or beyond the indication of the letter of the Secretary of the Interior of August 27, 1904. That letter is not to be regarded as limiting a sound discretion on your part.

I am, etc.

ELIHU ROOT.

The Acting Secretary of State to Minister Rockhill.

No. 127.]

DEPARTMENT OF STATE,
Washington, March 28, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 225, of the 13th ultimo, inclosing a copy of your note to the Prince of Ch'ing, of the 30th of January, in further remonstrance against Article VII of the new Chinese mining regulations. In the note you insist that Article VII shall be amended so that it shall not conflict in any way with the provisions of the treaty of 1903 between the United States and China.

In reply I have to say that your protest is approved by the department.

I am, etc.,

ROBERT BACON, *Acting Secretary.*

The Acting Secretary of State to Minister Rockhill.

No. 131.]

DEPARTMENT OF STATE,
Washington, April 13, 1906.

SIR: On the 10th ultimo the department sent to the Secretary of the Interior copies of your dispatch No. 206, of January 21 last, and of instructions Nos. 114 and 117, dated, respectively, the 2d and 10th

ultimo, and he was asked whether he had any additional points to suggest that would serve as a basis for further instructions to you, with the view to securing such amendments to the Chinese mining regulations as would bring them more into harmony with our treaty with China and render them more practical for industrial and commercial purposes.

I inclose herewith, for your information and guidance, a copy of the answer of the Secretary of the Interior and of the inclosures to his letter.

I am, sir, etc.,

ROBERT BACON, *Acting Secretary.*

[Inclosure 1.]

The Secretary of the Interior to the Secretary of State.

DEPARTMENT OF THE INTERIOR,
Washington, April 2, 1906.

SIR: Your letter of the 10th instant [ultimo] has been received, submitting for any additional suggestions that may serve as a basis for further instructions to our minister to China, a copy of recent correspondence between your department and that minister in regard to securing such amendments to the Chinese mining regulations adopted by the edict of the Emperor of China March 17, 1904, as will tend to bring them into harmony with our treaty with that country signed October 8, 1903, and render them more practicable for industrial and commercial purposes.

In response thereto, I have the honor to transmit herewith a copy of a report submitted by the Commissioner of the General Land Office, inviting attention to his former report of August 25, 1904, which accompanied department letter of August 27, 1904,^a on the same subject, and have to advise you that the same objections to the mining regulations in question still exist as were outlined in those communications, as under the regulations as formulated it would be impossible to induce any citizens of the United States to invest any considerable portion of their capital in mining operations in China.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

[Subinclosure.]

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 29, 1906.

SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge, by your reference, the receipt of a communication from the Secretary of State, dated March 10, 1906, inclosing a copy of recent correspondence between the Department of State and the United States minister to China.

You request this office to submit such suggestions as may be deemed pertinent and advisable.

The correspondence referred to relates to securing such amendments to the Chinese regulations as will bring them more into harmony with our treaty with China and render them more practicable for industrial and commercial purposes.

The revised mining regulations adopted by edict of the Emperor of China March 17, 1904, were referred by the department to this office for its consideration and report thereupon, and all of them were carefully considered in my report dated August 25, 1904,^a a copy of which is herewith inclosed.

I have carefully reviewed the suggestions and recommendations contained in that report, and, after having given further consideration to this important subject, I adhere to them as the expression of the views entertained by this office at this time upon this subject, and therefore have nothing further to suggest in the premises.

^a Foreign Relations, 1904, p. 161.

It occurs to me, however, that a reference may properly be made to Lindley on Mines, paragraph 12, first edition, commenting upon the mining laws of France, as follows:

"From the earliest times the French law placed all mines, whether in public or in private lands, at the disposition of the nation, and made the working of them subject to its consent and to the surveillance of the Government.

"The French law divided the subject of mining into three classes—mines, *minieres*, and *carrieres*.

"Mines, properly speaking, were those wherein the substances were obtained from underground workings, the extraction of which required extensive development and elaborate machinery. In the language of De Fooz—

"Mines of this kind constitute a part of the domain of the state; they are to be ranked as the property of society, and should be confined to the sovereign authority; and this authority should have a general control over their extraction. In this consists the system of the regalian right of mines."

Taking the act of April 21, 1810, as the basis of the French law, as it existed during the period presently under consideration, we give the following outline of its general features:

"*Mines*.—Those were considered as mines which were known to contain, in veins, beds, or strata, gold, silver, platinum, quicksilver, lead, iron (in veins or beds), copper, tin, zinc, bismuth, arsenic, manganese, antimony, molybdenite, plumbago, or other metallic substances; sulphur, coal, fossilized wood, bituminous substances, alum, or sulphates. To this category, by law of June 17, 1840, salt springs and salt mines were added.

"Mines could only be worked in virtue of an act of concession, which vested the property in the concessionaire, with power to dispose of and transmit the same like other property, except that they could not be sold in lots or divided without the consent of the Government, given in the same form as the concession. Royalties were payable to the owners of the surface and to the Government. No one could make searches for the discovery of mines in land which did not belong to him, unless with the consent of the proprietor of the surface, or with the authorization of the Government, subject to a previous indemnity to the proprietor and after he shall have been heard. The proprietor might make searches without previous formality, but he was required to obtain a concessions before he would establish a mine working. From the moment a mine was conceded, even to the proprietor of the surface, this property was distinguished from that of the surface, and was thereafter considered as a new property. Concessions were obtained by petition, addressed to the prefect, who registered it, and posted notice thereof for a period of four months. Proclamations were required to be made at certain places and times at least once a month during the continuation of the postings. Investigations were required to be made by the prefect of the department on the opinion of the engineer of mines, the results being transmitted to the minister of the interior. In the absence of opposition concessions were granted by an imperial decree, deliberated upon in council of state. The act of concession determined the extent, which was to be bounded by fixed points taken on the surface of the soil, and by passing vertical planes from the surface into the interior of the earth to an indefinite depth. The engineers of mines exercised, under the orders of the interior and the prefects, a surveillance of police for the preservation of edifices and the security of the soil. Royalties were payable to the Government proportional to the yield in addition to a fixed tax called "ground tax." Forfeiture of the privilege granted by the concession resulted from a failure to comply with its terms, or from suspension of the works, if by such suspension the wants of consumers were affected, or if the suspension had not been authorized by the mining authorities."

All of the papers received are herewith returned as you directed.

Very respectfully,

W. A. RICHARDS, *Commissioner*.

Minister Rockhill to the Secretary of State.

No. 297.]

AMERICAN LEGATION,
Peking, China, April 27, 1906.

SIR: I have the honor to acknowledge the receipt of your instructions No. 114 of March 2 last in reply to my dispatch No. 200 of

January 18, and your No. 117 of March 10 in reply to my No. 206 of January 21, all in reference to the mining regulations which the Chinese Government is now attempting to frame.

On receipt of your instruction No. 114, I addressed a note to the Prince of Ch'ing, a copy of which I inclose, in which I embodied the substance of your instruction.

On the 24th instant the Prince of Ch'ing replied in the inclosed note, saying that the experimental regulations, of which I have had to complain, will very shortly be withdrawn, as the compilation of the general mining regulations has now been completed by the Viceroy Chang Chih-tung, who had been intrusted with this work, and is at present being gone over by the Wai-wu Pu before submitting them to the Throne for approval.

Although not so stated in the note, I take it to imply that the objections which the United States has made to the experimental mining regulations will be met in these general mining regulations.

I shall await the publication of the regulations, and if they do not "remove all discrimination against foreign miners and secure their peaceful and practical working of their property" I will, in conjunction with my colleagues interested in the question, or alone if I can not secure further action on their part, urge on the Chinese Government strict compliance with the terms of Article VII of its treaty with us of October 8, 1903.

I have the honor, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

Mr. Rockhill to the Prince of Ch'ing.

PEKING, April 17, 1906.

YOUR IMPERIAL HIGHNESS: Referring to Article VII of the recent regulations which provide for the establishment of provincial bureaus of mining inspection, I had the honor on the 23d of December last to call the attention of your imperial highness to the conflict between the provisions of said article and those of the commercial treaty between the United States and China. On January 10 your highness replied quoting a dispatch from the board of commerce in which it was argued that, if my interpretation were correct, there would also be conflict between these new regulations and the provisions of the general mining regulations, and that my interpretation must therefore be wrong. On the 30th of January I had the honor to communicate with your highness again, expressing my dissatisfaction with the argument of the board of commerce, and asking that the article be amended so that there could be no doubt as to its meaning. To this dispatch I have received no reply whatever.

I now have the honor to say that I am in receipt of instructions from my Government directing me to inform Your Imperial Highness that the American Government can not consider the statement of the board of commerce as sufficient to prevent misunderstanding and friction, since this interpretation of Article VII is hidden away in the correspondence between the board of commerce and the Wai-wu Pu, where it will be inaccessible to most of the officials of the Empire and consequently unknown to them. My Government believes it to be necessary either that a public announcement should be made to the officials and people generally that Article VII of the new regulations does not forbid the sale of mineral lands to foreigners, or, better still, that the article be amended so that there may be no misunderstanding of its meaning, and that all may know that it does not apply to the sale of mineral lands to foreigners.

I have the honor, therefore, to request once more that Your Imperial Highness will direct such action to be taken without delay as will remove all appearance of conflict between the provisions of the article in question and those of the treaty of 1903.

I avail, myself, etc.,

W. W. ROCKHILL.

[Inclosure 2.]

The Prince of Ch'ing to Mr. Rockhill.

FOREIGN OFFICE, April 24, 1906.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's dispatch of the 17th instant referring to Article VII of the recent regulations providing for the establishment of provincial bureaus of mining inspection. Your excellency pointed out that there was a conflict between the provisions of this article and those of the commercial treaty between the United States and China; that you had already called my attention in a previous dispatch and received a reply in which was quoted the argument put forward by the board of commerce on the subject, which was to the effect that your interpretation of the matter was wrong; that you had after this communicated with me again expressing dissatisfaction with the argument of the board of commerce and asking that the article be amended so that there could be no doubt as to its meaning, but to this last you had received no reply up to that time. Your excellency then informed me that you had received instructions from your Government directing you to inform me that the American Government could not consider the statement of the board of commerce as sufficient to prevent misunderstanding and friction, since the proper interpretation of Article VII was hidden away in the correspondence between the board of commerce and the Wai-wu-Pu, where it would be inaccessible to most of the officials of the Empire, and hence unknown to them, wherefore your Government believed it to be necessary either to make a public announcement to the officials and people generally that Article VII of the new regulations does not forbid the sale of mineral land to foreigners, or, better still, that the article be amended so that there might be no misunderstanding of its meaning, and all might know that it does not apply to the sale of mineral lands to foreigners. It became your excellency's duty in the matter to request that such action be taken without delay as would remove all appearance of conflict between the provisions of the article in question and those of the treaty of 1903.

In reply to this communication I have to state that regulations providing for the establishment of provincial bureaus of inspection were drawn up by the board of commerce because the general mining regulations were still unpublished, and that these regulations were for temporary and experimental use only. Now, however, His Excellency Chang Chih-tung, the viceroy of Hu-Kuang, has completed the compilation of the general mining regulations, and has sent them to my board; and as soon as we have carefully gone over them with the ministers of the board of commerce we will memorialize the Throne, and, if approved, then all mining affairs of any kind will be dealt with according to the new regulations.

It becomes my duty, however, having received your excellency's dispatch quoted above, to send this reply for your information, and I trust that you will transmit the contents of this communication to the Department of State.

A necessary dispatch.

[SEAL.]

Minister Rockhill to the Secretary of State.

No. 433.]

AMERICAN LEGATION,
Peking, China, October 17, 1906.

SIR: I have the honor to acknowledge the receipt of the department's instruction No. 131 of April 13 last with reference to the new mining regulations which the Chinese Government is attempting to frame.

On May 25 last I addressed a note to Prince Ch'ing on the above subject (Inclosure 1), requesting that before submitting the proposed regulations to the Throne for its approval they should be sent to me for examination and for transmission to my Government, in order that when approved they should be such as would comply with the requirements of the treaty.

Not having received any reply to my note of May last I have again addressed Prince Ch'ing in a note dated the 16th instant (Inclosure 2), in which I emphasize the fact that the proposed regulations must be submitted to you for consideration before they may properly be put into effect.

I have the honor, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

Mr. Rockhill to the Prince of Ch'ing.

PEKING, May 25, 1906.

YOUR IMPERIAL HIGHNESS: I have the honor to acknowledge the receipt of your imperial highness's dispatch of April 24 last, replying to my objections to Article VII of the Regulations for Provincial Inspection of Mines, in which your highness says that His Excellency Chang Chih-tung has now completed his compilation of general mining regulations and had forwarded them to your highness's board and that your board would confer with the board of commerce regarding them and would submit them to the Throne for approval, after which all mining matters would be controlled by them.

I have the honor to remind your imperial highness that the revision of the Chinese mining regulations is provided for in the last commercial treaty between China and the United States, which requires that they shall be of such a character "as will offer no impediment to the attraction of foreign capital, and place foreign capitalists at no greater disadvantage than they would be under generally accepted foreign regulations," and that "the residence of citizens of the United States in connection with such mining operations shall be subject to such regulations as shall be agreed upon by and between the United States and China."

It would seem proper, therefore, before submitting the proposed regulations to the Throne for its approval, to transmit a copy of them to me for examination and for transmission to my Government for its observations, so that there may be no doubt that the regulations, when approved, will be such as will comply with the requirements of the treaty.

I have the honor, therefore, to request that your imperial highness will direct that a copy of the proposed regulations be sent to me as soon as possible.

I avail, etc.,

W. W. ROCKHILL.

[Inclosure 2.]

OCTOBER 16, 1906.

YOUR IMPERIAL HIGHNESS: On the 25th of May last I had the honor to address a note to your imperial highness requesting that a copy of the proposed new mining regulations, compiled by His Excellency Chang Chih-tung, might be sent to this legation. Your highness had previously informed me that the said regulations had already been received by the foreign office, and, inasmuch as the revision of the mining laws had been undertaken in compliance with the stipulations of the last commercial treaty between the United States and China, it seemed but proper that a copy of the new regulations should be transmitted to my Government for its observations before they were submitted to the Throne for its approval. Up to the present I have received no reply to this dispatch.

It is now reported in the public press that His Excellency Chang Chih-tung has requested the Imperial Government to have these new mining laws published, and it becomes my duty, therefore, to point out once more that the treaty between the United States and China requires that the revised mining regulations "shall be of such a character as will offer no impediment to the attraction of foreign capital, and place foreign capitalists at no greater disadvantage than they would be under generally accepted foreign regulations." The treaty further provides that "the residence of citizens of the United States in connection with such mining operations shall be subject to such regulations as shall be agreed upon by and between the United States and China." It is evident, therefore, that in order to carry out these plain provisions of the treaty, the proposed mining regulations should be submitted to the Government of the United States for its consideration before they are published and put in force, that the Amer-

ican Government may be satisfied that the terms of the treaty are properly fulfilled, and that future discussion and misunderstanding as regards this subject may be prevented.

I feel sure that your imperial highness will see the reasonableness of this position, and I have the honor to request once more that a copy of the proposed regulations be sent to this legation for examination and for transmission to my Government for its observations.

I avail myself, etc.,

W. W. ROCKHILL,
*Envoy Extraordinary and Minister
Plenipotentiary of the United States.*

His Imperial Highness PRINCE OF CH'ING,
President of the Board of Foreign Affairs.

Acting Secretary of State Adee to Chargé Moore.

No. 219.]

DEPARTMENT OF STATE,
Washington, December 1, 1906.

SIR: I have to acknowledge the receipt of Mr. Rockhill's dispatch, No. 433, of October 17 last, inclosing copies of two notes addressed by him to Prince Ch'ing regarding the proposed new Chinese mining regulations, in the second of which he emphasizes the fact that the regulations must be submitted to him for consideration before they may properly be put into effect.

The department approves Mr. Rockhill's course in the matter.

In this connection I inclose herewith a copy of a letter from Mr. F. W. Sutterle, managing director of the American-Chinese Company, renewing his complaint of delay on the part of the Chinese Government in promulgating the rules and regulations.^a A copy of the department's answer is also inclosed.^a

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

PAYMENT OF THE CHINESE INDEMNITY.

(Continuation of correspondence in Foreign Relations for 1905, p. 145 et seq.)

The Secretary of State to Minister Rockhill.

No. 89.]

DEPARTMENT OF STATE,
January 16, 1906.

SIR: Referring to your No. 113, of October 4 last,^b inclosing a copy of a revised translation of the note addressed to the Prince of Ch'ing by the representatives of the powers, by which they accept the Chinese Government's proposals for the settlement of the indemnity due under the final protocol of September 7, 1901, I have to inform you that a copy of your dispatch was sent to the Secretary of the Treasury for his information.

A copy of a letter from the Acting Secretary of the Treasury in reply, stating the Treasury Department's understanding of the situation, is herewith inclosed.

I am, etc.,

E. ROOT.

^a Not printed.

^b Printed in Foreign Relations for 1905, p. 156.

Minister Rockhill to the Secretary of State.

No. 258.]

AMERICAN LEGATION,
Peking, China, March 14, 1906.

SIR: Referring to my No. 134 of October 27 last,^a I have the honor to call to your attention the fact that the bond signed by the Chinese Government for the payment of the United States' share of the indemnity of 1900 specifies certain methods to be followed by China in making the various payments.

The agreement signed on the 2d of July, 1905, by the various interested powers, including the United States, and China, a translation of which was forwarded to the department as an inclosure in my dispatch No. 113 of October 4, 1905, introduces certain changes in these methods which may necessitate requesting the Government of China to sign a new bond conforming to the existing conditions governing these payments.

I would be greatly obliged if you would kindly instruct me whether I shall ask the Chinese Government to sign a bond identic in tenor with those it has recently given the other powers receiving payments on account of the same indemnity.

I have, etc.,

W. W. ROCKHILL.

Minister Rockhill to the Secretary of State.

No. 274.]

AMERICAN LEGATION,
Peking, China, April 3, 1906.

SIR: I have the honor to inclose a cutting from the China Times (a Tientsin paper) of March 21, with regard to an attempt which is being made by the Chinese to pay the indemnity by popular subscription.

The project originated in Peking in August of last year, in the unofficial class. The idea was that if the movement became widely known the necessary amount could be raised without great hardship in a comparatively short space of time, and that if this were done the powers would consent to some arrangement for immediate payment of the principal, and in this way China would be relieved of a great burden of interest.

The appeal met with a quick response, but it was decided that no money was to be paid until the authorities should designate a receiver, and it was also considered essential that the Government should pledge itself to use the money for no other purpose than the payment of the indemnity. When these matters had been arranged the project was presented to the grand council and approved by the throne. The princes and high officials then began to subscribe largely and the nonofficial classes of the province of Chih-li have already contributed over a million taels. Letters have been sent to the provinces, and the first report of the bank which has been designated to receive the subscriptions will appear shortly.

^a Printed in Foreign Relations for 1905, p. 157.

This effort is interesting as a popular movement; it was organized and is managed by the people, and though it has official sanction of the highest kind, officials take no part in directing it.

I have, etc.,

W. W. ROCKHILL.

[Inclosure in dispatch No. 274.]

[From the China Times, Tientsin, March 21, 1906.]

THE PATRIOTIC FUND.

Since the starting of the "Kuomin Chuan" or "Patriotic fund of the people" in north China in 1905 the Empress Dowager has several times expressed her appreciation of the idea. As Her Majesty is very pleased with it, she has now subscribed 100,000 taels to the fund, while the Emperor contributes 30,000 taels, the Empress 10,000 taels, and 50,000 taels have been collected among the imperial concubines, eunuchs, and male and female attendants in the palaces. The Empress Dowager has given orders that the money contributed toward the fund is to be separately deposited in the Hu-Pu Ying Hang, or National Bank of China, for the payment of the 1900 indemnity to the various foreign powers, and not a single cash of it should be appropriated for any other purpose, Government or private.

The Secretary of State to the American legation, Peking.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 28, 1906.

(Mr. Root directs that the Chinese Government be asked to sign bond identic to those given other powers on account of indemnity. If thought advisable, form for verification of financial calculations before signing is to be submitted.)

Mr. Rockhill to the Secretary of State.

No. 307.]

AMERICAN LEGATION,
Peking, China, May 14, 1906.

SIR: I have the honor to confirm your cipher telegram received April 29.^a

I have drawn up a form following closely the British bond and sent it to Mr. Moir, the American delegate on the bankers' commission in Shanghai. I have asked him to make the necessary calculations and have the form printed as soon as possible. When received I will forward it to the department for approval and verification of the figures.

I am, etc.,

W. W. ROCKHILL.

^a Supra.

**RIGHTS OF MISSIONARIES TO ACQUIRE PROPERTY IN THE
INTERIOR OF CHINA.**

Minister Rockhill to the Secretary of State.

[Extract.]

No. 196.]

AMERICAN LEGATION,
Peking, January 13, 1906.

SIR: I have the honor to transmit to you herewith copy of a letter which I addressed on the 9th instant to the Rev. E. O. Boen, a naturalized American citizen now residing at Hsi Hsien, in the Province of Ho-nan, where he is preaching the principles of Christianity as a "free lance" missionary, not being connected with any Christian mission or church, the Missionary Society under whose auspices he came to China having severed all connection with him and he having joined no other.

I shall be greatly indebted to you if you will instruct me as to the rights of such missionaries, belonging to no particular church or missionary society, to acquire property in the interior of China under the provisions of Article XIV of our treaty with China of 1903. This article guarantees him the right to peacefully teach and practice the principles of Christianity, but it only recognizes the right of "missionary societies of the United States" to rent and to lease in perpetuity, as the property of such societies, buildings or lands "in all parts of the Empire for missionary purposes."

I have, etc.,

W. W. ROCKHILL.

[Inclosure.]

Mr. Rockhill to Rev. E. O. Boen.

[Extracts.]

PEKING, *January 9, 1906.*

SIR: I have the honor to acknowledge the receipt of your communication dated December 22, 1905, inclosing your reply to the complaints made against you by the Honan foreign office and others. At your request I return to you herewith the letter addressed to yourself by Mr. Argento.

In reply to your letter it becomes my duty to bring to your notice the provisions of our treaties with China regarding the residence and work of American missionaries in the interior of this Empire.

By Article XIV of the treaty of 1903 it is provided that—

"Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teaches and practices the principles of Christianity shall in no case be interfered with or molested therefor."

By the same article it is further provided that—

"Missionary societies of the United States shall be permitted to rent and to lease property in perpetuity, as the property of such societies, buildings, or lands in all parts of the Empire, for missionary purposes," etc.

According to the treaty of 1858, Article XXVIII—

"If citizens of the United States have special occasion to address any communication to the Chinese local officers of Government, they shall submit the same to their consul or other officer to determine if the language be proper and respectful and the matter just and right, in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises."

All American citizens in China are subject to the jurisdiction of American courts, and as there are but few consuls in the Empire American citizens are required to live at certain specified places, so as to be within reach of their consuls. By the very liberal provisions quoted above missionaries are excepted from this arrangement, and the special privileges accorded them are granted on the supposition that missionaries are law-abiding and peace-loving people who will avoid strife and will not require constant interference on their behalf by the consuls. But by your own showing you have quarreled with your fellow-missionaries, with your neighbors, with the local officials at Hsi Hsien and Lo Shan, and with the middleman who secured you a house in Lo Shan. It is impossible to believe that any man who is "peaceably teaching and practicing the principles of Christianity" can have just occasion for quarrel with so many classes of people at the same time. If you are not complying with the conditions under which you are allowed to live and preach in the interior, the Chinese officials have the right to bring you to the consulate at Hankow for trial, as I wrote in my letter of August 4, 1905, to the consul-general at Hankow.

I must remind you, too, that, while you are allowed by treaty to teach peaceably the principles of Christianity in China, you can not on that account preach in the streets against the will of the magistrates. Missionaries should always be in the lead in complying with local ordinances which do not require them to violate their religious convictions.

You will note that the second quotation from the treaty of 1903, given above, gives the right to rent property only to missionary societies in the United States, not to individuals; but the copy of the lease which you have inclosed to me shows that you have rented in your own name. If you are sent out by any properly incorporated society in the United States you should use its name in all leases, deeds, etc.; otherwise, if the Chinese authorities were to object to the renting of property in your own name, it is questionable whether your lease could be upheld.

Your account of your dealings with the officials seems to indicate that you have not complied with the provisions of Article XXVIII of the treaty of 1858, the third quotation given above, which requires you to transact business with the officials through the consulate.

I fear you do not fully understand the requirement that you should have a passport, to which you make reference. The passport proves to the local officials your right to travel and preach outside of the open ports.

I regret exceedingly that any circumstances should have arisen to make it seem necessary to the foreign office of Honan to take the action which it has taken in this matter, and I sincerely trust that by the efforts of Consul-General Martin to secure you due protection in the peaceable discharge of your duties, and by your own efforts to live on good terms with the officials and people of your district, any necessity for further complaint upon your part or upon that of the officials may be entirely avoided.

So long as you comply with the requirements of the treaties this legation will, of course, do all in its power to safeguard your rights, but I need hardly remind you that for the success of your work the good will of those about you is indispensable.

I have, etc.,

W. W. ROCKHILL.

The Secretary of State to Minister Rockhill.

[Extract.]

No. 123.]

DEPARTMENT OF STATE,
Washington, March 22, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 196, of January 13 last, requesting the department to instruct you as to the rights of American missionaries in China, belonging to no particular church or missionary society, to acquire property in the interior of China, under the provisions of Article XIV of our treaty with China of 1903.

The department has carefully examined the history of the question of the right which American missionaries, as individuals, possess to

acquire and hold property in the interior of China. This right must be sought in the various treaties of the United States with China, or it must be obtained indirectly by an application of the favored-nation clause. An examination of these treaties clearly shows such a right to be legally nonexistent; but with respect to certain localities in China there is, nevertheless, an equitable or quasi legal right based upon custom. As to the rights which American missionaries possess to acquire and hold property for the purposes of their mission, the department holds that such rights are legally, and therefore legitimately, based solely upon Article XIV of the treaty of 1903.

Notwithstanding its adverse opinion on the question of the legal rights of our missionaries, as individuals, under our treaties with China, the department desires to recognize, and does not wish to weaken, any equitable or quasi legal rights which may have arisen from the custom. The fact appears to be that in practice foreigners, nonmembers as well as members of missionary bodies, have purchased land in many instances in all parts of China, and that the Chinese authorities have connived at, acquiesced in, and actually ratified so many such transactions that there is great force in the contention, often made by foreigners in China, that the treaty prohibition against foreigners buying land can no longer be urged in China. These purchases have been made by various railway, mining, and other enterprises; by foreign firms in the interior, for business purposes; and by foreign residents of all nationalities and occupations, for summer homes and for various other purposes.

In meritorious cases, in which the circumstances were such as to give rise to no objection on other grounds than the unwillingness of China to consent to sales of land to Americans in the interior, this department would find great force in the argument that inasmuch as China, through her officials, has in numerous instances permitted the subjects of other nationalities to purchase land in certain localities in the interior, this Government may, with good reason, consider such purchases as precedents establishing the right of Americans, whether members or nonmembers of a missionary body, to make similar purchases.

The department directs your attention to the memorandum ^a of the solicitor of the department, accompanying this instruction, which shows the origin and development of the rights and privileges of American missionaries from the treaty of 1858 until the present treaty of 1903.

I am, etc.,

ELIHU ROOT.

The Acting Secretary of State to Minister Rockhill.

No. 135.]

DEPARTMENT OF STATE,
Washington, April 16, 1906.

SIR: I inclose herewith a copy of a dispatch from the consul-general at Hankow ^a reporting that the magistrate at Siang-tan, Honan, refuses to register a deed of land acquired by the mission of the United Evangelical Church, unless all reference to the nationality of the mission is kept out of the deed.

^a Not printed.

Inasmuch as the concluding paragraph of Article XIV of the treaty of October 8, 1903, by which the right to rent and lease, as their own property, buildings and lands in all parts of the Empire, is expressly stipulated in favor of missionary societies of the United States, necessarily implies the establishment of the national and corporate character of those societies as a condition precedent to the stamping of their title deeds by the local authorities, the strange requirement of the magistrate at Siang-tan, that the evidence of the treaty right of such a missionary society to acquire and hold property shall be excluded from the title deeds, becomes in fact a denial of the treaty right, and the substitution of an invalid for a valid act of registration.

It is probable that this point of view may already have occurred to you and been acted upon, but if the case now reported by the consul-general at Hankow should not have been brought to your attention, you will bring the matter to the attention of the Chinese Government, and demand that deeds for American mission property, properly drawn up and valid under our treaties with China, be registered.

I am, sir, etc.,

ROBERT BACON.

Minister Rockhill to the Secretary of State.

No. 313.]

AMERICAN LEGATION,
Peking, May 24, 1906.

SIR: I have the honor to acknowledge the receipt of the department's No. 135, inclosing a copy of dispatch from the consul-general at Hankow reporting that the magistrate of Siang-tan, Honan, has refused to register a deed for land acquired by the mission of the United Evangelical Church unless all reference to the nationality of the mission is kept out of the deed.

In reply I have the honor to inform you that the matter was brought to my attention by the consul-general; that I immediately submitted it to the Chinese Government, and that I have received a favorable reply in a note dated March 6, stating that the deeds in question had already been duly stamped.

I inclose herewith copies of the correspondence with the foreign office relating to this subject.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

Mr. Rockhill to the Prince of Ch'ing.

PEKING, February 13, 1906.

YOUR IMPERIAL HIGHNESS: I have the honor to call the attention of your imperial highness to complaints made by American citizens, missionaries in the Province of Honan, that the magistrate at Siang-tan refuses to stamp deeds for mission property unless the characters representing the word "American" are erased from the deeds.

I am in receipt of two dispatches from the American consul-general at Hankow regarding the matter. The first, received the 10th instant, incloses a letter from Reverend Doctor Dubs, of the mission of the United Evangelical Church, in which he states that he had secured property for the society at Siang-tan, and that the deeds were made out to the society, whose Chinese name

is the "Ta Mei Kuo Tsun Tao Hwei." The magistrate refused to stamp them, saying that he had received orders not to stamp such deeds unless the three characters "Ta Mei Kuo" were erased.

The second dispatch from the consul-general at Hankow was received yesterday, and incloses a letter from Rev. W. H. Lingle, of the American Presbyterian Mission, stating that his mission had joined the United Evangelical Mission in securing a piece of ground for a cemetery. The deeds were made out in the usual way and sent to the magistrate to be stamped. The magistrate refused to do so, stating that he had recently received instruction that missions securing property were not to mention their nationality in the deeds. He showed Mr. Lingle the official document giving him these instructions.

Your imperial highness is perfectly aware that the refusal to stamp deeds on these grounds is a direct violation of the treaties. The commercial treaty of 1903 between the United States and China, in Article XIV, contains the following provision:

"Missionary societies of the United States shall be permitted to rent and to lease in perpetuity, as the property of such societies, buildings or lands in all parts of the Empire for missionary purposes, etc."

I must therefore request your imperial highness to at once instruct the provincial authorities of Hunan that American missionary societies are entitled by treaty to rent and lease property, and that their deeds of lease must be made out to them as American societies.

Trusting that your highness will comply with this request without delay, I avail, etc.,

W. W. ROCKHILL.

[Inclosure 2.]

The Prince of Ch'ing to Mr. Rockhill.

FOREIGN OFFICE, March 9, 1906.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's letter of February 13, in which you cite two instances where American missionary societies had bought lands and in the deeds they had written the word "American" before the name of the society, and for that reason the magistrate had refused to stamp the deeds. One case was reported by Reverend Doctor Dubs, of the mission of the United Evangelical Church, which had bought a piece of land at Siang-tan; the other by Rev. W. H. Lingle, also of Siang-tan, who stated that the American Presbyterian Mission of that place had joined with the United Evangelical Mission in securing a piece of ground for a cemetery. Your excellency said that whereas American missionary societies are permitted to rent land for missionary purposes, you felt it your duty to request that orders be given that the deeds be stamped as requested.

Upon receipt of your excellency's dispatch my board telegraphed at once to the governor of Hunan about the matter, and have now received his reply saying that the magistrate of Siang-tan has reported as follows:

"As to the land purchased for a cemetery by Reverend Mr. Lingle and the United Evangelical Mission, the deeds for the property did not contain the words 'chiao hui' (missionary society), and for that reason there was some delay. I have already consulted with the missionaries concerned, however, and the words 'kung ch'an' (property of the society) have been inserted in the deed, which has now been duly stamped."

As in duty bound I communicate this reply for your excellency's information.

[SEAL.]

CHANGES IN THE CUSTOMS SERVICE.

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, May 9, 1906.

(Mr. Rockhill reports that by an imperial edict issued this day all the customs of China and all the foreigners employed therein are placed under the control of T'ieh Liang, who is appointed minister superintendent of customs affairs, with Vice-Minister T'ang Shao Yi.)

The Secretary of State to Minister Rockhill.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 9, 1906.

(Mr. Root inquires whether the imperial edict constitutes a practical nullification of the declaration of 1898 that an Englishman shall be inspector-general.)

Minister Rockhill to the Secretary of State.

[Telegram—Abstract—Paraphrase.]

AMERICAN LEGATION,
Peking, May 10, 1906.

(Mr. Rockhill has seen T'ang Shao Yi. The latter says that the customs revenue is already hypothecated and will not be touched; treaties and pledges will be observed; the inspector-general will be an Englishman, but China will have a right to control him, he being a servant of that country.)

Minister Rockhill to the Secretary of State.

No. 311.]

AMERICAN LEGATION,
Peking, May 15, 1906.

SIR: On the 9th instant, much to the surprise of everyone, an imperial edict was published creating the office of minister superintendent of customs affairs, and placing all Chinese and foreigners employed in the various branches of the customs under its control. The office of associate minister superintendent was also created by the same edict, a copy of which I inclose.

T'ieh-liang, president of the board of revenue and a very active member of the army reorganization council, is appointed minister superintendent, and the associate minister is T'ang Shao-yi, junior assistant secretary of the Wai-wu Pu. Both are very closely associated with and devoted to the viceroy, Yuan Shih-k'ai. I inclose a note on the career of T'ieh-liang; T'ang Shao-yi is well known to the department.

I deemed the publication of this edict of sufficient importance to cable the substance to you. I confirm my cablegram as follows:^a

The following morning I received your telegram reading as follows:^a

Later in the day I called at the foreign office, and in conversation with T'ang Shao-yi, the newly appointed associate minister of customs affairs, I asked him whether the edict would not practically cancel the pledge given by China to Great Britain and Germany in 1896 and again in 1898 in connection with the two loans, each for

^a Supra.

£16,000,000, made it by the powers and guaranteed by the maritime customs revenues, and in each of which (article 7 in loan of 1896 and article 6 in loan of 1898) it was stipulated that until the entire amounts of these loans were paid off China would not alter in any way the present maritime customs administration. I also referred to the declarations of the Chinese Government on February 10, 1898, and in January, 1903, that a British subject would be appointed inspector-general of customs as long as British trade preponderated.

His excellency replied that the new management was created for facilitating the transaction of the business of the customs, hence the president of the board of revenue and an assistant minister from the office of foreign affairs were placed in charge of the new department.

The revenues of the customs were already completely hypothecated and could not and would not be touched; the provisions of all treaties, agreements, pledges, and protocols made by China would be observed, and there would be an Englishman as inspector-general of customs. The inspector-general being, he added, a servant of China, as such the Chinese Government has the right to control his actions. It was for this purpose, in part, that the new administration was being established.

The British and German Governments, and in a lesser degree the French and Russian, being particularly interested in the question of the undisturbed maintenance of the present maritime customs administration, the revenues of which are largely hypothecated to them for loans made in 1896 and 1898, will probably take early opportunities to ascertain the purpose of the Chinese Government in issuing this edict.

I confirm as follows my cablegram sent you on the 10th after seeing the inspector-general of customs and his excellency T'ang Shao-yi.^a

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1—Translation.]

IMPERIAL EDICT.

MAY 9, 1906.

T'ieh-liang, president of the board of revenue, is hereby appointed minister superintendent of customs affairs, and T'ang Shao-yi, junior vice-president of the board of foreign affairs, is appointed associate minister in the management of customs affairs. All Chinese and foreigners employed at the various customs are placed under their control.

Respect this.

[Inclosure 2.]

[Note on the career of T'ieh-liang, appointed by imperial edict of May 9, 1906, minister superintendent for customs affairs.]

T'ieh-liang is a Manchu of middle age who has risen very rapidly in the past three years.

In the spring of 1901 he was a director of the grand court of revision. In November, 1903, he became a vice-president of the board of revenue and at the same time was made a member of the army reorganization council on commission. In the spring of 1904 he visited Japan to study military methods, and in

^a Supra.

May, 1904, became vice-president of the board of war. In July of that year he went through the central provinces on a special mission to inspect the condition of the army, forts, arsenals, etc. On his return he submitted a long report, criticising severely the character of the troops and equipment of the provincial armies and making various recommendations.

A report on his mission was sent to the department on November 29, 1904, in dispatch No. 1755.

July 13, 1905, he became acting president of the board of war, and December 6, 1905, president of the board of revenue. On January 9, 1906, he was admitted to the grand council.

He does not cultivate the acquaintance of foreigners.

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Peking, May 21, 1906.

(Mr. Rockhill states that the German and British diplomatic representatives have received replies to their inquiries concerning the customs edict, which are indefinite and generally considered unsatisfactory. The British sent a second note on Saturday. Mr. Rockhill, in reply to his inquiry, has received a note from the minister for foreign affairs which is absolutely noncommittal. Most of the diplomatic representatives in Peking are instructed to support Great Britain in insisting on a satisfactory promise for the future, and Mr. Rockhill asks whether he shall join with them.)

The Secretary of State to Minister Rockhill.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 21, 1906.

(Referring to Mr. Rockhill's cable of May 21, Mr. Root instructs him to concur with other powers in supporting the position which Great Britain has taken.)

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Peking, June 7, 1906.

(The chargé d'affaires of Great Britain informs Mr. Rockhill that the Chinese Government declares that the decree appointing the high commissioners makes no change in the administration of the maritime customs, which, it is stipulated, shall remain as at present constituted during the currency of the loans of 1896 and 1898. The Government of Great Britain has declared its satisfaction.)

Minister Rockhill to the Secretary of State.

No. 327.]

AMERICAN LEGATION,
Peking, June 13, 1906.

SIR: In continuation of my No. 311 of May 15, I have the honor to state that on that date, it appearing to me desirable to secure from the Chinese Government a written statement concerning the scope of the imperial edict of May 9 appointing the high commissioners of customs, I addressed a note to the Prince of Ch'ing, a translation of which is inclosed herewith. On the 17th I received the prince's reply, in which he informed me that the newly appointed commissioners had, in an interview with Sir Robert Hart, informed him that customs affairs in the future be managed as heretofore. This reply I considered so unsatisfactory that I did not deem it necessary to communicate it to you.

I now have the honor to transmit herewith a copy of a note dated the 6th instant from the chargé d'affaires of Great Britain to the dean of the diplomatic body, inclosing a translation of a note received by him from His Highness the Prince of Ch'ing explaining the imperial edict of May 9. The British chargé d'affaires informs the dean in this note that he has received authorization from his Government to state that it is satisfied with the contents of the prince's note.

Of course the question involves not only the whole subject of the administration of the maritime customs, properly speaking, but also that of the native customs at the treaty ports, which by the portocol of September 7, 1901, were placed under the control of the maritime customs.

Upon receipt of this information from the dean, I telegraphed you on the 7th instant the substance of the prince's note, as follows:^a

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1—Translation.]

*Mr. Rockhill to the Prince of Ch'ing.*PEKING, *May 15, 1906.*

YOUR IMPERIAL HIGHNESS: On the 9th instant the following imperial edict was published:

"T'ieh-liang, president of the board of revenue, is hereby appointed to the post of minister superintendent of customs affairs, and T'ang Shao-i, junior vice-president of the board of foreign affairs, is made associate minister of customs affairs. All Chinese and foreigners employed at any station of the imperial maritime customs are placed under their control. Respect this."

On the same day I telegraphed an English translation of the above edict to my Government, and later I received instructions directing me to inquire of your imperial highness whether or not there was contemplated in the issue of this edict any change whatsoever in any department of the imperial maritime customs.

I have the honor, therefore, to request your imperial highness to inform me at as early a date as possible what changes, if any, in the administration of the imperial maritime customs are involved in the execution of the above edict.

I avail, etc.

W. W. ROCKHILL.

^a Supra.

[Inclosure 2—Translation.]

*The Prince of Ch'ing to Mr. Rockhill.*FOREIGN OFFICE, *May 17, 1906.*

YOUR EXCELLENCY: On the 15th instant I had the honor to receive a dispatch from your excellency stating that on May 9 the following imperial edict was published:

"T'ieh-liang, president of the board of revenue, is hereby appointed, etc."

Your excellency then stated that on the same day you telegraphed an English translation of this edict to your Government, and later received instructions to inquire whether or not there was contemplated in the issue of this edict any change whatsoever in any department of the imperial maritime customs. Would I therefore inform you at as early a date as possible whether or not any such change was contemplated?

In reply I have the honor to state that Their Excellencies T'ieh-liang and T'ang Shao-i have been appointed by their imperial majesties ministers of customs affairs; that these ministers, T'ieh and T'ang, have already received the inspector-general of customs, and in a personal interview have told him that the customs affairs would be managed as usual. It becomes my duty, therefore, to inform your excellency of the facts, and request that you transmit the information to your Government.

PRINCE OF CH'ING.

[Inclosure 3—Translation.]

*Mr. Carnegie to M. Baroli.*PEKING, *June 6, 1906.*

MONSIEUR LE DOYEN:

The question of the administration of the imperial maritime customs being one of special interest to the representatives of the powers at Peking, I have the honor to send you herewith a note, with an English translation, which I have just received from His Highness Prince Ch'ing, with regard to the recent edict. I have been authorized by my Government to declare that it is satisfied with the assurance contained in this note.

Begging that you will kindly circulate this letter with its inclosures among our honorable colleagues, I have the honor to renew, Monsieur le Doyen, the assurance, etc.,

LANCELOT D. CARNEGIE.

[Subinclosure to inclosure 3.]

*The Prince of Ch'ing to Mr. Carnegie.*FOREIGN OFFICE, *June 1, 1906.*

SIR: I had the honor to inform you in a note of May 27 that the special appointment by China of high commissioners for the exclusive control (or management) of the maritime customs made no change in the mode of administration laid down in the loan agreements. At an interview at the Wai-wu Pu on May 28 you intimated that the terms of this note were not sufficiently explicit as to China's intentions and requested a further statement in the matter.

In the seventh article of the loan agreement of 1896 and in the sixth article of the loan agreement of 1898 it is stipulated "that the administration of the Chinese imperial customs shall remain as at present constituted during the currency of this loan," and I have the honor to state that the imperial decree of May 9, specially appointing high commissioners to control (or manage) revenue affairs, does not make any change in the method of administration laid down in the loan agreement.

While communicating the above for your information, I avail, etc.,

PRINCE OF CH'ING.

Minister Rockhill to the Secretary of State.

[Extracts.]

No. 359.]

AMERICAN LEGATION,
Peking, July 31, 1906.

SIR: The high commissioners of customs affairs opened on Saturday last, the 22d instant, the "Council of customs affairs" (Shin-wu-Ch'u), with a staff of twenty yamen clerks. An additional number is to be sent up from the customs establishments. The first high commissioner is to receive taels 4,000 a month, and the second taels 3,000.

The inspector-general of maritime customs has been informed that henceforth the council of customs affairs will have sole charge of all customs matters except those in which foreign interests are directly involved. The council's authority is nevertheless felt at once in the maritime customs service by orders it has given shifting employees of the staff and directing that all publications of the maritime customs shall be submitted to it for approval before being published. These changes may have far-reaching consequences and are in direct contradiction with even the qualified explanations given the British chargé d'affaires, as they interfere directly with the present "constitution" of the maritime customs service. Unfortunately the expression "present constitution of the customs" has never been defined, and it is likely to occasion much trouble hereafter according to the interpretation put on it by the Chinese or the bondholders.

I have the honor to be, etc.,

W. W. ROCKHILL.

Minister Rockhill to the Secretary of State.

No. 365.]

AMERICAN LEGATION,
Peking, July 31, 1906.

SIR: In my dispatch No. 362 of this date I had the honor to transmit to you copies of the recently published returns of trade for 1905 of the maritime customs, relating to the central, southern, and frontier ports of China.

I have now to call your particular attention to the interesting special report contained in the southern coast reports on the Santuao native customs, which shows native methods of administration in the native customs of Santuao (near Foochow) and the result of honest foreign management of the same.

I have, etc.,

W. W. ROCKHILL.

[Inclosure.]

[The North China Daily News—Impartial, not neutral.]

SHANGHAI, *July 21, 1906.*

THE FOREIGNER IN CHINA.

We published yesterday an interesting report by Mr. F. W. Carey, acting commissioner of customs at Santiago, reproduced from the I. M. C. returns of trade. The description therein given of native methods would have been

extremely interesting and valuable at any time, but it comes with peculiar fitness at the present juncture, critical to an extent which few foreigners realize, in the development of what is commonly called the national movement in China. We earnestly commend Mr. Carey's report to the careful attention of the diplomatic and consular authorities who have to deal with the peculiar difficulties of the existing situation; we commend it also to the chamber of commerce, the China association, and all local bodies whose duty it is to maintain the foreigner's political and commercial rights in the country.

Our readers will remember that lately we reproduced, from a native paper published in Tientsin, the arguments put forward by the young China party in favor of replacing the foreign staff of the imperial maritime customs by suitably educated Chinese. The writer, after giving details of the numbers and salaries of foreigners employed in the collection of the Chinese revenue, and naively comparing the salary of the inspector-general with that of viceroy or governor, expressed the opinion that no good reason exists for debarring Chinese from filling the highest posts in the service, and that only education is required to make thousands eligible for these posts. The essential qualification of administrative honesty was entirely overlooked in this document, the writer apparently taking it for granted and confining himself to the claim, undeniable in theory, that Chinese should be employed, rather than foreigners, in the service of their country. But it is just in this matter of administrative honesty that lies the crux of the whole question which the "patriotic" Chinese are now raising. Mr. Carey's report proves conclusively the fact, which those most in sympathy with the national movement are unable to deny, namely, that the corruption of the official class in China shows no signs of diminution. We might go further and say with truth that all experience up to the present shows that education on western methods rather aggravates than diminishes the peculiar disposition of Chinese officials to enrich themselves at the expense of the state they profess to serve. Any discussion of the question of China's sovereign rights which overlooks this central truth is, therefore, certain to lead China into further difficulties and to preclude any reasonable hope of maintaining the authority and credit of the central government.

Competent observers see in the present movement an appeal, on the one hand, by the mandarin class to those patriotic instincts which have undoubtedly been organized by the spread of western literature and the energies of the native press; on the other hand, an equally evident intention to use the results of this movement for the immediate benefit of the mandarins and of the agitators at their back. The attempts persistently made by Chinese officials during the past year to obtain control of the administration of this settlement at and through the mixed court have precisely the same ultimate object as the attempt to obtain a footing in the imperial maritime customs; that object is, undoubtedly, in the first instance, an aggressive policy on the part of China and the suppression of the foreigner. Those who advocate this policy are quite prepared to see both the maritime customs and the foreign settlement revert to that state of things which existed in the native customs at Santuao until 1901, which Mr. Carey has so graphically described. It is nothing to them that 600 officials should be required for the collection of revenue which yields the sum of \$11,000 per annum to the imperial exchequer; it is nothing that the collection should be accompanied by every form of corruption and hindrance to trade. Similarly, it would be nothing to those who hope to batten on the wealth of this settlement that the administration of the mixed court should be accompanied by native yamen abuses.

It were well that we should clearly recognize this essential fact. Those who are now urging railway construction throughout the country by provincial bureaus are attempting to persuade the gentry and people of the excellence of their own motives and the wealth that lies before all concerned. It does not require, however, any deep knowledge of Chinese affairs to realize that the state is not likely to profit greatly by railway construction in the hands of officials of the type already appointed to take charge of certain bureaus. The first results are even now apparent—provision of sinecures for thousands of hungry officials, levying of taxes and subscriptions from the people, of which money not one-tenth will ever go into railway work.

Those who wish to see the system of native administration working out its effect should take a trip on the railway from Canton to Sanshui; even the British-financed northern railway under the practical control of the Cantonese party (which has obtained a free hand under Viceroy Yuan Shih-kai) is showing unmistakable signs of that swift descent from efficient administration to native

chaos, which is the inevitable end of management by mandarins. The immediate remedy for these things is not apparent, inasmuch as western education appears to be of no effect. Pending discovery of a solution, Mr. Carey's report should give pause to those who are inclined to place implicit reliance upon the eloquent protestations of the young China party.

**CITIZENSHIP AND RIGHT OF ADMISSION TO THE UNITED STATES
OF A CHINESE ADOPTED BY AN AMERICAN CITIZEN.**

Minister Rockhill to the Secretary of State.

No. 389.]

AMERICAN LEGATION,
Peking, September 6, 1906.

SIR: I have the honor to inclose herewith copies of my correspondence with the American consul-general at Hankow regarding the adoption by an American of a Chinese baby girl. My opinion is asked as to whether the child may, through adoption, become an American citizen, and be taken to the United States and brought up as any ordinary adopted child of American extraction.

I have expressed my belief that under the present laws a Chinese infant can not thus become an American citizen, but that possibly the child could be taken to the United States and there educated under the privileges pertaining to the exempt classes of Chinese persons.

I have the honor to beg that the department will express its opinion as to my course of action.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

Mr. Martin to Mr. Rockhill.

HANKOW, *August 21, 1906.*

SIR: I have the honor to inclose herein the copy of a letter just received from Miss Carrie M. Ericksen, together with a copy of my answer thereto.

Will you be so kind as to express your opinion on the subject, through me, to her, that she may be the better satisfied.

WM. MARTIN.

[Subinclosure 1.]

Miss Ericksen to Mr. Martin.

AUGUST 15, 1906.

DEAR MR. MARTIN: I am writing these few lines to ask a favor of you. We have under our care a Chinese baby girl who was thrown out to die by her parents and we want to know if it is possible to take her with us to the United States next spring. If so, under what conditions. I wish to adopt her and have her brought up in my home as an American citizen. Will you let me hear from you at your earliest convenience, and oblige,

CARRIE M. ERICKSEN.

[Subinclosure 2.]

Mr. Martin to Miss Ericksen.

MISS CARRIE M. ERICKSEN,
Sin Tsai Hsien, Honan:

I am in receipt of your letter dated August 15, 1906, and in reply would say, that as to your asking whether you can take a baby Chinese girl into the United States, you having adopted her, as far as I know it would not be permitted. I will, however, communicate with the American minister at Peking on the subject, and on receiving his answer will forward it to you.

WILLIAM MARTIN.

[Inclosure 2.]

Mr. Rockhill to Mr. Martin.

PEKING, September 6, 1906.

SIR: I have to acknowledge the receipt of your No. 218 of August 21, inclosing copies of your correspondence with Miss Carrie M. Ericksen regarding her proposed adoption of a Chinese baby girl as an American citizen and asking my opinion on the subject.

In reply I beg to say that I can find no record in this legation of a similar case, but I am of the opinion that under the present laws the child could not be declared a citizen of the United States through adoption. It might be possible, however, for her to be brought to America for the purpose of education under the laws governing persons of exempt classes, but that is not the point upon which Miss Ericksen desires information.

I have submitted the case to the Department of State, and on receiving a reply therefrom will immediately inform you of its contents.

W. W. ROCKHILL.

The Acting Secretary of State to Minister Rockhill.

No. 209.]

DEPARTMENT OF STATE,
 Washington, November 2, 1906.

SIR: In answer to your dispatch, No. 389, of September 6 last, asking whether a Chinese child adopted by an American citizen in China may be admitted to the United States for the purpose of being educated, I inclose herewith, for your information, a copy of a letter from the Acting Secretary of Commerce and Labor, stating that a child born of Chinese parents in China can not be permitted to enter the United States as an American citizen because of its adoption by a temporary resident of China who is a citizen of the United States, and that you are correct in holding that the persons interested in the child should adopt the usual procedure to insure its admission to this country, namely, the procurement of a certificate under the provisions of section 6 of the act of July 5, 1884.

I am, etc.,

ROBERT BACON.

[Inclosure.]

The Acting Secretary of Commerce and Labor to the Secretary of State.

DEPARTMENT OF COMMERCE AND LABOR,
 OFFICE OF THE SECRETARY,
 Washington, October 23, 1906.

SIR: I have the honor to acknowledge the receipt of your letter of the 19th instant, No. 1584, with which you inclose a copy of a dispatch from the Ameri-

can minister to China requesting advice whether a Chinese child adopted by an American citizen in China may be admitted to the United States for the purpose of being educated. The minister seeks specific instructions as to the correctness of an opinion expressed by him to the effect that the Chinese child mentioned can not be admitted as an American citizen merely because of its adoption by a lady who is a citizen of the United States.

So far as the department is aware, this particular question has never been raised, either before the executive branch of the government or in the courts. Upon careful reflection, however, it is constrained, in the light of the fact that it is impossible for a member of the Chinese race, under existing naturalization laws and decisions of the courts, to become a citizen of the United States by any other means than birth within its territory, to hold that a child born of Chinese parents in China can not be permitted to enter the United States as an American citizen because of its adoption by a temporary resident of the Empire of China who is a citizen of this country. The minister was correct in holding that the persons interested in the child should adopt the usual procedure to insure its admission to this country, viz, the procurement of a certificate under the provisions of section 6 of the act of July 5, 1884.

Respectfully,

LAWRENCE O. MURRAY.

FOREIGN SETTLEMENTS IN CHINA AND MANCHURIA.

Minister Rockhill to the Secretary of State.

[Extract.]

No. 482.]

AMERICAN LEGATION,
PEKING, December 18, 1906.

SIR: I have the honor to transmit herewith a memorandum prepared by Mr. Williams, Chinese secretary of this legation, on the subject of the foreign settlements at the open ports of China. The sketch is necessarily brief, but it notes the facts which mark the stages of the movement of the Chinese to narrow the privileges of foreign residents at these ports, which is so strongly marked in the regulations made by China for the government of the localities opened by her within the last few years, as well as in the negotiations for opening localities under treaty provisions.

Concerning the negotiations for the establishment of international settlements at Mukden and Antung, to which the memorandum refers, I inclose copies of recent correspondence between this legation and the Wai-wu Pu on the reported recent regulations said to have been proposed by the Viceroy Yüan Shih-k'ai and the Tartar general at Sheng-king. The Wai-wu Pu in its reply acknowledges the necessity of agreeing with this legation as to the regulations for these settlements—which it would have been impossible for it to deny—but say nothing concerning the authenticity of those purporting to come from the viceroy and the Tartar general.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

FOREIGN SETTLEMENTS AT THE OPEN PORTS OF CHINA.

[Extracts.]

In China proper and in Manchuria 46 cities and towns have been thrown open already to foreign residence and international trade. This does not include Dalny, in Manchuria, leased to Japan; Wei-hai-wei, in Shantung, leased to

Great Britain; Kiaochow, in Shantung, leased to Germany; Kowloon, in Kuangtung, leased to Great Britain; nor Kuang-chou-wan, in Kuangtung, leased to France. Besides the above, there are 3 cities in Tibet thrown open to trade, making 49 ports in the Empire. In addition to these already declared open, there are 13 cities whose opening in the immediate future is arranged for, and 3 others whose opening depends upon the acceptance by other treaty powers of the provisions of Article VIII of the last commercial treaty between China and Great Britain. No account is taken of the cities of Turkestan, Mongolia, and the Amur region, in which Russian subjects have for many years enjoyed privileges of trade and consular jurisdiction.

It will be seen therefore that in the immediate future foreigners will enjoy the right of residence for purposes of trade at more than 60 cities of the Chinese Empire.

At the earliest known date of foreign commercial intercourse with China the foreign traders were restricted in their residence to definite areas at the ports frequented by them. This was the case with the Arab and Indian merchants who visited Canton from the ninth century onwards. They lived in what we may call the foreign quarter of Canton, where they were placed to a great extent under the jurisdiction of their headmen, in much the same way that Chinese traders in Java, the Philippines, and other parts of the East Indies were made subject to the control of their headmen.

Upon the advent of Europeans in China, they were placed under similar restrictions, and the British superintendent of trade at Canton was regarded by the Chinese as nothing more than the headman of the British merchants.

By the British treaty of Nanking (1842) and by that of Wanghia with the United States (1844) the superintendents of trade were given an official status and called consuls, and by the same treaties foreign merchants were allowed the privilege of residing for purposes of trade at five ports of the Empire—Canton, Amoy, Foochow, Ningpo, and Shanghai.

By Article II of the above-mentioned British treaty, British subjects were allowed to reside for trade "at the cities and towns" just mentioned. Nothing is said of restricting them in their residence to any particular localities at these ports; no provision was made for foreign settlements.

The ravages of the Taiping rebels drove thousands of homeless Chinese to seek safety under the protection of foreign flags. The little settlement was soon crowded with such refugees. The building and renting of houses for their occupation became such a profitable enterprise that no foreigner protested against the influx. The authority of the Imperial Government was greatly weakened by the rebellion, and the local authorities could not but view with satisfaction the cooperation of the foreign powers in preserving order at the port. Some form of municipal government became absolutely necessary, and in 1854 a code of land regulations was adopted by an arrangement made between the Imperial Government and the ministers for Great Britain, France, and the United States. Under these regulations the international settlement at Shanghai flourished greatly, and rapidly grew into a great cosmopolitan municipality, entirely overshadowing the native city. The regulations were revised from time to time to the advantage of the foreigners, and the influx of Chinese increased from year to year to such an extent that the limits of the settlement had to be enlarged repeatedly. Its population to-day amounts to 465,000, of which but 11,000 are foreigners.

France early obtained a separate site for the residence of her merchants. This lies between the international settlement and the native city. It has its own municipal council, whose acts are without force, however, unless approved by the French consul-general. Its present population is about 80,000; that of the native city about 183,000, making a total for the port of Shanghai, native city and both settlements included, of 727,000, of whom less than 12,000 are foreigners. Here is an anomalous condition of affairs; 500,000 Chinese at the largest and most important seaport of the Empire, while owing allegiance to the Imperial Government and subject to the jurisdiction of native magistrates in the mixed courts, are really governed by foreign municipalities.

At no other port has the same method been adopted as at Shanghai. At some, as at Newchwang, for instance, no district has been definitely marked out for foreign residence. At others, as Hankow and Tientsin, for example, each nation interested has secured a separate site for the residence of its merchants. At Hankow there are five such settlements, and at Tientsin eight. At such ports, therefore, there are a number of little municipalities, each with its own regulations and its own method of government. Trade does not suffer,

however, as much as might be expected, since it always seeks that settlement which offers the best inducements.

As these foreign settlements began to grow up outside the walls of the native cities, the Chinese authorities began gradually to take the position that the cities themselves had never been opened to foreign residence and trade, that only a restricted area outside the gates of the city had been opened, and that goods passing from the city to the settlement and vice versa could be taxed by the likin and octroi offices. This position has been contested by various foreign governments for years past, but the question is still unsettled, so far as the Chinese are concerned, and in the regulations drawn up for the control of the settlements at ports voluntarily opened to China, it is clearly stipulated that all districts outside the boundaries of such settlements, including the native cities, are to be treated as under the inland transit regulations.

When the Chefoo convention was being negotiated between Great China, in 1876, Sir Thomas Wade agreed "to move his Government to allow the ground rented to foreigners (the so-called concessions) at the different ports to be regarded as the area of exemption from likin." The British Government, however, refused to accept this provision, and the treaty was finally ratified without it in 1886.

After the opening of the five ports mentioned in the treaties of Nanking and Wanghia, various other places, on the demand of one power or another, were likewise opened to international residence and trade. At all of these places, until the opening of Soochow and Hangchow in 1896, foreign residents were given the same privileges as at the five ports first opened. In opening Soochow and Hangchow, at the request of Japan, the Chinese decided upon a new course. The Chinese authorities themselves bought up the land at the locations fixed upon for foreign settlements and leased it in lots for a period of thirty years to those desiring it, the leases being subject to renewal for additional periods of thirty years for ever. These settlements were put under Chinese police control, and road making and all other public improvements were undertaken by the Chinese authorities themselves.

The next year Germany seized the port of Kiaochow, and later secured a lease of the bay and certain districts adjoining. This example was promptly followed by Russia, which obtained the lease of Port Arthur and Dalny and the region contiguous. France demanded and secured Kuangchowwan, and Great Britain in the same manner obtained Weihaiwei and the extension of Kowloon. Italy asked for Sanmun.

The Chinese were aroused by these appropriations of their territory, and even while the negotiations were pending looked about for ports whose opening was likely to be demanded, and decided to be beforehand by opening such ports themselves under such conditions as would enable them to retain municipal control. In this way on March 31, 1898, the treaty powers were notified that Yochow and Honan; Santuao, in Fukien, and Chingwanto (winter port of Tientsin), in Chihli would be opened "by China herself." In the following month Woosung at the mouth of the Huangp'u was opened in the same way, as stated above. In 1899 Nanning, in Kuanghsi, was declared open in the same way. In the Chinese eyes the words "opened by China herself" have a very definite meaning, and imply that the settlements needed are to be laid out and controlled as in the case of Yochow, Santuao, etc. When the new commercial treaty between China and Great Britain was drawn up in 1902 it was provided therein that (Article VIII, section 12) "the Chinese Government agrees to open to foreign trade on the same footing as the places opened to foreign trade by the treaties of Nanking and Tientsin, the following places: Changsha, in Honan; Wanhsien, in Szechuen; Nganking, in Anhui; Waichow, in Kwangtung; and Kongmoon in Kwangtung." But this agreement was qualified by the statement that "foreigners residing in these open ports are to observe the municipal and police regulations on the same footing as Chinese residents, and they are not to be entitled to establish municipalities and police of their own within the limits of these treaty ports, except with the consent of the Chinese authorities." By our own treaty with China in 1903 it was provided that "Mukden and Antung, both in the Province of Shengking, will be opened by China itself as places of international residence and trade. The selection of fitting localities to be set apart for international use and occupation, and the regulations for these places set apart for foreign residence and trade shall be agreed upon by the Governments of the United States and China after consultation together."

What China means by a port opened by herself may be understood by reading the regulations adopted by Tsinan Fu in Shantung, which was opened to foreign

trade on January 10, 1906. Notice of intention thereof was given March 2, 1905, and a copy of the general regulations of the port were sent to this legation then. By these regulations foreigners are restricted in their residence and trade to a settlement definitely bounded, located outside the walls of the city, and the city itself and all territory outside the boundaries of the settlement are to be regarded as under inland regulations; that is, foreigners may not buy land there, nor reside nor trade there, and all goods going to and fro between the settlement are treated as shipped into the interior. Provisions are made also for the establishment of a Chinese municipal government and a Chinese police administration, but the extraterritorial powers of foreign consuls are recognized. In important cases, however, the police may enter any house in search of criminals, even without a warrant. All land in the settlement is bought by the Government and is leased to those who wish to occupy it at a fixed annual rental of from \$10 to \$36 per mou, according to class, and an annual tax of \$2 per mou (one-sixth of an acre). The lease runs for thirty years only, and at renewal the rental may be increased, if circumstances warrant. If rent and taxes remain unpaid for a year, the lease is canceled. At the expiration of sixty years, if the Government so desires, it may take over the property at a valuation to be determined by arbitrators. Within three years from the date of the lease buildings must be erected on the ground, or the lease will be canceled, and no sums already paid for rent and taxes will be refunded. By comparing these regulations with those of Soochow and Hangchow, it will be seen that a great advance has been made in ten years in the matter of restricting the privileges enjoyed by foreigners in the settlements.

Mukden and Antung in Manchuria were opened to foreign residence and trade by our treaty of 1903. By the provisions of that treaty the sites for the foreign settlements at these places and the regulations for their government are to be determined by the Governments of the United States and of China after consulting together. Recent Chinese newspapers, however, publish a set of regulations for the said settlements, which, it is said, the Tartar general and the Viceroy Yuan Shih-k'ai have proposed for the approval of the imperial authorities. These regulations place the settlements at the two cities named on the same footing as that at Tsinan in Shantung. Indeed the regulations are even less liberal than those in force at Tientsin; the leases are fixed at from \$15 to \$50 per mou per annum, according to the location of the ground. It is but fair to say, however, that the Chinese authorities deny that such regulations have been drawn up. It is probable that the matter has been under discussion, but such regulations must of necessity be submitted to the Government of the United States for its approval before they can be put into operation.

This brief review of the history of foreign settlements in China shows a growing determination on the part of the Chinese to construe the treaties as strictly as possible, and to reduce the privileges heretofore enjoyed by foreign residents so far as can be done without a violation of these treaties. The newly awakened feeling of national unity, and the efforts being made to repurchase concessions made to foreign syndicates and develop the resources of the Empire with Chinese capital under Chinese control, are parts of the same general movement.

E. T. WILLIAMS.

[Inclosure 2.]

Chargé Coolidge to the Prince of Ch'ing.

NOVEMBER 17, 1905.

YOUR IMPERIAL HIGHNESS: My attention has been directed to a report by the board of finance of the Throne, recommending that the request for an appropriation from the imperial treasury for the expenses of opening the ports of Mukden, Antung, and Tatungkou be not granted, but that the authorities of the province be authorized to raise the needed funds themselves, and repay them from the future receipts of the customs. In this report, the memorial of the viceroy, Yuan Shih-k'ai, and others, preferring the above-mentioned request, is quoted as saying:

"In the matter of opening to international trade of the three places in Feng-t'ien, Mukden, Antung, Tatungkou, now being dealt with, the precedent established in other places opened by China herself is to be followed in all things;

that is to say, the officials must purchase the land within the limits set apart for the foreign settlements which shall become government property, and shall mark the boundaries of the settlements, after which the merchants of various nations may lease lands as they may need, build thereon and establish their places of business. At Antung and Tatungkou, which are seaports, it will be necessary to construct anchorage and wharves, and within the settlements at all three places it will be necessary to establish police and make provision for sanitation, build roads and public buildings, the expense of which must be borne by our own Government in order that its sovereignty may be maintained."

The report further says, that if the imperial sanction be given, orders will be given to the authorities concerned to report to the board of foreign affairs and the customs authorities the regulations to be proposed, that they may approve of them. The imperial rescript approves the report.

With regard to this matter, I have the honor to remind your imperial highness that Mukden and Antung have been opened to foreign residence and international trade by treaty with the United States, and that the selection of suitable localities for international use and occupation, and the regulations for these places must be agreed upon by the Governments of the United States and China after consultation together.

On the 28th of April last Mr. Rockhill addressed a note to your imperial highness in which he called attention to the provisions of the treaty in respect to this matter, and intimated the willingness of the American Government to delegate some one at as early a date as might be convenient to consult with a representative of China for the purpose stated. Negotiations regarding the matter were opened between Mr. Sammons, American consul-general at Newchwang, and the Tao'ai Liang, and on the 13th of July Mr. Rockhill called at the foreign office and had an interview with the ministers of your highness' board, in which it was agreed that, owing to the peculiar conditions prevailing in Manchuria at that time, the question of sites for settlements and the adoption of regulations for the government of the same should be left for the time being unsettled, to be adjusted later, when the circumstances should so improve as to admit of a satisfactory solution. It was expressly stipulated, however, that this arrangement was to be without prejudice to American treaty rights.

I have the honor to inform your imperial highness that the United States is ready now, as then, to appoint a representative to join with a representative of the Chinese Government in determining sites for the proposed settlements and in drawing up regulations for their government.

I avail, etc.,

JOHN GARDNER COOLIDGE,
Chargé d'Affaires of the United States.

TO HIS IMPERIAL HIGHNESS,
President of the Board of Foreign Affairs, etc.

[Inclosure 3.]

Chargé Moore to the Prince of Ch'ing.

NOVEMBER 30, 1906.

YOUR IMPERIAL HIGHNESS: It is reported that their Excellencies the Viceroy Yuan Shih-k'ai and the Tartar General Chao Erh-hsun have memorialized the Throne to draw up the following regulations in reference to the opening of Mukden and Antung to international commerce:

1. As the opening of Mukden and Antung was stipulated in the treaties with the United States and Japan, the which treaties provide that China shall herself open the said ports to international trade, it is necessary that the said two ports be regarded as voluntarily opened by China, and as being on a different footing from other ports opened by treaty—that is to say, all matters concerned with them must be dealt with under regulations for ports voluntarily opened for China.

2. Sites shall be selected and set apart at the two ports named for international settlements. The boundaries of said settlements shall be as follows:

- (a) Boundaries at Mukden.
- (b) Boundaries at Antung.

The districts whose boundaries are given above are to be occupied in common by Chinese and foreigners for purposes of international trade. The boundaries of said settlements must be clearly marked with boundary stones. All countries having treaty relations with China shall be permitted to station commercial officers at the said places, and the merchants of all countries shall be permitted within the boundaries specified to come and go at pleasure, to lease land and build houses and shops, and to reside and do business there under the same regulations as the Chinese. All districts outside the boundaries of the international settlements, including the city gates and all lands in the vicinity belonging to Chinese merchants, must be treated as coming under the head of inland regulations; and foreign merchants must not be allowed to lease lands, buy houses, or establish places of business in such places.

3. The imperial maritime customs must be established at once at Mukden and Antung, to be under the joint control of the superintendent of customs and the commissioner of customs. It is proposed to memorialize requesting the appointment of the intendant of posts to be superintendent of customs at Mukden, and the taot'ai of the Eastern Marches to be superintendent of customs at Antung. A municipal council for each of these settlements and police administrations shall be established by China herself, and the merchants of foreign nationalities must uniformly observe the regulations of the municipal councils and those of the police authorities just as Chinese residents of the said places are required to do. (Municipal and police regulations are to be published in addition to these.) All matters pertaining to the good health of the settlements, to street cleaning and quarantine, as well as provisions for protection against fire, and all things relating to the safety and good order of the settlements are to be dealt with by the municipal councils and police administration established by China herself.

Chinese deputies shall be appointed to hear and settle all miscellaneous cases, foreign or Chinese, such as fighting, petit larceny, and offenses against the settlement regulations; but serious cases shall be tried by the local magistrates. Foreign criminals shall be sent to the nearest consular officer of the nationality concerned to be tried.

4. All lands within the boundaries of the international settlements at the two ports named shall be purchased by the local authorities at a price to be fixed by them after consideration, and said lands shall in turn be leased by them so as to prevent the holding of lands for a rise and the practice of extortion. If any subjects clandestinely sell or purchase lands there, such sales shall be null and void.

Plans shall be drawn of the lands within the settlements, which shall be divided into three grades. First-grade land shall be leased at \$50 per mou per annum; second-grade land at \$30; and third-grade at \$15. Leases shall run for thirty years, and at the expiration of such period the lease shall be given up in exchange for a new one, and at such time the rental shall be increased or diminished as circumstances may require, and a new period be fixed for the termination of the lease. Special regulations with respect to leasing land and building houses will be determined hereafter, and until they are promulgated, neither Chinese nor foreigners shall be permitted to compete for the lease of ground.

5. Within the boundaries of these international settlements the building of roads, the construction of drains, the building of wharves and public buildings, the establishment of jails and markets, the opening of wells, and the planting of trees shall be taken up in succession and dealt with by the Chinese authorities themselves. After the land within the settlements shall have been classified and surveyed appropriations will be made for the above-named purposes in the order of their importance.

6. The various taxes to be levied in the settlements, such as house rates, shop licenses, wharfage dues, hong taxes, carriage and boat licenses, and police dues, and fees for various kinds of permits, shall be determined by the superintendent of customs in consultation with the municipal council, and the police administration, who shall carefully consider the conditions and act accordingly, and when such rates are due Chinese and foreign merchants shall alike comply with the regulations.

7. Within the boundaries of the settlements no one shall be permitted to erect any reed or thatched houses, nor to store gunpowder nor other combustible materials, to fire guns or revolvers without good excuse, to carry any lethal weapon, unless he be a soldier or military officer, nor shall anyone be permitted to do anything prejudiced to the good health and peace of the settlements.

Anyone disobeying this prohibition shall be punished according to the laws of his own country. If blasting powder or other explosive be needed in carrying out any building operations, it will be necessary first to obtain a permit from the authorities, but even in such case it shall not be permitted to store such explosive for any length of time at the settlement.

8. Postal facilities and the telegraph and telephone systems shall be established by the Chinese authorities themselves for the use alike of Chinese and foreign merchants.

9. The foregoing are the general regulations. If additional regulations should be needed, they may be proposed and adopted from time to time, and the detailed rules or by-laws shall also be published hereafter.

In calling your imperial highness's attention to this memorial, which would have the effect of violating the treaty entered into by China with the United States, I have the honor to reaffirm Mr. Coolidge's note of the 17th instant to your imperial highness, pointing out that the selection of suitable localities for international use and occupation and the regulations governing them must be agreed upon by the Governments of the United States and China.

It is hoped that your imperial highness's Government will shortly appoint a representative to join with the representative of the United States for the purpose of making effective the stipulations of the treaty governing the manner of selection of the proposed settlements.

I avail, etc.,

THOMAS EWING MOORE.

[Inclosure 4—Translation.]

The Prince of Ch'ing to Mr. Rockhill.

PEKING, December 14, 1906.

YOUR EXCELLENCY: On the 19th of November I had the honor to receive a dispatch from Mr. Coolidge, the chargé d'affaires, with regard to the appointment of representatives to arrange the delimitation of the foreign settlements at Mukden and Dalny, and the regulations for the same.

My board at once communicated with the Tartar general at Mukden and the superintendent of trade for the north, directing them to consult together and reply. I have now received a reply from the superintendent of trade for the north, saying: "I find that Article XII of the commercial treaty between China and the United States provides that 'the Chinese Government agrees that, upon the exchange of the ratifications of this treaty, Mukden and Antung, both in the Province of Shenking, shall be opened by China herself as ports of international residence and trade,' and that 'the selection of fitting localities, to be set apart for international use and occupation, and the regulations for the same shall be agreed upon by the Governments of China and the United States after consultation together.' Since the treaty thus provides for consulting together, when the time comes for arranging the boundaries and the regulations, it will of course be necessary to consult together."

While this correspondence was going on I received another dispatch from Mr. Moore, the chargé d'affaires, saying that he had heard that the superintendent of trade for the north and the Tartar general of Shenking had already proposed, after consultation together, certain regulations for the two ports, Mukden and Antung, and Mr. Moore requested me to direct them at once to appoint deputies to consult with the representatives of the United States, and in accordance with the provisions of the treaty, to select sites for the settlements, determine their boundaries, and together deal with all matters pertaining to them.

I have again communicated to the superintendent of trade for the north and the Tartar general of Shenking, directing them to consult together and deal with the matter.

It becomes my duty, therefore, to send this reply for your excellency's information.

A necessary reply.

[SEAL OF THE WAI-WU PU.]

THREATENED RESTRICTION OF THE BOUNDARIES OF THE INTERNATIONAL SETTLEMENT AT SHANGHAI.

The Secretary of State to Minister Rockhill.

No. 157.]

DEPARTMENT OF STATE,
Washington, June 30, 1906.

SIR: I inclose herewith a copy of a dispatch from the consul-general at Shanghai, inclosing a copy of a letter to be addressed by the senior consul of the consular body at Shanghai to the dean of the diplomatic corps at Peking, protesting against the restrictions threatened by the Chinese on the natural growth of the foreign settlement at Shanghai toward the north and east. I also inclose a copy of the department's answer, approving the proposed letter.

You will support the request of the consular body unless you see some serious objection.

I am, etc.,

ELIHU ROOT.

[Inclosure 1.]

Consul-General Rodgers to the Assistant Secretary of State.

AMERICAN CONSULATE GENERAL,
Shanghai, China, May 25, 1906.

SIR: I have the honor to forward herewith a copy of a letter I have drafted for transmission by the senior consul of the consular body of Shanghai to the dean of the diplomatic corps at Peking. This subject of the proposed limitation of the foreign settlement in Shanghai and its environs is one of the most important questions between the foreigners and Chinese, and unless there is some amicable determination in the immediate future, it will furnish the incentive for trouble which will be far-reaching. In addition to the information contained in the inclosure, I may add that each day proves the absolute necessity of an extension of the settlement toward the east—the region which will be indicated for freight and cargo traffic when the Whangpoo improvement work is completed. The excessive values of land along the present water front and in the residential district, known as the western section, enforce the conclusion that the natural growth of Shanghai, which can not fail to be great, must be in the direction in which the Chinese authorities are now preparing to act. From Shanghai to Woosung is only 8 miles or thereabouts by the railroad, and eventually all of the territory between the railroad and the river will be settled by the population needed to transact the coming business of this important port.

It is to be hoped therefore that some mutually satisfactory arrangement can be devised at Peking which will not only avoid the dispute and trouble impending but will also settle for all time such questions affecting the future of Shanghai. A letter similar to this has been forwarded to the American minister at Peking.

I have the honor, etc.,

JAS. L. RODGERS.

[Subinclosure.]

Letter from senior consul at Shanghai to dean of diplomatic corps, Peking.

SIR: I have the honor, on behalf of the consular body, to invite the attention of yourself and your colleagues of the diplomatic corps to a question which seems to be of the greatest moment to all foreign interests in Shanghai and its environs. The matter stated as briefly as possible is as follows:

To the north of Hongkew (the so-called American concession of old) is the district of Paoshan, into which by consent of Liu Kung Ye, late viceroy of the Liang Kiang Provinces, and Yuan, former taotai of Shanghai, as was evidenced

by proclamation, foreigners were allowed to extend roads, to build foreign dwellings on lands rented in perpetuity, and effect other improvements. These residents along North Honan and North Szechuen roads particularly, being beyond the settlement limit of Range road, volunteered—Chinese as well as foreigners—to contribute money to the international municipal council in lieu of taxes, and in consideration of this policy obtained water, electric light, and gas service, and police and fire protection. By request the houses have been numbered, and the district has been treated as though a part of the settlement, without objection on the part of the Chinese. But of late the Chinese authorities have seen fit to protest against this natural extension of the city's growth and have given notice that there shall be no further encroachment under any species of municipal control. Furthermore it is announced that the Pao-shan district lying north of the line of Range road and west of Honan and Szechuen roads—being the section immediately adjacent to the Shanghai-Woosung-Nanking Railway line and station—is to be created a Chinese municipality and subject only to such jurisdiction as may be imposed by those appointed to govern it. While such procedure, which is entirely similar to that under which the Chinese Bund section adjoining the French concession on the south was created, may be entirely within the right of the Chinese, we feel it our duty to point out the ultimate effect upon the coming great development of Shanghai. The residential district of which the North Szechuen road is the main artery, under such limitations as will be prescribed by the Chinese hereafter can extend but little farther than the rifle range, and by a simple amplification of the Chinese programme their prospective municipality can block all egress to the north and prevent extension eastward along the north line of the present settlement limits. This would mean that the growth of the city between the water front of the Whangpoo and the Woosung Railway line would be curtailed, and as a final result there would be absolute confinement of the settlement to the present area.

Such a future for the Shanghai of the present is not desired by the responsible Chinese classes, who now appreciate the benefit and utility of modern innovations and who are not only content but also eager to reside in sections under foreign control. The increase in population, as is evidenced by the recent census and by daily current observation, warrants proper extension of the settlement, and any restriction will work a hardship and do irreparable injury which will react upon the interests of all people. The settlement area is already crowded, the values of land have increased enormously, and apparently the only outlet for the city's natural and logical growth is toward the north and east, the sections which apparently the Chinese authorities are now determined to close against any species of foreign supervision.

We earnestly urge the consideration of this matter by the diplomatic body and hope that some arrangement or understanding can be reached by which Shanghai can be allowed to attain its manifest destiny—that of being a still greater treaty port, in which Chinese and foreigners can reside under a system of government mutually satisfactory to those whose best interests are involved.

I have the honor, etc.,

Consul-General for Belgium and Senior Consul.

 [Inclosure 2.]

The Assistant Secretary of State to Consul-General Rodgers.

DEPARTMENT OF STATE,
 Washington, June 29, 1906.

SIR: I have to acknowledge the receipt of your dispatch, No. 160, of the 25th of May last, inclosing copy of a letter to be addressed by the senior consul of the consular body at Shanghai to the dean of the diplomatic corps at Peking, protesting against the restrictions threatened by the Chinese on the natural growth of the foreign settlement at Shanghai toward the north and east.

This proposed letter has the approval of the department, and the American minister at Peking will be instructed to support the request of the consular body unless he sees some serious objection.

I am, etc.,

ROBERT BACON, *Assistant Secretary.*

Minister Rockhill to the Secretary of State.

No. 371.]

AMERICAN LEGATION,
Peking, China, August 9, 1906.

SIR: I have the honor to acknowledge the receipt of your instruction No. 157 of June 30 last in reference to the restriction threatened by the Chinese on the natural growth of the international settlement at Shanghai, and directing me to support the protest of the consular body at Shanghai against the same.

This matter has been before the diplomatic body for nearly two months—since the receipt by the dean of the letter addressed to him by the senior consul at Shanghai, a copy of which was transmitted to you by Mr. Rodgers.

My British colleague drew up a collective note to be sent to the Prince of Ch'ing by the diplomatic body, protesting against the threatened creation of a Chinese municipality on the north and east sides of the present international settlement. It has taken such a long time, however, to secure the approval of this note by all the diplomatic representatives that my British colleague and I had decided, some days before the receipt of your instruction under acknowledgment, to address separate notes to the Prince of Ch'ing protesting against the threatened restrictions on the growth of the settlement. I inclose herewith a copy of the note which I sent under date of yesterday to the prince.

I believe that a collective note—substantially the one drafted by the British chargé d'affaires—will shortly be sent to the Wai-wu Pu. I will transmit it to you at the earliest date.

I am sending a copy of my note to the Prince of Ch'ing to our consul-general at Shanghai for his information.

I have the honor, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

Minister Rockhill to the Prince of Ch'ing.

AUGUST 8, 1906.

YOUR IMPERIAL HIGHNESS: I am informed by the American consul-general at Shanghai that on the 4th of May last the taot'ai of that port addressed a note to the senior consul, in which he stated that the renting of land in the Pao-shan district, just outside the boundaries of the international settlement at Shanghai, had been originally allowed by the viceroy at Nanking as a special favor and not as a treaty right, and that the present superintendent of trade for the south had now deputed Taot'ai Hsü Hai-ping to proceed to Shanghai for the purpose of making arrangements for the establishment of a Chinese commercial settlement and municipality at Cha-pei in the district named.

I have the honor to point out for the information of your imperial highness that the foreign residents of Shanghai have for many years past held leases of land in the Pao-shan district, which they acquired in the ordinary manner under the treaties, and not as a special favor. I need hardly remind your imperial highness that the treaties expressly provide that the extent of ground to be assigned to foreign residents at the open ports shall not be limited but shall be determined according to the need and convenience of the parties. The international settlement at Shanghai must be allowed room for its natural growth, and this growth must extend in the direction of the Pao-shan district. The foreign residents have already, with the consent of the Chinese authorities, expended large sums of money in building roads there, and in providing electric

light, gas, water, and fire-department protection. If, therefore, a Chinese municipality be established on that side of the international settlement, it will check the growth of the international settlement, and thus do great damage to the interests involved. I am instructed by my Government, therefore, to protest most emphatically against the establishment of the proposed Chinese municipality at Cha-pei, or at any other place in that vicinity where foreigners have already acquired property. I have the honor to request your imperial highness to instruct the superintendent of trade for the south to refrain from establishing the municipality proposed, as such an act can only be construed as one of unfriendliness toward the legitimate foreign interests of Shanghai and hostile to the prosperity of the international settlement.

I avail myself of the occasion to renew to your imperial highness the assurance of my highest consideration.

W. W. ROCKHILL,

Envoy Extraordinary and Minister Plenipotentiary of the United States.

To His Imperial Highness PRINCE OF CH'ING,
President of the Board of Foreign Affairs.

[Inclosure 2 omitted.]

FLOATING MINES IN THE GULF OF PECHILI.

Minister Conger to the Secretary of State.

No. 1843.]

AMERICAN LEGATION,
Peking, March 29, 1905.

SIR: I have the honor to inform you that vessels now arriving at Tongku, Chefoo, and other places very frequently report the presence of floating mines in the ordinary highways of commerce between the northern ports and Shanghai. In a few cases these have been exploded by shooting at them, but in the great majority this has not been possible. Fortunately no serious mishaps have so far resulted from this source of danger; but, to avoid risk, traveling at night has been abandoned in certain localities, and in consequence much time is lost.

It seems to me to be in every way desirable that some effort be made to destroy as many as possible of these mines floating on the high seas; and I venture to suggest that if one or two small naval vessels could be detailed for this purpose the danger to them would not be serious, whereas the benefit resulting might be very great. I am told that British torpedo boats from Wei-hai-wei have done some work of this kind. The need is a pressing one, and I do not see that the question of susceptibilities would be involved. This, however, could easily be ascertained.

I have, etc.,

E. H. CONGER.

Minister Rockhill to the Secretary of State.

No. 172.]

AMERICAN LEGATION,
Peking, December 18, 1905.

SIR: Referring to legation dispatch No. 1843, of March 28, 1905, with regard to the danger to navigation between Shanghai and northern ports, resulting from the presence of floating mines, I have the

honor to report that on March 30 last the senior consul in Shanghai, at the request of the local chamber of commerce, telegraphed to the doyen of the diplomatic corps asking that the Chinese Government be urged to take some steps to insure the safety of shipping. The doyen thereupon wrote to the foreign office, and in reply was informed that the superintendent of trade for the north has been advised of the matter, and had reported that he had sometime previously sent two vessels to discover and destroy floating mines, and that the same ships would again be dispatched to renew the search.

On October 16 the senior consul again wrote to the doyen of the diplomatic corps inclosing a letter addressed to him by the local municipal council calling attention to the continuance of this dangerous condition as shown by the recent destruction of a steamer through contact with a floating mine, and suggesting that fishermen should be incited by pecuniary rewards to locate and report the presence of these dangers to navigation.

A further representation was then made to the foreign office, in which the suggestion of the municipal council was embodied, and a note to this effect was sent to the senior consul.

The foreign office has sent a preliminary reply to this note, stating that its contents has again been communicated to the superintendent of trade for the north, with a view to suitable action.

As Tientsin and Newchwang are now closed for the winter, the amount of shipping traversing the Gulf of Chihli is very much diminished, and it is hoped that by the time these ports are again open in the spring the efforts of the Chinese Government, aided by natural causes, will have been successful in practically clearing the routes of trade of these very serious dangers to navigation.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1—Telegram.]

Consul-General Knappe to the German minister.

(Given in at Shanghai, March 30, 1905—5.25 p. m.)

No. 22. Chamber of commerce brings to the notice of the doyen in Peking the danger to navigation between Shanghai and the north owing to the number of mechanical floating mines. The chamber requests to urge the Chinese Government to at once take steps to insure the safety of not only the shipping, but of the lives of those who are engaged in the northern traffic.

KNAPPE.

[Inclosure 2—Translation.]

The foreign office to the dean of the diplomatic corps.

We have the honor to acknowledge the receipt of your excellency's note informing us that you had received a telegram from the consular body at Shanghai to the effect that the chamber of commerce of that city had called attention to the floating mines in the Yellow Sea between Shanghai and the ports in north China, and to the danger to shipping caused thereby; they request, therefore, that measures be taken to protect navigation and prevent loss of life.

Upon receipt of your excellency's note this board telegraphed at once to the superintendent of trade for the north, directing him to order that an investigation be made immediately and that the necessary measures be taken. We have now received a reply from him in which he states that having been previously

informed of the floating mines in the Gulf of Pechili, he had already dispatched the vessels *Haichien* and *Feiyang* to search for and destroy them, but that he would repeat the orders to the same vessels, and direct that they make a careful search.

It becomes our duty to send this note to your excellency for your information, and we take the opportunity to wish your excellency the compliments of the season.

Third moon, second day (April 6, 1905).

[Inclosure 3.]

Chairman Andersch to the German consul-general.

COUNCIL ROOM,
Shanghai, October 6, 1905.

SIR: There is reason to believe that the track of steamers between Shanghai and the northern ports is studded with explosive mines, and it is the council's opinion that much might be done toward their clearance if representations were made in the proper quarter.

The recent disaster which overtook the steamship *Isich-ho* on the 30th ultimo, involving considerable loss of life, is a matter which can not be sufficiently deplored, and I have the honor to suggest, for the consideration of the consular body, the advisability of making representations to the Chinese Government in Peking with a view to the riddance from the seas of this dangerous outcome of the war.

It has been suggested that if pecuniary rewards were offered to the fishermen on the coast who located and were instrumental in conveying information as to the position of floating mines to certain specified ports, arrangements might be made between the Chinese and foreign governments to hold vessels of war in readiness to proceed to the spot indicated with a view to their destruction. If the rewards were sufficiently large, the fishermen would doubtless combine and arrange that one of their number should stand by the mine until assistance arrived.

I have, etc.,

(Signed) J. ANDERSCH, *Chairman.*

[Inclosure 4—Translation.]

The German minister to the Prince of Ch'ing.

NOVEMBER 11, 1905.

YOUR IMPERIAL HIGHNESS: On a previous occasion I had the honor to address your imperial highness begging you to instigate effective measures on the part of the Chinese Government to remove the terrible danger to international navigation caused by the presence of floating mines in the waters adjacent to the coast of China. Another fine vessel and many lives have recently been lost, falling victims to the scourge.

The senior consul in Shanghai has again had recourse to our interposition, pointing out the menace which these mines offer to navigation between Shanghai and the ports of north China.

My honorable colleagues have joined me in this request. I have, therefore, the honor, in my capacity as doyen of the diplomatic corps, to invite the attention of your imperial highness to the fact that the measures taken, up to the present time, to destroy the mines floating along the coast of China have been insufficient, and that it appears to be most urgent that more effective steps should be ordered.

The business people of Shanghai who are concerned have suggested the idea of interesting the fishermen in the destruction of mines by giving bounties for their discovery. If these bounties were sufficient they might organize small flotillas to search for mines, on the discovery of which some of the boats could remain in the vicinity of the mine while others went to call for the assistance of special vessels or war ships.

I avail, etc.,

(Signed) A. V. MUMM.

[Inclosure 5.]

The Prince of Ch'ing to the German minister, dean of the diplomatic corps.

(Received November 15, 1905.)

On the 15th of the tenth moon, XXXI year, Kuanghsü (November 11, 1905), I had the honor to receive a dispatch from your excellency, saying that you had already requested my Government to adopt measures for the removal of mines floating on the surface of the sea, and that now another large vessel had fallen a victim to this evil, and that therefore the senior consul at Shanghai had called attention to the inadequacy of the measures so far taken for removing the danger from these floating mines in the sea between Shanghai and the northern ports, and that it might be well perhaps to interest the fishermen in the matter of their removal and thus get rid of the danger.

As to this matter, in the third moon of the present year I received a note from your excellency with regard to measures for searching for the floating mines, and my board thereupon telegraphed to the superintendent of trade for the north, and sent a reply to your excellency, as the records will show.

Later I received a communication from the superintendent of trade for the north, saying that he had sent the *Hai-ch'en* and other vessels to make search, and they had secured three mines.

On the receipt of your excellency's present dispatch I have sent instructions to the superintendents of trade for the south and the north to deal with the matter, and for the present I send this reply, as in duty bound, for your excellency's information.

A necessary dispatch.

Kuanghsü, XXXI year, tenth moon, 19th day (November 15, 1905).

[SEAL.]

Minister Rockhill to the Secretary of State.

No. 197.]

AMERICAN LEGATION,

Peking, January 15, 1906.

SIR: Referring to my No. 172 of December 18 last, with regard to the danger to navigation in the Gulf of Pechili resulting from the presence of floating mines, I have the honor to inclose a translation of a note recently sent by the foreign office to the doyen of the diplomatic corps, showing the steps taken by the Chinese Government to remedy this evil.

I have, etc.,

W. W. ROCKHILL.

[Inclosure.]

The Prince of Ch'ing to the German minister, dean of the diplomatic corps.

YOUR EXCELLENCY: With regard to the matter of the capture and destruction of floating mines, I had the honor to receive a dispatch from your excellency on November 11, asking if notice of reward could not be published extensively and measures taken to remove this danger from the sea. Upon the receipt thereof I immediately communicated with the superintendents of trade for the north and south, and replied to your excellency's dispatch, as the records show.

I now have the honor to state that I have received the following letter from the superintendent of trade for the north:

"Effective measures should certainly be taken immediately to be rid of these floating mines entirely. Upon receipt of your instructions I at once communicated with Admiral Sa, commander of the northern and southern division of the admiralty, directing him to order his subordinates to act in accordance with your instructions, and to publish notices to the effect that 2,000 taels would be given as a reward for the capture of one of these floating mines. Subsequently a reply was received from Admiral Sa, saying that the ships *Haich'en*,

Haich'ou, and *Feiying*, previously sent to capture and destroy floating mines, had captured several; that he had later sent 11 students and petty artillery officers on 11 merchant vessels armed with one-pounders to make a careful search and to blow up all mines they met; that in the last few months one of the artillery officers, Chang Ti-lung by name, had destroyed six of them, having been most successful; that upon receipt of my instructions he had sent proper orders to all the boats, and had posted notices of the reward offered in Chin-wangtao, Tengchou, Chefoo, and Jungch'eng; and, finally, that the students and artillery officers were still to continue their patrol up and down the coast."

Having received this information, it becomes my duty to transmit it to your excellency, as copied above, for your information.

A necessary dispatch.

Kuanghsu, XXXI year, twelfth moon, 2d day (December 27, 1905).

The French Chargé d'Affaires to the Secretary of State.

NEWPORT, August 18, 1906.

MR. SECRETARY OF STATE: The chamber of commerce of Paris, in a letter, copy of which is herewith inclosed, has drawn the attention of the minister of commerce to the perils to which vessels are exposed by the dormant mines scattered over the open seas of the Far East. That corporation further points to the interest there would be in effecting, according to the views of The Hague conference, an international agreement to prevent the recurrence of so serious a danger.

I should be thankful if you could let me know how a motion to that effect, if made, would be received by the Federal Government.

Be pleased to accept, etc.,

DES PORTES.

The Secretary of State to the French Chargé d'Affaires.

No. 343.]

DEPARTMENT OF STATE,
Washington, October 16, 1906.

SIR: I have the pleasure to acknowledge your note of the 18th of August last, in which, at the instance of the chamber of commerce of Paris, attention is drawn to the perils to which vessels are exposed by the dormant mines scattered over the open seas of the Far East, and the suggestion is made that this subject be taken up by The Hague conference and an international agreement effected to prevent the liability of such dangers.

After consultation with my colleague of the navy, I may say that this Government would incline to favor an international agreement whereby to restrict and regulate the employment by belligerents of dormant or other mines which are liable to drift away from the spot of their strategic employment and become a menace to legitimate navigation on the high seas or in neutral waters.

While the use of submarine mines in war is as legitimate as that of torpedoes and other dirigible explosive devices, the mutual rights of the belligerents and their obligations toward the whole neutral world forbid their employment except under conditions of reasonable control, both as to the area in which they are effective and the duration of their destructive character. Certainly the menace from drifting mines to all shipping navigating the Yellow Sea and adjacent waters

since and during the Russo-Japanese war (and no one can foresee when this menace will cease nor how far afield it will extend with the lapse of time) constitutes a condition of affairs to which no neutral can reasonably be asked to submit, no matter how great the military value to the belligerent of the use of the mines from which this condition results. In view of the impossibility of fixing the responsibility in any particular case, it is no solution of the difficulty to argue that the belligerent is responsible for all damage to neutral shipping resulting from his use of mines, and where the damage to a neutral is accompanied by the sacrifice of innocent lives the question becomes still more complex.

While it may be premature to formulate the restrictions and regulations applicable to the case, it may be observed that in the case of unanchored mines the conditions should be similar to those in regard to torpedoes which are merely automobile modifications of the unanchored or floating type, and that as to both the area of destructive influence should not exceed that of the circle whose diameter equals that of the run of the ordinary standard torpedo. It would seem further that neutrals have a right to demand that belligerents who make use of contact mines, whether anchored or unanchored, shall use only such as shall become innocuous upon getting adrift and passing, uncontrolled, beyond the immediate range of belligerent activity. The point which seems proper to assert and emphasize by an international agreement is that a belligerent has no right to seek his own safety or to attack the enemy at the expense of probable injury to a neutral, against which no precaution on the part of the neutral can adequately provide. The belligerent's remedy and duty is obviously to improve his contact mine and prevent its becoming a terrible uncontrollable peril to innocent mankind.

The Secretary of the Navy has furnished me with a memorandum in regard to derelict mines off the China coasts. I have the pleasure to inclose a copy of it for your further information.

Accept, sir, etc.,

ELIHU ROOT.

[Inclosure.]

The Acting Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, September 27, 1906.

SIR: Referring to your letter No. 282, September 1, 1906, inclosing translation of a note from the French chargé d'affaires, in which, calling attention to the danger to commerce from dormant mines scattered over the open seas of the Far East, he asks how a motion to effect, in accordance with the views of The Hague conference, an international agreement to prevent the recurrence of so serious a danger would be received by the United States, this department has the honor to reply as follows:

2. In view of the extensive coast line of the United States, of the great value, actual and moral, of submarine mines in harbor defense, and of their small cost as compared to other means giving equal results, the Navy Department considers it highly impolitic for our Government to become a party to an international agreement entirely prohibiting the use of submarine mines in war.

3. As between belligerents themselves, the use of mines in any form is no more subject to objection than is the use of torpedoes or submarines. As a rule all new weapons in their infancy are attacked on humanitarian or other grounds, but in the end are accepted, provided they are not perfidious and do

not inflict suffering out of proportion to the ends to be obtained. Such was the case with the torpedo, which is now in general use, and the arguments pro and con in the case of that weapon apply with equal force to the submarine mine.

4. There is a division of our artillery devoted to the defense of our seacoast harbors by mines. Lately large sums of money have been spent to perfect this system, and the entire scheme of mine defense is an important part of our coast-defense system. The mines are anchored mines that can be fired at will (observation mines), or by contact (electro-contact mines), and regulations have been drawn up and approved providing for the safety of neutrals and our own vessels. Upon executive order certain areas are proclaimed to be defensive areas, and all such vessels placed under charge of pilots while passing through these areas. We have a naval mine which is an anchored contact mine, to be used for the protection of flying or advanced bases. These mines would be dangerous under some conditions should they break adrift from their moorings; but it would not be difficult to so alter them as to bring them within the proposed rule.

5. In Great Britain the system of mine defense, which has been in charge of the army, has been turned over to the navy. It has been publicly stated that the navy would defend the coast ports with submarines and that no mines would be used for this purpose. The number of submarines building in England gives some color of truth to this statement. At the same time it is known that their navy has frequent practice with anchored mines and countermines and that they are building vessels to be used for laying mines. The vessels with the naval mines are probably intended to defend an advanced or flying base.

6. France apparently depends largely on submarines or submersibles to take the place of anchored mines.

7. Germany is supposed to be prepared to use mines to a large extent in the protection of her coast, and has a number of mine-laying vessels.

8. It is reported that Austria has a vessel prepared to place floating mines in the path of an enemy.

9. It is obvious, however, that the unrestricted use of submarine mines involves not only the mutual rights of the belligerents concerned, but also the obligations of those belligerents to the whole neutral world. Certainly the menace from drifting mines to all shipping navigating the Yellow Sea and adjacent waters since, and during, the Russo-Japanese war (and no one can foresee when this menace will cease, nor how far afield it will extend with the lapse of time), constitutes a condition of affairs to which no neutral can reasonably be asked to submit, no matter how great the military value to the belligerent of the use of mines from which this condition results. (See memorandum.) In view of the impossibility of fixing the responsibility in any particular case, it is no solution of the difficulty to argue that the belligerent is responsible for all damage to neutral shipping resulting from his use of mines, and where the damage to a neutral is accompanied by the sacrifice of innocent lives, the question becomes still more complex.

10. This condition points strongly to the necessity for an international convention restricting and regulating the use of mines in time of war.

11. Proposed regulations followed by a full discussion of the question can be found on page 147 of the volume "International Law Topics and Discussions" issued by the Naval War College, 1905. The regulations are as follows:

(1) Unanchored contact mines are prohibited, except those that by construction are rendered innocuous after a limited time, certainly before passing outside the area of immediate belligerent activities.

(2) Anchored contact mines that do not become innocuous on getting adrift are prohibited.

(3) If anchored contact mines be used within belligerent jurisdiction or within the area of immediate belligerent activities, due precaution shall be taken for the safety of neutrals.

The department approves the second and third of these regulations, but would change the first to read "Unanchored contact mines are prohibited." If unanchored contact mines which become innocuous after a limited time and certainly so before passing outside the area of immediate belligerent activities were allowed to be used, then there is room for widely differing opinions as to what constitutes "a limited time" or "the area of immediate belligerent activities." There can be little question that the time should not exceed that of the run of the standard automobile torpedo, and the area that of the circle whose diameter equals the torpedo's range. Unless contact mines meeting the conditions above

indicated can be constructed at smaller expense than the automobile torpedo, which is an open question, the automobile torpedo would seem to meet all the conditions under which it would be desirable to use unanchored contact mines.

12. Contact mines that become innocuous on getting adrift certainly can be made, and neutrals have an undoubted right to insist that only such mines shall be used.

13. On the other hand, it has been suggested that the restrictions embodied in paragraph 12 above would prevent a vessel or fleet taking refuge in a harbor or bay from hastily mining the channel as a protection from a pursuing enemy. This view ignores the question of the advisability of a vessel, even in the greatest straits, planting contact mines under conditions which preclude her having an exact knowledge of their location, and further assumes that mines that can readily be planted and yet meet the conditions imposed by paragraph 12 can not be constructed, which is by no means certain. But granting all the above, it still appears that even in this case the right of the neutral prevails, and that the belligerent has no right to seek his own safety at the expense of probable injury to the neutral, against which no protection on the part of the latter can provide. The belligerent's remedy is to improve his contact mine.

I have, etc.,

TRUMAN H. NEWBERRY,
Acting Secretary.

[Subinclosure.]

MEMORANDUM OF DERELICT MINES OFF CHINA COAST.

Previous to and after the capitulation of Port Arthur, some 3,000 to 5,000 mines were planted by the Russians and Japanese. These mines were anchored in and around the entrance to the harbor of Port Arthur and for some miles outside the harbor. These were mechanical mines with chemical fuses and were said to be anchored with chain moorings. These moorings, in time, either corroded through or were chafed through by the continuous movements of the water. This was particularly the case during the severe winter storms of that locality.

The submergence of the mines after going adrift depended upon the point of fracture of the chain; if close to the mine, the mine floated on the surface and in smooth weather could be sighted. If the fracture was near the bottom, the mine was drawn under by the weight of the chain, floated beneath the surface and could not be seen.

Of those sighted, about 100 to 150 were reported to the offices of the captains of the ports on the China coast, the latitude and longitude were seen being given, and all vessels were warned of their locality.

The above number was naturally but a small percentage of those adrift.

Few were seen to the southward of Shanghai and the majority of those reported were sighted between Newchwang and the Saddle Islands. Many mines floated ashore on the coasts of Japan, especially along the western and north-western coast, and some were reported on the northeast coast.

Many coastwise merchant steamers and numerous Japanese vessels were sunk by these derelict mines.

In September, 1905, the vessels of our fleet steamed in squadron from Chefoo to Shanghai, passing some 5 miles from Shantung Promontory; an hour later on the same day a Batterfield and Swire steamer, pursuing the same course, struck a derelict mine and sunk in 10 minutes with a loss of 16 lives.

Following is a list of the ships known to have been destroyed by derelict mines off the China coast during the years 1904, 1905, and 1906:

Name.	Nation.	Year.	Name.	Nation.	Year.
Nakonoura Maru	Japan	1904	.....	American	1905
Shintaiping	Russia	1904	Marko Maru	Japan	1905
.....	China	1904	Hsieh-ho	China	1905
Lucia	British	1904	Leho	British	1905
Kashing	China	1904	Sanchin Maru	Japan	1905
Laina Chiyoda Maru	Japan	1904	Silvia	Germany	1906
Tiberius	Germany	1904	.....	British	1906
.....	China	1905	Toyotomic Maru	Japan	1906
Sobralance	British	1905	Nangpo	China .....	.....
Cheyetsu	Japan	1905			

LIENCHOU RIOTS AND RESULTING CLAIMS.

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, *November 3, 1905.*

(Mr. Rockhill reports that he has just been informed by the foreign office that the American Presbyterian mission station at Lienchou in the Province of Canton was on October 28 attacked and destroyed by a mob, that five missionaries, whose names are unknown, were killed and that two were saved, one named Patterson and the other bearing the Chinese name of Ming. The Emperor, having been informed November 2 by the foreign office, immediately issued an edict to the viceroy at Canton ordering him to inflict exemplary punishment on criminals and all guilty officials, ordering also compensation and adequate protection for all missions. His late edict of August 31 is also referred to by the Emperor. The cause of the attack is said to have been the refusal of the missionaries to allow village people to fire cannon during a festival. Further details are promised by the foreign office. Mr. Rockhill says he will see the foreign minister the next day. Nothing in the matter has been heard from the consul at Canton.)

The Secretary of State to Minister Rockhill.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 3, 1905.

(The American consul at Canton has reported names of murdered missionaries omitted in Mr. Rockhill's telegram of this date, and gives further particulars, adding that the viceroy on November 2 sent to Lienchou two Chinese gunboats with 60 soldiers, accompanied by two American missionaries, one American doctor and three Chinese deputies, to rescue the escaped and recover bodies. The department has instructed Consul Lay to inform Mr. Rockhill fully. The minister is instructed to urge a vigorous execution of the edict by the viceroy, and to impress the Chinese Government with the importance of adequate punishment, redress, and protection. Public sentiment in the United States is keenly aroused, and in order that a bad effect may be averted, efficient action by the Chinese Government is necessary.)

Minister Rockhill to the Secretary of State.

[Telegram.—Paraphrase.]

PEKING, *November 4, 1905.*

(Mr. Rockhill acknowledges receipt of department's telegram and states that he has just seen the minister for foreign affairs, who has asked him to inform Secretary Root that his Government is profoundly humiliated and distressed at the Lienchou occurrence, and

promised prompt and vigorous action. Mr. Rockhill insisted with him on the close relation between the boycott movement and the massacre, and that security for the United States could not be insured without a complete suppression of the movement in all shapes. The Emperor's edict of November 2, if carried out, is good.)

Minister Rockhill to the Secretary of State.

No. 138.]

AMERICAN LEGATION,
Peking, China, November 4, 1905.

SIR: I have the honor to transmit to you, in translation, copy of a note received yesterday from the Prince of Ch'ing, reporting the murdering on the 28th October at Lienchou, in the Province of Kwang-tung, of five American missionaries and the rescue of two others; also the steps taken by the Imperial Government on its being informed of this lamentable event.

I at once sent you by cable a synopsis of the prince's note. I confirm as follows my cablegram:^a

Late last night, in reply to a telegram sent him in the early part of the day, I received the following telegraphic report of the matter from the consul-general at Canton:

SHAMEEN, *November 3—4.45 p. m.*
(Received November 3—10 p. m.)

AMERICAN MINISTER, *Peking:*

Viceroy sends me telegram from subprefect at Lienchou reporting murder five American missionaries, Presbyterian mission station at Lienchou, 300 miles from Canton, near northern border this province, accessible for gunboat Ching Yuen and overland thence Lienchou 80 miles. October 28 Mrs. Edward Charles Machle, Amy Machle, Eleanor Chestnut, John R. Peale and wife killed; Edward Charles Machle, Miss E. G. Patterson escaped, now in prefect's yamen. Church, school, hospital, residence destroyed. Viceroy my request yesterday sent Lienchou two Chinese gunboats with 60 soldiers, accompanied by two American missionaries, one American doctor, rescue escaped, recover bodies victims, for investigation necessary to establish exact cause. French missionaries reported not molested. Warned viceroy responsible for outrage. Demanded efficient protection American missionaries elsewhere. Reported subprefect Lienchou afforded no protection and dilatory. Consider advisable await return three missionaries about two weeks before (?) sending (by) commission Lienchou to investigate. Doing everything and telegraphed isolated mission warning them danger. Anti-American feeling caused by dissemination inflammatory boycott literature. First information received by boycott organization here. I believe example should be made (?) viceroy and prefect. Instruct by cable.

LAY.

I see, by appointment to-day, the minister of foreign affairs, and shall endeavor to get him to urge on his Government the taking of adequate steps to stamp out the anti-American feeling in Kwang-tung Province, which has been allowed to spread and gain force until it has led to this massacre. I have been warning the Chinese Government for months that this very thing might very likely occur in some remote corner of the country if the movement against us, and especially the dissemination of inflammatory literature was not absolutely stopped. The Government has been warned and warned

^a Supra.

again by me that we will hold it strictly accountable and responsible for any such uprisings.

I this morning cabled the American consul-general at Canton as follows:

AMERICAN CONSUL, *Canton*:

Fourth. Your cipher telegram received. I regret no one representing the United States Government went with party to Lienchou. Foreign office informed me yesterday of the case, which Viceroy Canton telegraphed here day before. Imperial edict issued to Viceroy Canton ordering punishment of all criminals and guilty officials also directs suitable compensation to be made and adequate protection given missions in all places. I telegraphed yesterday Department of State reporting case and am now awaiting instructions.

ROCKHILL.

The above telegram was supplemented this afternoon by the following:

LAY, *Canton*:

I think unless it is absolutely impossible you should send somebody from the consulate or the war vessel to Lienchou to represent the Government of the United States on the present investigation.

ROCKHILL.

I have the honor, etc.,

W. W. ROCKHILL.

[Inclosure.]

The Prince of Ch'ing to Minister Rockhill.

I have the honor to inform your excellency that on the 6th of the tenth moon, XXXI year of Kuanghsü (November 2, 1905), I received a telegram from the acting viceroy of the two Kuang Provinces, saying:

"I have just received a message from the American consul-general saying that an American mission chapel in the department of Lienchou had been burned and that five foreign missionaries had been killed. I at once telegraphed to the magistrate of the said department directing him to make a careful inquiry into the real cause of the trouble, and to at once arrest the murderers and punish them. I have received his reply, stating that on the 1st instant (October 28, 1905) the American chapel and hospital had been burned and five persons injured, men and women, and that the occasion of the quarrel was the refusal of the missionaries to allow the villagers to fire cannon during their celebration of a festival, and that there were two other missionaries, Rev. Mr. Ming and Miss P'a, who had fortunately been rescued. I have already appointed a deputy to take a sufficient number of troops with him and proceed to the place to make an investigation and take necessary action, to pursue and arrest the murderers and to put the bodies of the murdered missionaries in coffins, and to give uniform protection to the remaining missions and missionaries."

My board thereupon submitted a memorial to the Throne and has received the following imperial edict:

"Ts'en Ch'un-hsian telegraphs than an American hospital and chapel at Lienchou, in Kuangtung Province, owing to trouble growing out of a celebration of a festival by villagers, had been burned, and that five missionaries, men and women, had been injured, and that the rest were rescued; that he has appointed a deputy to take a sufficient number of troops and proceed to the place to give protection, to investigate and take necessary action, and to arrest the murderers. The people of the province in question are turbulent, and we have already issued edicts directing the local officials to be careful to take precautionary measures as the circumstances might require, and to give thorough protection. But the department magistrate has given no heed, and has allowed such a serious matter as this to arise. His fault is one which is inexcusable. Let the names of the responsible officials be obtained, and let them first be cashiered, and let the other officials who have been careless about taking precautions be severally punished according to their guilt. Let Ts'en Ch'un-hsian still continue to issue strict instructions to the deputy sent to at once investigate the matter

and arrest all the important leaders and punish them according to law. Let there not be the least indulgence shown. That five innocent missionaries have been injured is most pitiable. Let steps be taken at once to make suitable compensation. As for the other missions and missionaries let uniform and careful protection be given to them in all places. Let there be no further remissness.

"Respect this."

I have already telegraphed the above to the viceroy at Canton as directed, and as soon as I shall receive his reply I shall communicate it to you. In the meantime I have reverently copied the above edict and, as in duty bound, sent it to your excellency with this dispatch.

Kuanghsü, XXXI year, tenth moon, 7th day (November 3, 1905).

The Secretary of State to Minister Rockhill.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 4, 1905.

(Mr. Root communicates a telegram received this day from the consul-general at Canton to the following effect: Mr. Lay says that he will go to Lienchou in a few days with the viceroy's secretary as a commission to investigate, and requests that two naval officers from the *Raleigh* or *Monadnock* be directed to accompany him. Mr. Lay also informs the department of a report by missionaries of an immature attempt made to burn their residence at Ying tak and of the fact that no adequate steps were taken by officials to guard against a further attempt of this kind.)

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, November 5, 1905.

(In reply to the department's telegram of November 4, Mr. Rockhill reports that he has just communicated its substance in regard to the Ying tak matter to the foreign office, and that the latter promised to telegraph the viceroy immediately. Mr. Rockhill is informed by the minister for foreign affairs that the viceroy at Canton has telegraphed to him that he has issued a proclamation warning the people against the boycott and ordering all officials to post it everywhere; that he commands obedience to previous orders for the protection of Chinese-American employment, and prescribes direct reports to him on the steps taken for execution of the same. The minister for foreign affairs immediately sent a telegram to the viceroy, in which vigorous and effective action was enjoined.)

Minister Rockhill to the Secretary of State.

[Extract.]

No. 140.]

AMERICAN LEGATION,
Peking, China, November 6, 1905.

SIR: In further reference to the killing of the five members of the American Presbyterian mission station at Lien Chou, Province of

Kwang-tung, which I reported to you by cable on the 3d instant, I have to report as follows:

On the 4th instant I called at the foreign office by appointment. I was received by the two vice-presidents, Chü Hung-chi and Na'tung, and the two under secretaries, Lien Fang and Wu Ting-fang. I said that I wanted particularly at the present moment to urge on the Chinese Government the necessity of devising means for preventing further possible outrages against Americans in the same region. I saw nothing to object to in the edict issued by the Emperor to the viceroy in the matter; my only apprehension was that it would not be or could not be carried out. The viceroy had already been commanded by the edict of August 31 (see my dispatch No. 79 of September 1, 1905) to prevent disorder or hostile demonstrations against Americans, but he had failed to take adequate measures, and I had repeatedly in the last few months had to call the attention of the Wai-wu Pu to his contumacious conduct and his apparent sympathy with the anti-American agitation. The viceroy had, so far as I was informed, taken no steps to ascertain whether either the terms of the imperial edict of August 31 or those of his own proclamation were carried out in the Province. The vilest and most slanderous placards and publications against Americans had been posted and scattered broadcast over his Province. It was because of this that the people had come to look upon Americans as outlawed and public enemies, and, with only the slightest misunderstanding as an exciting cause, had now murdered inoffensive women and men.

I stated furthermore that I noted with particular pleasure that the Emperor in his edict to the viceroy commanded that all officials of whatever rank found delinquent should be severely punished. I felt sure, I said, that this would insure the punishment of the viceroy, the chief culprit, by his dilatoriness, for this crime.

The vice-presidents assured me that their majesties had been deeply distressed over this occurrence, and that the fact that an imperial edict had been issued upon the same day on which it had been heard of by them was proof of the gravity with which they viewed it. They begged me to convey to you the expression of their personal sorrow and mortification that such an occurrence could have happened. They begged the United States would await an investigation of the matter, and they promised full justice, compensation, and punishment.

I told them that you had instructed me to inform the foreign office that public opinion in the United States was very much wrought up over this occurrence, and that unless the imperial government took vigorous and prompt action the most unfortunate consequences might be expected to follow. I repeated this to the ministers several times and drew their earnest attention to the great gravity of the situation, resulting not only from this massacre but from the generally unsatisfactory state of affairs in the Province of Kwang-tung, to which I had repeatedly called their attention during the last four months.

In my dispatch No. 139 of the 4th instant I had the honor to inclose copy of a note which I had addressed to the Prince of Ch'ing pressing for a reply to my former note of October 3 (see my dispatch No. 112

of October 4, 1905),^a in which I asked that the viceroy of the Liang Kwang take effective steps to stop the anti-American agitation in his Province. I inclose herewith a copy in translation of a note which I received yesterday from the Prince of Ch'ing giving the telegraphic reply to the viceroy.

The viceroy, you will note, does not state when he issued the new proclamation, but I have little doubt that it was only after he heard of the massacre of our fellow-countrymen at Lien Chou.

It would seem that the viceroy has finally been stirred up to do his duty, and with constant urging from the Peking Government he may put a final stop to all manifestations of hostility against us.

I have, etc.,

W. W. ROCKHILL.

[Inclosure.]

The Prince of Ch'ing to Minister Rockhill.

I have the honor to acknowledge the receipt on the 4th of the 10th moon, XXXI year of Kuanghsü (October 31, 1905), of your excellency's dispatch saying that the measures being taken by the viceroy at Canton to stop the boycott were insufficient; that it had been over a month since I had telegraphed orders to him, and that no such length of time was required to obtain from him an acknowledgment of the orders and a statement that he would comply with them; that the condition of affairs in Kwang-tung as regarded American trade showed either the incapacity or the unwillingness of the viceroy to deal with this question, and that you would have to insist upon my Government's taking more vigorous measures to cause Chinese subjects to obey the imperial decree; that you trusted I would favor you with an immediate reply, giving assurance that such measures were being taken as you requested; that negligence to enforce imperial orders could only breed disrespect for them and might lead to serious disorders; that you had further to inform me that you were in receipt of a communication from the President of the United States saying that the American Government desired to act justly toward China, but at the same time could not tolerate any injustice from China; and that you trusted that I would recognize the serious condition of affairs and act with promptitude.

As to this matter, yesterday I received a reply from the viceroy at Canton, as follows:

"I have already issued a proclamation warning the people, and have directed all the taot'ais, prefects, and subprefects in the Provinces of Kwang-tung and Kwangshi to at once transmit it to the subordinate officials in their jurisdictions, with orders to post it everywhere at once. I also directed these officials to comply with repeated instructions as to the treatment of this question by admonishing and guiding the merchants in their several jurisdictions so as to secure a satisfactory adjustment of the matter. I also ordered the officials to give protection to Chinese in the employ of the American consulate, business houses, and ships, as required by the regulations, and to warn the editors of any newspapers in their jurisdictions that they must not defame such employees, and I instructed the said officials to report to me the steps taken to carry out their orders and the dates on which they posted the proclamation, that I might make a record for future reference."

On receipt of the above I again telegraphed the viceroy at Canton, strictly charging him that his efforts to admonish and guide must show earnestness and that he must be vigorous in enforcing his prohibitions. As soon as I shall hear from him again I will communicate his reply to your excellency. In the meantime, as in duty bound, I send this reply for your consideration.

A necessary dispatch.

Kuanghsü, XXXI year, tenth moon, 8th day (November 4, 1905).

^a Foreign Relations for 1905, p. 229.

The Secretary of State to Minister Rockhill.

[Extract.]

No. 74.]

DEPARTMENT OF STATE,
Washington, November 25, 1905.

SIR: On the 15th instant the Chinese minister handed to me a telegram from his Government, explaining and expressing regret for the recent murder of the American missionaries at Ying tak.

I said to him that there was a widespread feeling that his Government had not done all that could be done, particularly in the southern Provinces, to put an end to the boycott of American goods; that well-informed persons asserted that the proclamations which had been issued were not of such a character as to lead the Chinese population to understand that the Government really meant what it said; that the people of the United States could not fail to refer the recent murder of missionaries at Ying tak to the spirit created among the people of southern China by the long continuance of the boycott; that we should expect that the expressions of regret for the massacre, which we were glad to receive from the Chinese Government, would be followed by prompt and vigorous action to put an end to the boycott, which we believe to be the real cause of the difficulty.

The minister said that he would communicate this to his Government.

The above is communicated to you for your information merely.

I am, etc.,

ELIHU ROOT.

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, *December 3, 1905.*

(Mr. Rockhill says that the result of the joint investigation is reported from Lien-Chou by Consul-General Lay. So far three or four of the persons under arrest are probably guilty, and others implicated. Lay recommends light punishment for those slightly implicated, in view of the large size of the mob taking part in the massacre; he says he has ascertained the cause of the riot and massacre, responsibility for them, and approximate value of property destroyed, and asks permission to remain to witness the executions. Mr. Rockhill inquires whether he shall instruct Mr. Lay as the latter wishes, and says that unquestionably the population will be impressed by prompt punishment of the guilty. He has already instructed the consul-general that the question of indemnification is reserved until the department's orders and the demands of the Presbyterian board are known, and that for the present he must see that full justice is administered by the Chinese authorities.)

The Secretary of State to Minister Rockhill.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 4, 1905.

(Mr. Root tells Mr. Rockhill, unless he sees reasons to the contrary, to instruct Consul-General Lay according to the wishes of the latter.)

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

[Extract.]

AMERICAN LEGATION,
Peking, December 29, 1905.

(Mr. Rockhill states that on the 18th instant he received a note from the foreign office, containing a report from the viceroy at Canton on the investigation of the Lienchou massacre and findings of the joint commission. The viceroy approves the findings and asks the foreign office to request Mr. Rockhill to instruct Consul-General Lay to close the case on the basis of them. Accordingly the foreign office requests him to instruct the consul-general to settle the case at Canton with the deputies of the viceroy. Mr. Rockhill says that he has received also a report from the consul-general substantially agreeing with the Chinese version and determining the responsibility. Little is added by it to the telegram sent by him to the department and to the legation on the 16th instant. He makes no recommendations in regard to punishment of officials, but Mr. Rockhill is asking him to do so. The Imperial edict reported in legation's No. 138 orders punishment of officials directly responsible and indemnification in principle. The minister asks to be instructed concerning indemnity and other reparation, including punishment of officials responsible in any degree; also whether the case should be settled by the consul-general or at the legation.)

The Secretary of State to Minister Rockhill.

No. 91.]

DEPARTMENT OF STATE,
Washington, January 22, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 140, of November 6 last, reporting the result of your conference with members of the Chinese foreign office regarding the murder of American missionaries at Lienchou.

It seems to the department to be advisable not to demand the immediate dismissal of the viceroy at Canton; but you will inform the Government at Peking of the extreme dissatisfaction of the Government of the United States with the viceroy's conduct, both as to the boycott and as to the murder of the missionaries, and you will say that a demand for his degradation will be held under consideration, awaiting the result of his alleged efforts to establish satisfactory relations with the United States.

I am, etc.,

E. ROOT.

The Acting Secretary of State to Minister Rockhill.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 2, 1906.

The minister is instructed to report any information he has relative to indemnities on account of death or losses by the Lienchou

massacre, and to state whether any American citizens have filed claims for indemnity on account thereof.)

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Peking, May 5, 1906.

(States that the American consul-general at Canton reports the filing by the Presbyterian mission of two claims for losses in Lien-chou, one of 52,000-odd Mexican dollars for their losses, another of 9,000-odd Mexican dollars for those of their converts. Indemnity for deaths is not sought by the mission. The consul-general states that the Chinese authorities are willing to pay the claim of the converts if presented by the American officials.)

Minister Rockhill to the Secretary of State.

No. 302.]

AMERICAN LEGATION,
Peking, May 5, 1906.

SIR: I have the honor to acknowledge as follows the receipt of the department's cablegram of the 3d (2d) instant:^a

On receipt of the above I wired our consul-general at Canton, asking if the Presbyterian mission had filed with him any claims for losses incurred at Lienchou and for the death of members of the mission and their families.

I received yesterday the following reply:

ROCKHILL, *Peking*:

Treasurer of the Presbyterian mission here authorized by his board to receive claims for indemnity. Filed two claims at the consulate, one for losses American property and the other converts' property, all as per lists of losses inclosed our unnumbered dispatch December 16. Mission does not seek indemnity for deaths. We are informed converts' losses will be paid if they are presented to Chinese Government.

HEINTZLEMAN.

Upon receipt of this telegram I cabled you, on the 5th instant, as follows:^a

For your further information I inclose herewith copies of the lists referred to in Mr. Lay's telegram of May 4, which were sent to me in his dispatch of December 16 last. I beg to call your attention to the error in the total of American losses, which apparently should be \$49,896.40 Mexican instead of \$52,786.40, and a similar error in the total of Chinese losses, which should read \$9,258.86 Mexican and not \$9,057.86. I have informed Mr. Lay of these discrepancies.

^a Supra.

I may also add that in a recent dispatch Mr. Lay informed me that he was told that the Chinese authorities had some time ago deposited with the International Banking Corporation a sum sufficient for the payment of the claims of the mission.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

STATEMENT OF LOSS OF LIFE AND PROPERTY.

We find the following * * * destruction of property, occurring at Lien-chou, Province of Kwangtung, China, on the 28th day of October, 1905, viz:

Losses of real estate.

[Values are expressed in Mexican currency.]

Description.	First cost.	To replace.
Men's hospital, large building, private wards.....	\$4,350.00	\$4,500.00
Women's hospital, large building, private wards.....	3,200.00	4,500.00
Mary Whitmore Dwight Memorial, Bible women's hall.....	1,200.00	1,700.00
Church building.....	4,000.00	4,500.00
Chinese preacher's house.....	450.00	600.00
Doctor Machle's house.....	3,900.00	5,000.00
Watchmen's lodge and chicken house.....		61.00
Rev. R. F. Edwards's residence.....	4,000.00	4,500.00
Horse stable.....		160.00
Wire fence around property.....	300.00	300.00
Wall around cemetery.....	100.00	100.00
Three tombstones.....	125.00	125.00
Chinese house:		
Doctor Machle's.....	141.00	a 41.00
Doctor Chestnut's.....	171.00	a 71.00
Superintendent's fees for overseeing erection of buildings, 5 per cent cost of building.....		1,392.90
	21,937.00	29,250.90

^a Repairs.

Furnishing buildings and losses of personal property.

	[Mexican.]
Men's hospital.....	\$31.00
Women's hospital.....	2,831.80
Mary Whitmore Memorial, Bible women's hall.....	312.80
Church building.....	374.00
Chinese preacher's house, books and furniture.....	300.00
Doctor Machle's house (in this house also mission property).....	6,776.90
Rev. R. F. Edwards's personal property.....	1,500.00
Miss Patterson's personal property.....	800.00
Reverend and Mrs. Peale's personal property.....	1,000.00
Reverend Scheirer's furniture (property of mission board).....	200.00
Station library, with bookcases.....	2,500.00
Cash lost (\$150, \$70; \$200 in silver, \$20 in pennies).....	450.00
Allowance for exchange, customs, shipment.....	500.00
Real estate.....	29,250.90
Grand total.....	52,786.40

[Inclosure 2.]

Losses of personal property of Chinese at Lienchou, October 28, 1905.

	[Mexican.]
Lai Sing Shang-----	\$535. 00
Money in his possession (including goods)-----	344. 50
Mo Luk Nang-----	278. 40
U. Shun Po-----	73. 53
Chan Pali Shek-----	13. 20
Mo. U. Cheung-----	34. 40
Lin U. Shi-----	79. 33
Chan Pai So-----	42. 00
Mo Nam Ping-----	145. 00
Lo So-----	128. 50
Wong Ah Leung-----	21. 40
So Pak (girls' school)-----	16. 80
Wong Ah Psung-----	155. 10
Ng Pang Shi-----	15. 65
Lun Fook Shang-----	4. 25
Pang Yan Kam-----	69. 10
Chan Shi and children-----	243. 10
Shin Psung Shi-----	19. 40
Hui Sz Tsung-----	11. 75
Pak Mei (Peh ho)-----	60. 00
Yan Neung-----	174. 00
Man San-----	57. 00
Lei Yih-----	56. 70
Kwai Fa-----	11. 30
Chan Lin Shi-----	35. 90
Shin Lei Shan-----	7. 10
Cheung E. So-----	16. 50
Chan Shik Mei-----	40. 00
Shin Pai So-----	43. 10
Lung Pang Shu-----	9. 95
An Yeung Yin Yam-----	6. 55
Wong Ah Kwai-----	1. 05
Chan Po Hing-----	. 55
Shin Ah Ne-----	2. 35
Lo Lang Ching-----	6. 70
Kam San Ching-----	5. 95
Pang Psung Yan-----	1. 20
Pun Wan Shu-----	3. 05
An Yeung Psunk-----	1. 70
Ching Mei-----	7. 70
Hui Tsai Fo-----	2. 60
Wong Ah Kit-----	47. 40
Shin Ah Tsoi-----	31. 05
Pun Fuk Lam-----	82. 90
Mo Meun Tsoi-----	42. 00
Wong Yan Shin-----	107. 75
Cheong Mei Yung-----	56. 25
Tsung Fo Po-----	11. 60
Chan Sam So-----	109. 45
Liu Fuk Shang-----	4. 25
Lo Kam Tseung-----	32. 10
So Leung Sheung-----	2. 00
Tsui Wing Cheung-----	11. 00
Wong Chin Kin-----	12. 50
Cheung Sz Kai-----	87. 75
Mr. and Mrs. Joseph Hookun and children (alias Goo Shin Yin)-----	3, 651. 15
Mrs. Chee Shu-----	1, 631. 90
Wong Meng Shang-----	69. 00
Luk Tak Hing-----	37. 35
Leong Wong Shu-----	20. 10
Mrs.-----	430. 00
Total-----	9, 057. 86

The Secretary of State to Minister Rockhill.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 8, 1906.

(Minister Rockhill is instructed to send the following instructions to the consul-general at Canton, unless he sees good reason for retaining supervisory control of the Lienchou adjustment:

Your 168 received. Lienchou case rests in your handling for final adjustment. Adequacy of punishment must be determined by yourself. This Government has under favorable consideration claims for indemnity for relatives of victims of massacre and will present these claims to China for payment when formulated. Make no financial settlement of case which will preclude these claims.

Mr. Rockhill is instructed to communicate the above to the Chinese Government and to state that payment of these demands will be insisted on as a necessary part of the settlement of the Lienchou case, this payment being regarded as exemplary damages to which China, by the failure of her officials to prevent this outrage, has made herself liable.)

Minister Rockhill to the Secretary of State.

No. 324.]

AMERICAN LEGATION,
Peking, June 12, 1906.

SIR: I have the honor to acknowledge the receipt of your cipher telegram of the 9th instant as follows:^a

On receipt of this telegram I immediately communicated with the consul-general at Canton. I also sent a note to the foreign office, informing it that the consul-general at Canton had been authorized, under certain conditions, to reach a settlement of the Lienchou matter with the provincial authorities.

From the terms of the imperial edict published at the time of the massacre, a copy of which was sent to you in my dispatch No. 138 of November 4, 1905, suitable compensation was promised for the missionaries who lost their lives, and there can be no doubt that the exemplary damages which you tell me you have under favorable consideration will be met by the Chinese Government.

I have, etc.,

W. W. ROCKHILL.

Acting Secretary of State Bacon to Minister Rockhill.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 13, 1906.

(Mr. Rockhill is informed that Consul-General Lay has wired that the viceroy paid compensation for the losses at Lienchou, as claimed. The department assumes that this settlement will not preclude claims

^a Supra.

as stated in its telegram to Mr. Rockhill of June 8. These claims are about to be presented, being now in a final form. Mr. Bacon requests an immediate reply.)

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, July 14, 1906.

(Mr. Rockhill states that he has already instructed Consul-General Lay in accordance with the department's telegram this day, but that he is again telegraphing him.)

Minister Rockhill to the Secretary of State.

[Telegram—Extract—Paraphrase.]

PEKING, August 4, 1906.

(Mr. Rockhill acknowledges department's telegram of July 30,^a and reports that the following terms have been agreed upon between the American consul-general at Canton and the viceroy: First, redress of \$46,129, paid July 13 to the consul-general and by him to the treasurer of the American Presbyterian mission at Canton as compensation for their loss. Second, rewards for apprehension of the guilty still at large to be increased and continued to be offered until they are apprehended. Third, strongest assurances to be given the American Government for future adequate, efficient, and effective protection of Americans at Lienchou. Fourth, the China temple, which was the direct cause of riot, to be transformed into a public school. Fifth, near the school, in a conspicuous place, a stone tablet to be erected with imperial edict of October 28, 1905, engraved thereon. Sixth, the same edict shall be conspicuously posted in the city and district of Lienchou on the return of the missionaries. Seventh, a memorial tablet to be erected on the spot where the Americans were killed, stating that it is erected by the Chinese authorities. Eighth, same to be erected before October 10, 1906, and kept in repair by the Chinese authorities.)

Acting Secretary of State Bacon to Minister Rockhill.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 16, 1906.

(Mr. Bacon states that, considering the information and views communicated by Mr. Rockhill, and taking into account the amounts and character of the indemnities demanded by the British and French

^a Not printed.

Governments for the murder of their nationals in China, it has been decided to adhere to the principle of indemnity for the loss of life which this Government has followed in aggravated cases of this kind. The minister is therefore instructed to notify the Government of China that, in addition to the reparatory satisfaction to be made under the Lay arrangement, and to satisfy the claims made by relatives, this Government will demand 50,000 taels for the benefit of the next of kin of the five American victims at Lienchou. For Mr. Rockhill's information and guidance, Mr. Bacon states that the above decision is on the assumption that no commitment may have been made to the Chinese Government of which the department is not advised which would make this course inconsistent; also that the claims of relatives include one of \$10,000 on behalf of two infants dependent on one of the victims, and claims, aggregating \$25,000, of the estate of one other victim.)

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, August 17, 1906.

(Mr. Rockhill asks whether he is to conclude an arrangement for a final settlement of the Lienchou matter, including terms already agreed upon by Consul-General Lay, and states that it seems to him most desirable to have the Government's formal assent.)

Acting Secretary of State Adee to Minister Rockhill.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 18, 1906.

(Mr. Adee, in reply to Mr. Rockhill's telegram of the 17th instant, instructs him to conclude a final settlement of the Lienchou matter with the Peking Government, to recite therein the terms of settlement already arrived at at Canton, and to incorporate additional demands stated in the department's telegram of August 16 when China accedes to them.)

Minister Rockhill to the Secretary of State.

No. 381.]

AMERICAN LEGATION,
Peking, August 28, 1906.

SIR: I have the honor to inclose herewith copy of the draft agreement which I submitted to the Wai-wu-Pu on the 21st instant for the settlement of the Lienchou massacre.

I have not yet been advised by the foreign office when it will discuss the matter with me, but I shall urge prompt consideration.

I have, etc.,

W. W. ROCKHILL.

[Inclosure.]

An agreement between the Government of the United States of America and the Imperial Chinese Government relative to the massacre of American citizens at Lienchou, in the Province of Kuangtung, on October 28, 1905.

On the 28th of October, 1905, a mob, consisting of several hundred persons, attacked the mission of the American Presbyterian Church at Lienchou, in the Province of Kuangtung, China, and killed, under circumstances of great cruelty, five persons, American citizens, and destroyed the residences of the missionaries, together with their hospitals and chapels, besides much personal property.

The Chinese Government has already expressed its horror of this great crime in an imperial edict, dated November 2, 1905, as follows:

“IMPERIAL EDICT.

“Tsen Ch'un-hsüan telegraphs that an American hospital and chapels at Lienchou, in Kuangtung Province, owing to trouble growing out of the celebration of a festival by villagers, have been burned, and that five missionaries, men and women, have been killed; that the remainder have been rescued, and that he has appointed deputies to take a sufficient number of troops and proceeded to the said place to give protection, as well as to investigate the case, arrest the murderers, and take such other action as may be necessary.

“The people of the province in question are turbulent, and we have already issued edicts directing the local officials to be careful to take precautionary measures as the circumstances might require, and to give thorough protection. But the district magistrate has given no heed and has allowed such a serious matter as this to arise. His fault is one which is inexcusable. Let the names of the responsible officials be obtained, and let them first of all be removed from office. Let other officials who have been careless about taking precautions be severely punished according to their guilt.

“Let Tsen Ch'un-hsüan issue further instructions to the deputies sent to investigate the matter promptly and arrest all the important leaders and punish them according to law.

“Let not the least indulgence be shown.

“That five innocent missionaries have been killed is most pitiable. Let steps be taken at once to make suitable indemnity for the lives destroyed. As for other missions and missionaries, let uniform and careful protection be given them in all places. Let there be no further remissness.

“Respect this.”

In accordance with the foregoing edict, the Chinese Government has already, of its own volition, dismissed from office the officials of Lienchou responsible for the failure to give due protection to the mission, namely, the district magistrate, Shen-Lin-shu, and the commandant of the local military forces, Major Lei Chen-ku, and said officials, as provided for in the imperial edict of December 24, 1901, are never to be employed again by the Chinese Government.

The American consul-general at Canton, Julius G. Lay, and the viceroys of the Liang Kuang, H. E. Tsen Ch'un-hsüan, for and in behalf of their respective Governments, after having investigated the circumstances of the affair, have by an exchange of notes agreed upon nine points, as follows:

“1. That the sum of 46,129.65 taels be paid to Julius G. Lay, American consul-general at Canton, to be handed to the Rev. Henry V. Noyes, treasurer and representative of the American Presbyterian mission, as compensation for the loss of property at Lienchou, the said sum of 46,129.65 taels to be paid to the said Julius G. Lay, American consul-general, on or before the 10th day of July, 1906.

“2. That the rewards for the apprehension of those guilty of the murder of the missionaries and burning of the mission buildings be increased and continue to be offered until such persons are apprehended.

“3. That the strongest assurances be given the American Government that in future adequate, efficient protection be guaranteed to American missionaries in and near Lienchou.

“4. That the small Chinese temple, used for Ta Tsui celebrations and adjacent to the former men's mission hospital, be at once transformed into a schoolhouse.

"5. That near this schoolhouse, in a conspicuous position, there be erected by the Chinese authorities a stone tablet, on which shall be engraved the edict of His Majesty the Emperor of China, issued on the 2d of November, 1905.

"6. That the said edict be also conspicuously posted in the city and district of Lienchou when the missionaries return there.

"7. That in addition to the tablet described, a memorial tablet be erected also by the Chinese authorities to the memory of those missionaries who lost their lives in the massacre at Lienchou, and that such tablet shall bear an inscription stating that it is erected by the Chinese authorities.

"8. That this tablet be erected near the tree in front of the cave temple at the spot to which the missionaries were dragged from the cave and where they were tortured and killed before their bodies were thrown into the river.

"9. That the above-mentioned tablets be erected before the 10th of October next, and that, should they be destroyed or defaced in any way, the Chinese authorities will replace or repair them."

The Chinese Government, in accordance with the arrangement just cited, has already punished sundry persons found guilty of participation in the said outrage, and engages to continue its efforts to apprehend and punish the remainder of the guilty parties.

Furthermore, on the 13th of July, 1906, the sum of 46,129.65 taels, stipulated above, was paid to the aforesaid Julius G. Lay, American consul-general at Canton, to be by him handed to the mission in compensation for the property destroyed.

That the Government of the United States of America and the Imperial Chinese Government reaffirm their agreement in the arrangement made by the American consul-general, Julius G. Lay, and the viceroy, Tsen Ch'un-hsian, embodied in the nine points just quoted, and the Chinese Government hereby formally binds itself to carry out the unfulfilled engagements stipulated therein, and furthermore agreed that, in case any person or persons shall injure either of the tablets above mentioned, such person or persons shall be promptly arrested and severely punished, and the injured tablet shall be repaired or replaced by the Chinese authorities without delay.

It is also agreed by the Chinese Government that the terms of the settlement, set forth in this agreement, shall be published in a proclamation, the text of which shall be prepared by the Wai-wu Pu, and submitted to the American minister for his approval, and that the said proclamation shall be conspicuously posted throughout the city and district of Lienchou.

The Chinese Government hereby agrees, moreover, that in order to fully execute the commands of His Imperial Majesty the Emperor of China, as expressed in the edict of November 2, 1905, cited above, to wit, that an indemnity shall be paid for the lives of the murdered missionaries, it will upon the day of the signing of this agreement pay to Hon W. W. Rockhill, envoy extraordinary and minister plenipotentiary of the United States, the sum of K'u-p'ing taels 50,000, to be distributed among the families of the murdered missionaries.

And the Government of the United States, in consideration of the performance by the Chinese Government of the acts already recited and the engagements entered into by the said Chinese Government, as set forth herein, hereby agrees that the payment of the said K'u-p'ing taels 50,000 indemnity for the lives of the murdered missionaries shall, with the acts already performed by the Chinese Government in relation to this case and the entire fulfillment of the engagements herein made, constitute a final and complete settlement of this case.

This agreement is written in the English and Chinese languages, five copies of each being prepared, of which one of each text shall be deposited at the Chinese foreign office in Peking, the American legation in Peking, the Department of State at Washington, the American consulate-general at Canton, and the yamen of the viceroy of the Liang Kuang. In case any disagreement should hereafter arise as to the meaning of any clause herein, the English text shall be considered authoritative.

Done at Peking this — day of ———, A. D. 1906, the CXXXI year of the independence of the United States of America; that is, Kuanghsü XXXII year, the — moon and — day.

The Secretary of State to Minister Rockhill.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 13, 1906.

(Mr. Root informs Mr. Rockhill that he has agreed with the Chinese minister to reduce the Lienchou final indemnity to \$25,000 gold, and authorizes him to close, with this modification, the agreement set forth in his No. 381.)

The Secretary of State to Minister Rockhill.

No. 227.]

DEPARTMENT OF STATE,
Washington, December 22, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 381, of the 28th of August last, inclosing a copy of the draft agreement which you submitted to the Wai-wu Pu on the 21st of that month, for the settlement of the indemnity for the Lienchou massacre.

The matter has been under negotiation with the Chinese minister at this capital, and has just come to a satisfactory conclusion, as the legation was informed by the department's telegram of the 13th instant, which reads as follows, and which I now confirm.^a

I am, etc.,

E. Root.

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Peking, January 5, 1907.

(Mr. Rockhill reports that the consul-general at Canton telegraphs him that the Lienchou indemnity has been paid him by the viceroy, and that he is directing the consul-general to remit it directly to the department. Mr. Rockhill hopes to sign, at an early date, a legitimated settlement.)

RIOTS AT CHANG-P'U AND NANCHANG.*Minister Rockhill to the Secretary of State.*

No. 228.]

AMERICAN LEGATION,
Peking, China, February 14, 1906.

SIR: I have the honor to inform you that on the 9th instant I received a telegram from the American consul at Amoy informing me that English and Catholic missions at Chang-p'u had been destroyed by Boxers, but that the Americans in the vicinity were for the present unmolested.

^a Supra.

I immediately addressed a note to the Wai-wu Pu, a copy of which I inclose, requesting that the local authorities be instructed to suppress the disturbance and to afford instant and efficient protection to the lives and property of the Americans.

I also have the honor to inclose copies of three notes which I have received from Prince Ch'ing in regard to the above disturbances, the last containing an imperial edict, ordering the civil and military authorities to put a stop to the movement and to give due protection to all churches.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

Mr. Rockhill to the Prince of Ch'ing.

PEKING, February 9, 1906.

YOUR IMPERIAL HIGHNESS: I have the honor to inform your imperial highness that I am just in receipt of a telegram from the American consul at Amoy saying that rioters have destroyed the English and Roman Catholic missions at Chang-p'u Hsien in the prefecture of Chang-chou, Fukien, and that American missions have not been molested as yet.

It becomes my duty therefore to request your imperial highness to at once instruct the local authorities to make no delay in suppressing the disturbance, and to afford instant and efficient protection to the lives and property of Americans in the vicinity.

Confident that your highness will comply with this request, I have the further honor to ask that your imperial highness will inform me of the measures taken.

I avail myself of the occasion to renew to your imperial highness the assurances of my highest consideration.

(Signed)

W. W. ROCKHILL.

[Inclosure 2.]

The Prince of Ch'ing to Mr. Rockhill.

PEKING, February 10, 1906.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your dispatch of the 9th instant stating that you had received a telegram from the American consul at Amoy to the effect that rioters had destroyed the English and Roman Catholic missions at Chang-p'u Hsien, but that the American missions had not been molested as yet; would I therefore at once instruct the local authorities to make no delay in suppressing the disturbance, and to afford instant and efficient protection to the lives and property of Americans in the vicinity.

In reply I have the honor to state that my board has already telegraphed the governor of Fukien directing him to order the local officials to make an immediate investigation of the affair and report; also to take steps to quiet the people and to protect the missionaries and their chapels. This is on record.

As soon as a reply has been received from the governor in the matter I will communicate further with your excellency, but in the meantime, as in duty bound, I send this reply to your excellency's recent dispatch for your information.

A necessary dispatch.

(Signed)

PRINCE OF CH'ING.

[Inclosure 3.]

The Prince of Ch'ing to Mr. Rockhill.

PEKING, February 12, 1906.

YOUR EXCELLENCY: Referring to our correspondence with regard to the disturbance at Chang-p'u (near Amoy) I have the honor to state that on the 10th instant I received a telegram from the acting viceroy as follows:

"The district magistrate of Chang-p'u reports that the people raised this disturbance because some natives had been forcibly detained in the Catholic cathedral. The trouble resulted in the burning of a schoolhouse built in Chinese style. I have already telegraphed to the provincial commander in chief of the matter and have dispatched troops to the place to cooperate with the local civil and military authorities in quieting the disturbance and dispersing the people, having given them orders also to give due protection to the churches."

On the 11th, just while this matter was being dealt with, I received another telegram from the same viceroy, which reads as follows:

"The Chang-p'u taotai reports that after the burning of the Chinese Catholic Church the rioters mixed with the crowd and entered the city, where they burned the English church (built after foreign style) and the hospital. The military and civil authorities sent troops to arrest the rioters, and killed twelve of them. They arrested also the ringleader, named Chang-ying. The Chinese and foreign Christians are all safe and under protection. Chang-ying is guilty of a very serious crime, and I have already telegraphed that he be executed at once on the scene of his crime. I have also sent troops to afford efficient protection, and to arrest all other culprits."

Having received the above telegrams I incorporate them in this dispatch to your excellency, as in duty bound.

A necessary dispatch.

(Signed)

PRINCE OF CH'ING.

[Inclosure 4.]

The Prince of Ch'ing to Mr. Rockhill.

FOREIGN OFFICE, February 13, 1906.

YOUR EXCELLENCY: I have the honor to inform your excellency that on the 12th instant I received an imperial edict as follows:

"The board of foreign affairs has presented a telegram from Ch'ung-shan (Tartar general and acting viceroy of Min-Che Province) saying that in the district of Chang-p'u some rioters entered the city and burned the church and a hospital; that the civil and military authorities had sent troops to the scene to scatter the crowds and arrest the rioters; that they had captured Chang-ying, the leader in the affair, who had confessed his guilt and been executed forthwith. Let the viceroy again give orders to the local civil and military authorities directing them to use their best endeavors to arrest the rest of the criminals, and put down the movement, destroying every root and branch. Let special efforts be used in giving due protection to all the churches. Let there be no remissness. Respect this."

Having received the above, I have, as in duty bound, had a copy made as incorporated in this dispatch for your excellency's information.

A necessary dispatch.

[SEAL.]

Minister Rockhill to the Secretary of State.

[Extract.]

No. 251.]

AMERICAN LEGATION,
Peking, March 7, 1906.

SIR: In continuation of my No. 228 of February 14 in regard to the destruction of missions at Chang p'u, I have the honor to transmit herewith for your information copies of the correspondence I have

exchanged within the last six weeks with Wai-wu Pu concerning missionary outrages or apprehended troubles at Lao-ho-k'ou in the province of Hu-pei, and Nanchang in the province of Kiang-hsi. Americans, I am glad to say, do not appear to have suffered materially at any of these localities.

The direct cause of the massacre at Nanchang was unquestionably a fracas between the Catholic missionaries in that city and the local officials in connection with affairs of their missions; the Protestant missionaries and their families fell victims to the blind fury of the mob.

Complete reports on the riots at Chang p'u and Nanchang have not yet been received here, but little doubt is entertained that the direct causes of these outrages are as I have stated.

The only missionary cases now pending before the legation are:

(1) The ownership of certain lands in Mongolia by a Mr. Friedstrom, of the Scandinavian Alliance mission. I think this matter is in a fair way to being adjusted.

(2) One involving the ownership of land at Huchau, in Chekiang Province, in which missionaries of the Southern Methodist mission are involved. This, though so far I have been unable to bring the parties to an amicable settlement, does not seem to be one which could bring about serious trouble in the locality.

(3) A similar dispute about some land purchased for a schoolhouse by the Cumberland Presbyterian mission at Changteh, Hunan. This is still in the hands of the consul-general at Hankow, and I am awaiting his report.

The legation is not aware that any other of our missionaries have at present litigations of a serious nature either with the local authorities at their places of residence or with natives.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

Mr. Rockhill to Prince of Ch'ing.

PEKING, CHINA, *February 21, 1906.*

YOUR IMPERIAL HIGHNESS: I have the honor to inform your imperial highness that I am in receipt of a dispatch from the American consul-general at Hankow inclosing a copy of a letter from American missionaries at Lao-ho-k'ou, Hupei, reporting a very serious state of affairs in that region.

It appears from the letter mentioned that a society, calling itself the "Kiang-hu-Hui," has been openly enrolling members for some time past, with a view to raising a rebellion, looting the towns, murdering the officials opposed to them, and destroying the mission stations. The magistrate is reported to be lacking in courage, and the people through the villages have been terrorized into joining the society in order to save their property. One leader, named Liu, was captured last year, but escaped. More recently another leader, named Ma, was arrested, and on January 23 the local military authorities raided the headquarters of the society and captured five men and a number of swords and pistols, etc. Two of the men arrested, it is said, have since been executed. The place is quiet at present, but the situation is a dangerous one. The colonel and lieutenant-colonel are spoken of as being very energetic in their efforts to suppress the society, but they are very poorly supported with soldiers, there being only about 100 altogether, so that it would be impossible for them to afford adequate protection in case of trouble. Lao-ho-k'ou is an important commercial center, the largest place on the Han River above Hankow, and there

are several missionary societies that have stations there and in the neighboring towns.

It is unnecessary to enlarge upon the importance of preventing such disturbances as are being planned by this rebellious society, but it is my duty to urge your imperial highness to instruct the local authorities to take such steps as may be necessary to secure the safety of the lives and property of the missionaries living at Lao-ho-k'ou and in that region.

I avail, etc.,

(Signed)

W. W. ROCKHILL.

[Inclosure 2—Translation.]

The Prince of Ch'ing to Mr. Rockhill.

PEKING, March 5, 1906.

I have the honor to acknowledge the receipt on the 29th of the first moon (February 22, 1906) of your excellency's dispatch, saying that American missionaries in Lao-ho-k'ou, Hupeh, had reported that disaffected people in that region had established a society called the Kiang-hu-hui (River and Lake Society) and were inviting people to join, with the purpose of raising a rebellion, and destroying the mission stations; that the local officials were frightened and lacking in courage, and that they would probably not give efficient protection. Your excellency requested that orders might be sent to the officials of the region to take measures to protect the lives and property of the missionaries at Lao-ho-k'ou and that vicinity.

My board at once telegraphed to the viceroy of the Hu-kuang provinces and yesterday received his reply, saying that two members of the rebellious society, K'o Liao-fan, and Sun Ming-hsi, had secretly plotted to stir up trouble at Lao-ho-k'ou, but that the magistrate of Kuang-hua Hsien on the 28th of the twelfth moon of the last year (January 22, 1906) has already taken steps to arrest K'o Liao-fan and Sun Ming-hsi with some of their followers, six persons in all, and had seized some membership tickets, and rifles; that the two men, K'o and Sun, had already been beheaded, and the rest had been sentenced to various terms of imprisonment. He reported further that he had sent additional troops, consisting of two companies of the Siang-yang defense infantry, and two companies of the new forces under the command of the provincial commander-in-chief, to be stationed at Lao-ho-k'ou, to assist the local civil and military officials in policing the district and in protecting the mission stations; and that the district at present was perfectly quiet.

As in duty bound, I send the above for your excellency's information.

A necessary dispatch.

[SEAL]

(Signed)

PRINCE OF CH'ING.

[Inclosure 3.]

Mr. Rockhill to the Prince of Ch'ing.

PEKING, February 28, 1906.

YOUR IMPERIAL HIGHNESS: I have the honor to inform your imperial highness that yesterday I received several telegrams from the American consul-general at Shanghai, telling me that news had been received by him of a serious riot at Nan-ch'ang Fu, in Kiangsi, in which six French missionaries and several British missionaries had been killed, and much property destroyed, and that the American missionaries had been compelled to leave the place and were on their way to Klukiang.

It becomes my duty therefore to request your imperial highness to instruct the provincial authorities of Kiangsi to take prompt and efficient measures to protect the lives and property of all Americans in their jurisdiction, especially the property of the missionaries in Nan-ch'ang Fu, and to endeavor to restore order as soon as possible that these Americans may be enabled to return to their homes.

I avail, etc.,

(Signed)

W. W. ROCKHILL.

[Inclosure 4—Translation.]

*The Prince of Ch'ing to Mr. Rockhill.*FOREIGN OFFICE, *March 5, 1906.*

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's dispatch of the 28th ultimo informing me that you had received several telegrams from the American consul-general at Shanghai telling you that he has received news of a serious riot at Nan-ch'ang Fu, in Kiangsi, and that the American missionaries there had been compelled to leave the place and were on their way to Kiukiang. In view of this you felt it your duty to request that orders be given to the provincial authorities of Kiangsi directing them to take prompt and efficient measures to protect the lives and property of all Americans in their jurisdiction, especially the property of the missionaries in Nan-ch'ang Fu.

In reply I have the honor to state that deputies have been sent to the place mentioned to investigate and deal with the affair; that besides this my board sent several telegrams to the governor of Kiangsi directing him to afford efficient protection, from whom the following reply was soon received: "I have already sent a boat and a deputy to escort the survivors to Kiukiang."

As to the missionary property in other provinces, telegraphic instructions have also been sent to the various military and civil authorities ordering them to be especially careful to afford due protection.

It becomes my duty therefore to send this dispatch for your excellency's information.

A necessary dispatch.

[SEAL.]

Minister Rockhill to the Secretary of State.

No. 260.]

AMERICAN LEGATION,
Peking, March 17, 1906.

SIR: I have the honor to transmit to you the account of the recent occurrences at Nan-ch'ang, the capital of the Province of Kiang-si, which ended in the massacre by a mob of a number of missionaries, Catholic as well as Protestant. I am informed that this version of the events which led up to the massacre is accepted by the British and French authorities in China as substantially correct and authoritative.

The first reports of the Nan-ch'ang affair, both in the Chinese and in the foreign (English) press, in which the whole blame was thrown on the Catholic priests, have encouraged the Chinese agitators throughout the country to undertake a campaign of vilification of Catholic missionaries. The native press within the last week or two had contained the wildest telegrams from distant parts of China, charging Catholic missionaries with various crimes or improper interference in Chinese affairs.

To add to our present trouble, there seems to be a recrudescence of hostility between the Christians. I inclose herewith accounts of two of the more recent riots between Christians—one in the Province of Che-kiang and the other in this province—both having taken place within the last fortnight.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

[From the Tientsin Times, March 17, 1906.]

CHINA—THE NANCHANG OUTRAGE.

The Echo de Chine of the 7th instant gives the following, which it states is the official résumé of this affair:

On 17th February last (24th day of the 1st moon) the Mandarin Kiang Chao-t'ang, prefect of Nanchang, came to the residence of the mission [on] the invitation of the French missionary, M. Lacruche, in order to settle different small pending affairs concerning the district.

After an arrangement had been concluded, the subprefect expressed to M. Lacruche a desire to enter also into negotiations on the subject of the more grave affair of Sinchang, pending since 1904.

Before continuing our recital it is necessary to explain here that this subprefect Kiang had himself been very seriously compromised on the occasion of the Sinchang troubles, in which he had caused failure of the arrangement of 1904, in obtaining the release of the principal persons inculpated and in promising immunity, on his honor, to the two accused, whom he brought to Nanchang. He was at that time, and for the above-mentioned reasons, the subject of a complaint to the French consulate-general at Shanghai, and also to the legation of France at Peking, on the part of the mission. He had therefore at heart, and it was also to his interest, to obtain a settlement in a sense favorable to his attitude, in order to exculpate himself toward his superiors.

On this day, therefore (24th of the 1st moon), as he was leaving, he begged M. Lacruche to be so kind as to invite him to dinner on the 29th, in order to be able to talk more freely of the affair of Sinchang. On the observation of the missionary that it would be preferable that this latter should go to the yamen, he replied that it would be easier to talk at the mission, that they would be quieter there, and that they could talk to each other alone, and he insisted that he should be invited to dinner, adding that he would be accompanied by one or two scribes only.

On the 25th of the 1st moon the subprefect sent his presents along with his card to M. Lacruche, and announced his visit for the next day (26th). The missionary, fearing that he had mistaken the date for the dinner, to which the subprefect had invited himself, had the repast in question ready for the arrival of Kiang (26th), but this mandarin having been introduced into the dining room, refused to touch the refreshments which were offered him, and said in substance to M. Lacruche: "It is understood, I dine with you on the 29th, but I come to ask you to-day to send me a letter of invitation very stiff and very hard (literally: in which you curse me and overwhelm me with insults), because the affair of Sinchang is not settled. This is not my fault; it is that of my superiors. They no longer recognize my merits; but with your letter I would be in a better position to get the conditions accepted, especially if you threaten to ask that a war ship be sent to Nanchang."

He afterwards took a cup of tea, and his last word was: "It is understood, I will come on the 29th."

All this passed in presence of M. Rossignol, who, happily, has been saved and can witness to it.

M. Lacruche has the letter of invitation written as the subprefect asked, but he recommended to the scribe to indite it in mild terms, without speaking of a war ship.

The 29th of the 1st moon, toward three in the afternoon, the subprefect arrived in the mission, and they sat down to table. During the whole of the dinner he avoided speaking of the Sinchang affair, but he did not cease to complain bitterly of being no longer appreciated by his superiors. After having risen from the table, he went out of the dining room and proceeded toward the Chinese quarter of the mission. M. Lacruche went out after him, and told him not to go to that side, where all was in disorder and in course of demolition, in order to clear the ground in view of the construction of the church, and in spite of the insistence of the mandarin to be left alone, he led him back into the small parlor next his bedroom. At this moment the subprefect spoke of the affair of Sinchang, and proposed a series of conditions. M. Lacruche, who began to have doubts about the powers of Kiang to deal with this question, since he complained of not having the confidence of his chiefs, and as these latter had notified the mission on this subject, he asked him to put his

conditions in writing in order to refer them to the superior ecclesiastical authorities. He therefore offered a pencil to Kiang, but he refused, saying, "I will go into the room of your scribe; there I will write the conditions and will send them by your scribe, who will serve as intermediary." After insistence on one side and the other the missionary finished by conducting the mandarin into the chamber of the scribe, where he (the mandarin) installed himself in order to write, and returned himself to his room.

Kiang drew up his propositions, and gave long explanations about them to the scribe, who was afterwards asked to take them to the missionary and to give him all the details he had furnished. The scribe then went to find M. Lacroche, with whom he remained about a quarter of an hour. Kiang during this time left the room of the scribe, called one of the soldiers of his escort, and gave him an order in a low voice, and immediately the soldier left the mission in a great hurry. The mandarin then reentered the room of the scribe and closed the door on himself. Just then one of the servants entered the room and offered him tea, which he refused, asking that he be not disturbed. The servant having retired, the subprefect again closed the door, and a few minutes afterwards another servant, who crossed the atrium, heard groans in the room of the scribe. He looked through the glass of the door and saw the mandarin stretched on the long chair, blood running from his neck, and attempting to enlarge the wound. It was then nearly 6 p. m.

The servant, frightened, ran to the missionary, who rushed into the room where Kiang was lying, and, after having observed the attempted suicide of the mandarin, hurried, without even waiting for his chair coolies, whom he picked up on the road, to render an account to the governor of what had happened. At the same time at the mission the people hastened to lavish attentions on the wounded magistrate. This latter, not being able to speak, asked for a pencil in order to write, and during the whole of the night and the following morning, stretched on the long chair, he wrote a great number of short letters. Several were addressed to M. Lacroche and to interpreter Lieou. The general sense of these letters was that he was dying in order to save the people of Sincang, and not to fail in his word, which he had given to save them from all punishment. He wrote also two letters to his brother. In one he asked for medicines and in the other he said: "An evil spirit (Kwei) is pursuing me; it is thus that I am dying with the object of saving the people."

The rumor immediately spread in the town that the missionaries had assassinated a magistrate, and during the night the delegate of the superior authorities proceeded to the mission in order to make the necessary inquest. M. Lacroche himself conducted him to examine the places and the different apartments through which the mandarin had passed, and gave him a very circumstantial account of all the events. During the evening M. Lacroche received a letter from the bureau of foreign affairs (Yang wuchu) asking the delivery of the instrument which had served to make the wound. The missionaries replied by a memoir explanatory of the facts, and declared that they did not know with what instrument the wound had been made; that the attempt had not been committed by anyone in the mission, and that Kiang alone was in a position to indicate how and with what he had suicided. This reply, somewhat long, could not be sent till the next day; that is to say, the 2d day of the 2d moon, toward noon.

That same day, the 2d of the 2d moon, the most sinister rumors were circulating in the town. There had been printed and distributed a profusion of small sheets in order to excite the people to riot. The following is a translation of one of these placards: "In our capital city, at the Catholic mission, the French, laying a trap for the subprefect Kiang, had wounded him in order to oppress our country. This is too much. We are all united. There are none who will not be disgusted. We decide therefore that on the 3d, at 10 a. m., there shall be an extraordinary meeting at Pe-ja-chu, in the Shen-hu-sze. All without exception, mandarins, merchants, artisans, cultivators, and students, are invited to meet in order to consult as to the means of recovering the sovereign rights of our Empire. Certainly, we shall not riot; that would not be well for us. We write this that everyone may be notified. Signed: All the students of Kiangsi."

These dangerous placards were distributed with great pomp in all the quarters of the city by members of the most considerable families, who were borne in chairs carried by four bearers preceded by horsemen and a suit dressed in uniforms. These sheets were deposited in each house, in the yamens, everywhere, in fact.

The same day the titular subprefect of Sinchien, with a delegate of the Yang-wu-chu, returned to the residence to ask that the two servants should be delivered to him in order that they might be interrogated at the tribunal of the chief judge, and proposed that M. Lacruche should accompany them. The latter refused, saying that this procedure was only calculated to provoke a riot; that already it was said everywhere that the missionaries had assassinated the subprefect, and that in seeing the people of the mission conducted to the yamen the public would not fail to believe the truth of the calumnies which were being spread against them in public; finally, if the missionary himself proceeded to the tribunal, the bad people would say that he was being taken there because it was recognized that he was guilty. He added that he had no objection to their coming to interrogate everyone, servants and even missionaries, but at the residence only.

During these days (1st and 2d of the 2d moon) several telegrams were sent by M. Lacruche to Monsignor Ferrand at Kiu-kiang, and the governor himself sent several communications to the bishop by the intermediary of the taotai of Kiukiang. He insinuated that the crime had been committed by the Catholic mission; that they had separated the mandarin from the members of his suite; that the bishop was only listening to his missionary, and begged to proceed to Kiukiang.

The bishop refused to lend himself to the governor's game, and replied: "Since I am accused of partiality, let this affair be examined by disinterested judges. The Catholic mission is myself as well as my priests, and I can not be both judge and party. It is of the utmost importance that the matter should be cleared up without the least doubt being able to hang over this question, which bears on the honor of religion over the whole world. It is important that the matter should be duly verified in order that it may never occur again, and I insist that the waiwupu and the French legation be asked to appoint impartial judges."

In the evening placards written in red letters were posted everywhere, even at the doors of the yamens and of our college, exciting the people to rise against the foreigners on the account of whom the most atrocious insults and frightful calumnies were made.

During these two days, besides, the mission was surrounded and occupied by soldiers, more in order to watch than to protect the missionaries. In fact, M. Lacruche heard one of the military chiefs say to his soldiers, "Watch especially that this European does not escape."

For all the preceding we have the direct evidence of M. Martin, who was not a single instant away from the side of M. Lacruche until the moment of the riot, and statements of M. Rossignol, who, although not able to be at the dinner given to the subprefect owing to family mourning, went to the mission on the 1st of the 2d moon to see M. Lacruche, from whose mouth he received direct all the foregoing details.

On Sunday (3d day of the 2d moon), at the hour fixed, the crowd tumultuously called for the death of the missionaries, and in spite of the efforts of several persons who recommended calmness, it threw itself, growing larger every minute, on the Catholic establishments, which were invaded about midday, everything being pillaged. M. Lacruche and the five French professors of the Nanchang school were assassinated. Father Salavert was ill with typhoid fever, and had to be taken out of his bed in order to be saved from the raving crowd, but died on his arrival at Kiukiang. It is believed also that two of the orphan girls brought up by the sisters and two of the scholars of the primary school have been killed, but nothing precise is known on this subject.

CONVOCATION OF THE MASS MEETING.

(Certified copy of the circular of the 2d day of the 2d moon, 24th February, 1906.) Presently a Frenchman of the Catholic mission, after having drawn the subprefect Kiang, of Nanchang, into the mission, killed this latter. This act is the consummation of the contempt for our country. All our countrymen, without exception, are indignant.

Now, it is decided that a great extraordinary meeting will be held on the 3d day of the present moon, at 10 a. m., at the temple of the family of Sheng, situated at Pai-hoa-chow. Mandarins, merchants, workmen, cultivators, literati, and students, everybody without distinction, are invited to repair there

to deliberate on the manner we shall take to oppose in a civilized fashion, in order to reconquer for our country the full exercise of its sovereign rights. It is certain that there must be no riot; that will spoil the general situation. Bring this to the notice of all by reading it to one another. Signed: Notice of the students of Kiangsi, met in first assembly.

CONDITIONS PROPOSED BEFORE THE ATTEMPTED SUICIDE.

1. In the affairs of Tong pu, on the subject of the punishment of the culprits, three of whom ought to be executed, not including the person Kong Tong, who is already arrested.

2. Revocation of the title of licenciate for the individual Chung-Yao Ting and his condemnation to prison.

3. In the affairs of Yen Chang those condemned to life imprisonment will obtain a reduction of their sentences and be set at liberty.

4. On the subject of the individual Leng-Kway-ho of Nanchang, besides the indemnity of 180 strings of cash to be paid according to what has been decided by the intermediary, he will be arrested and punished as ringleader.

5. On the subject of the individual Ngai Yu, of Singchien, the decision will be conformed to.

6. On the subject of the crimes committed by the malefactors against the Catholics at Kao-Ngan-hsien, besides the execution of the four culprits which has already taken place, there will be payment of an indemnity.

7. In the affair of Pang-Nu an indemnity will be paid to the Catholics of Le Keming.

8. An indemnity will be given for the loss of the effects of the missions.

WRITTEN BY THE SUBPREFECT AFTER THE ATTEMPT TO CUT HIS THROAT.

"I am dying in order to save the people of Sintang and not in order to create trouble to the Catholic mission. I beg the father to protect the people whom I am governing, that soldiers be not sent, that the affair be settled quickly with moderation, and I shall die without complaint.

"I am dying—that is insignificant—only I beg Father Wang (Father Lacruche) to save the people of Sinchang, whom I govern, that they do not raise again in the future any quarrels. I am grateful to Monsieur Liu (the literate), of the mission, for his kindnesses. I again beg the father to settle the affair by not asking much; that my death shall replace that of the culprits (who are sentenced to death).

"The affair once settled, the propaganda of the Christian doctrines may spread. The people of the Kong family are not savages.

"I am dying; let the affairs be settled as I said before. Let all pursuits be abandoned; else would be to fail in my word; and I shall die without complaining.

"Brought to this fatal extremity, I, subprefect, do not complain about that, because I save my people. In future, for the religious propaganda, let the pagans and Christians live in peace, that is important. Let none act as they themselves wish. The people of Kiangsi are a good population, and Kiangsi is not a country of savages. I consider death as a return to the point of departure, and my death is uniquely inspired by the affection I bear the people.

"Since Father Lacruche consents to settle the whole affair and not to have soldiers brought, I die, and I remain full of gratitude to him (Father Lacruche). When I shall be dead, my soul will do everything possible for the great prosperity of the Catholic mission; from now peace will reign between pagans and Christians. What great happiness. Inform Monsieur Li and tell him not to complain of me, not to bear me a grudge. Who is he who will not make a part of the people. Life is only a simple breath. I have so many sorrows that it appears to me better to depart for the other world.

"Father Wang, to my many requests, has decided that there shall certainly not be punishment of anyone. I beg the mission to mark well the different objects of the residence in order to prevent false imputations."

There were besides two sheets which could not be deciphered; one of them was stained with blood in different places.

[Inclosure 2.]

[From the China Times, Tientsin, March 16, 1906.]

A CATHOLIC-PROTESTANT FIGHT.

The governor of Che-chiang has reported to the Waiwupu that, owing to some dispute over a piece of arable land, the converts of the Roman Catholic mission had a fierce fight with the adherents of the Protestant Church in the Tai-ping district of the prefecture of Tai-chou on the 27th ultimo. Several hundred men were collected by each party under the leadership of Catholic Yu Chu-shu and Protestant Lin Shou-ping. Swords, rifles, and sticks were freely used by the two parties. Owing to the lack of up-to-date weapons, the Protestants were defeated. Some of them were either killed or severely wounded by the Catholics, who also wounded two soldiers under command of Captain Tang because they tried to prevent them from inflicting further injuries on the defeated Protestants.

The fight took place just outside the city. All the merchants and dealers in and outside the city stopped their business and closed their doors, being afraid of the unruly converts and native bandits robbing them.

As the fight was instigated by the Catholics, the magistrate of Tai-ping arrested some of them who had participated in the fight and wounded the Protestants, with a view of bringing them to justice. But after their apprehension, the Catholic priest, Li-Shih-chung (Chinese name), proceeded to the yamen and used every sort of threat toward the magistrate for the purpose of securing the release of the prisoners. As the action on the part of the Catholic priest infringes the power and rights of the Chinese authorities and is outside the scope of foreign missionaries who come to China, the governor has informed the French consul at Shanghai about the matter.

[Inclosure 3.]

[Translated from the Tientsin Erh Erh Hsin Wen of March 13, 1906.]

A QUARREL BETWEEN CHRISTIANS.

Ill feeling has been growing for some time between the two sects of Roman Catholics and Protestants belonging to certain villages in the department of Chi Chou. A few days ago a number of men of each party, armed with various weapons, engaged in a regular fight which resulted in the loss of life. The viceroy, Yuan Shih-k'ai, finding the situation to be very serious, deputed the provincial judge, Tseng, on the 16th of the Moon (March 10) to proceed to the district and make an investigation. He took with him a troop of cavalry consisting of several score of men to be used in suppressing the disturbance.

Minister Rockhill to the Secretary of State.

[Extract.]

No. 272.]

AMERICAN LEGATION,
Peking, April 2, 1906.

SIR: In further reference to the matter of the Nan-chang Fu massacre, concerning which I sent you in my dispatch No. 260 of March 17 a semi-official statement, I have now the honor to transmit a copy of a dispatch received from our consul-general at Hankow. I some time ago instructed Mr. Martin to secure for me all the information he could on this occurrence.

I have, etc.,

W. W. ROCKHILL.

[Inclosure.]

*Mr. Martin to Mr. Rockhill.*HANKOW, *March 26, 1906.*

SIR: Being anxious to find out all I possibly could in relation to the conditions existing in and about Nan-chang Fu, Kiangsi, for some time preceding the late massacre, I sent a request to * * * and received from him a statement as follows:

"I have been in Nan-chang several times: In July, 1901, in April, 1902, in April, 1905, and in October, 1905. I had met Mr. and Mrs. Kingham and knew them as members of the British missionary community. * * * I had also on many occasions met the district magistrate, Mr. Chiang Shao-t'ang, who treated me with unflinching courtesy and who was represented to me by the British and other residents in Nan-chang and elsewhere to be a friendly and efficient official. I was not in Kiukiang during his incumbency of the post of magistrate of Teh-hua Hsien, so that my official intercourse with him, strictly speaking, did not amount to much. I think I must have met Father Lacruche. Consequently the parties to this tragedy are all, or mostly, people whom I have had something to do with.

"As far as I had observed, there was nothing in Nan-chang to lead one to expect an antforeign or antimissionary outbreak in that city. On the contrary, the impression I formed during my several visits to that place was that, whatever causes of friction might exist in the remoter stations in the interior, the Chinese people, gentry and officials, in the capital, were singularly well disposed toward the missionary community and even supported the educational and medical work carried on there in an unusual degree, besides being well disposed toward western and progressive ideas generally.

"As regards the special disputes between the Roman Catholic (Lazarist) mission and the Chinese authorities, which seem, to judge from the newspapers, to have led up to the outbreak, I am not confident that I ever obtained a really complete or impartial report. The Ch'ih Chiang affair was a fight or series of fights at a place of that name, some 20 miles east of Nan-chang, in the summer of 1901, in which the adherents of the American Methodist Episcopal mission were attacked by adherents of the Catholic mission. * * * The T'ang-p'u or Hsin-Ch'ang Hsien affair occurred, or at least began, in the summer of 1904, with the murder of two Catholics. It developed into a long series of disorders involving the whole prefecture of Jui-chou (otherwise called Shui-chou) fu. At one stage Mr. Chiang was sent up to the disturbed districts to endeavor to arrange terms of settlement. I received reports at the time from Mr. Pownall and other British missionaries. * * * But I have no recent information about either of these 'cases,' and can only infer that their adjustment has proved difficult. No British subjects were immediately concerned in either. Bishop Ferrant, of Kiukiang, might be in a position to give you the Catholic side of both stories.

"A serious anti-Catholic agitation has existed in many parts of Kiangsi, at any rate every since 1899. What it is caused by, or whether it has any adequate justification, are questions upon which I should be sorry to express myself confidently. During the years I passed in Kiukiang I heard a great deal about it, but never convinced myself that either side admitted the whole truth. Locally and occasionally Protestant bodies seem to be involved in the same animosity, but in the main the agitation was directed against the Catholics. In several instances it appeared rather as if there was a nominal Protestant party and a nominal Catholic party, each using the support of missionaries in the interests of a native faction; suggesting the inference that the Christian churches were rival clubs whose activities included many other things besides the propagation of religion and works of charity. It would seem libelous and untrue to insinuate that the missions encouraged this state of affairs. On the contrary they all endeavored to contend against it, but that was the impression made on my mind. No doubt the sort of conditions that I mean exist in Hupeh and other provinces as well as in Kiangsi, and constitutes a serious and difficult problem.

"With regard to the attitude of the officials, I had several reasons for considering it less friendly towards foreigners' enterprises in the latter half of 1905 than it had previously been. But here again I can only state a general impression. Objections were raised which I do not think would have been raised before. There was no outward lessening of cordiality, and it may be that the reason of the opposition that was met with lay more in the nature of

the questions at issue than any real change in the attitude of the Chinese. But I gathered, when I was at Nan-chang in October, that others were impressed with the same feeling. In particular I heard that gentry who had formerly given support to the mission hospitals, etc., were less willing to do so. I noticed on the walls posters recommending the boycott of American goods. I can not say that there was any uneasiness, but there seemed to be a suspicion or a supposition abroad that it was no longer good form for Chinese of position to be too intimate with foreigners, and also that this attitude of reserve had been adopted from the time when His Excellency Hu Ting-kan became governor of the province.

"In a general way I had heard, over and over again, from Protestant missionaries, that they anticipated trouble sooner or later from what they regarded as the unjustifiable conduct of the Catholics, whom they credited with an excessive willingness to take up purely native disputes, with a tendency to interfere with the normal operations of the Chinese authorities, and with too great insistence in demanding indemnities for injuries suffered by their adherents. The assumption of official rank by the Catholic clergy was always supposed to be the cause of ill feeling. I always looked upon these opinions as being to some extent ex parte statements of the position, to be corrected by hearing what the Catholics had to say, if they would say anything. But, whatever the truth may have been, those Catholic priests whom I met were always exceedingly careful to avoid unfavorable criticism of the Protestant missions. In some places—i. e., Jao-chou and Ching-te-chen—I found Catholic and Protestant missionaries living on terms of evident mutual friendliness and respect, but elsewhere they seemed to live in worlds apart with little or no intercourse.

"But all this is too general to serve for an explanation of the recent massacre in Nan-chang, and I have to confess that the event took me by surprise. Feeling must have changed seriously for the worse since last October if the people there were really inimical to foreigners. Of course, if the populace and their leaders were actuated by a genuine belief that the magistrate had been mortally wounded by Father Lacruche, it is scarcely necessary to look for any further cause. Even if everything had been perfectly friendly before, a Chinese mob would lose its balance under such a belief. They would know that the magistrate had been engaged in trying to minimize the reparation to be made to the Catholics in certain sectarian disputes up country and would look on such action as patriotic, so that he would be regarded as a martyr to the public cause. As far as I remember the cases, the Ch'in-chiang affair was one in which the Catholics, whether under stress of previous provocations or not, were, in the main, aggressors, and the Hsin-chiang affair one in which, whether guilty of previous imprudence or not, they were in the main victims of aggression. But the mass of Chinese would make no such distinction. They would regard both as cases where the object to be sought by their officials is to yield as little as possible, and they would remember that these cases were not isolated, but only instances in a long series of more or less serious affairs of the same general kind that had given rise to similar claims. That they attacked the Plymouth Brethren as well as the Catholics is only what previous experience regards as normal. There have been cases in Kiangsi—i. e., the Kwei-chi-Hsien riot of 1899—where the anti-Catholic mob has let it be practically known that their action was exclusively anti-Catholic, and somewhat ostentatiously offered to protect the Protestants. But, on the other hand, in 1900 the mob of Jao-chou, after demolishing the Catholic premises, proceeded to finish their day's work by setting fire to the China Inland Mission's premises. In the present instance it is to be noted that the Kinghams lived very near the Catholic establishment. Proximity alone accounts for the attack on them."

(Signed)

WILLIAM MARTIN.

Minister Rockhill to the Secretary of State.

No. 276.]

AMERICAN LEGATION,
Peking, April 5, 1906.

SIR: In further reference to the recent missionary troubles at Changpoo and other places, referred to in my dispatch No. 238 of February 26, and to my No. 272 of April 2, I have now the honor to

transmit a report from the vice-consul in charge of the consulate at Amoy on the Changpoo disturbance.

I beg to call your particular attention to the closing paragraph of this report.

I have, etc.,

W. W. ROCKHILL.

[Inclosure.]

Mr. Lupton to Mr. Rockhill.

Amoy, March 19, 1906.

SIR: I have the honor to acknowledge receipt of your dispatch No. 597 of the 2d instant, requesting that you be furnished with a carefully prepared report relating to the recent disturbance at Changpoo.

Supplementary to what has already been forwarded to the legation from this consulate, I beg to report as follows:

For some months past there have been rumors of secret societies in the district of Changpoo, with the avowed intention of destroying the governing dynasty and killing all officials and missionaries. The societies became stronger, and in January began posting placards prophesying destruction to the dynasty and disaster to the people who supported it. Meetings were held in the hills, and members were enrolled by the societies after various incantations supposed to make them invulnerable. These men carried white fans, supposed to be efficacious in warding off bullets, and were called "fanners" by the people in consequence.

The first outbreak occurred in the village of Wu Tien She, where two men had been imprisoned by the Roman Catholics. Their friends naturally hastened to their help and managed to get them released, burning two native-style schools in the meantime. The villagers, already excited, were incited to further efforts by secret-society men, who told them that it was especially the Roman Catholics who were at the bottom of the trouble. In consequence of this belief the mob went to Changpoo, a few miles away, and attacked the English Church mission, but left after they were told it was a Protestant affair. Later on, however, they came and gutted 7 buildings, carrying off even the door and window frames and burning the hospital and the physician's residence. After several hours of destruction 20 soldiers from the magistrate's yamen appeared on the scene and fired upon the mob, killing 7 and taking 13 more to the yamen, where they were summarily decapitated. The Changpoo magistrate telegraphed to Colonel Pang at Tung Shan for aid and the subprefect at Hun-Hsiao, begging that troops be sent at once, no matter how small the number.

Eighty men were immediately sent from Amoy and 160 regulars from Foochow, together with an uncertain number from Tung Shan, and the rioters scattered, a large number going to Go-che and Lam-sin only to be frightened away from the latter place by soldiers. The Changchew taot'ai informed me on February 16 that 600 additional men had been ordered to the scene of trouble and that he had ordered the Peng Ho magistrate to go at once in person and see that the rioters were cleared out of Go-che, a part of his district.

Advices from missionaries at Sio-Khe, dated March 16, say that he has as yet made no move.

The missionaries report that the people at large are very much afraid of the secret societies and would be glad if they were put down, and that they anticipate no further trouble if vigorous measures were taken by the authorities, and that at Sio-khe business has gone back to its usual channel. The women from the missions, however, have left the place, some for Changechew and others for Amoy.

So far as we are able to learn, the relations between the Protestant missionaries and the people of Changpoo, prior to the disturbance, was nothing but cordial, as shown by the fact that no trouble ever took place there, even in 1900.

All reports seem to agree that the cause of the disturbance was the injudicious display on the part of the Catholics, who have official ranks in China, of their presumed powers with the Chinese officials.

(Signed)

STUART K. LUPTON.

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, April 23, 1906.

(Reports that an edict provides for the removal of the governor of Kiangsi from office and the punishment of the provincial judge and treasurer on account of the riot at Nan-ch'ang.)

Minister Rockhill to the Secretary of State.

No. 295.]

AMERICAN LEGATION,
Peking, April 26, 1906.

SIR: I have the honor to transmit to you herewith a translation of an imperial edict removing the governor of the province of Kiang-si from office as a punishment for his having failed to take the necessary measures to prevent the riot at Nan-chang Fu of February 25 last, which ended in the killing of a number of foreign missionaries and the burning of their property by a mob.

The edict also orders punishment for the provincial judge and the provincial treasurer. I learn from other sources that the former has been transferred to another post, reduced two degrees in the official hierarchy, and excluded from further promotion; the provincial treasurer, whose rôle in the riot was an unimportant one, has, however, been transferred to another post as a punishment for his remissness.

I learn from the British and French ministers, who are settling in Peking the question of indemnification for the losses of their nationals at Nan-ch'ang Fu, that a satisfactory settlement of this matter will be promptly reached.

I confirm as follows the telegram which I sent you on this matter on the 23d instant: (Supra.)

I have, etc.,

W. W. ROCKHILL.

[Inclosure.]

Imperial edict—Massacre at Nan-ch'ang Fu, Kiangsi—Governor and provincial judge and provincial treasurer punished.

[Translation.]

With reference to the case of the attack upon the missions at Nan-ch'ang, Kiangsi, some time ago the board of foreign affairs memorialized, requesting the appointment of the customs taot'ai at Tientsin, Liang Tun-yen, to proceed to the place mentioned and make a thorough investigation. Yesterday we summoned the said Taot'ai to audience and inquired of him in detail regarding this case, and we find that according to his report of the case the circumstances are very different from those given in the telegrams of Hu T'ing-kan (the governor), and not only so, but the telegrams received from the governor and other officials at various times differ among themselves, and are certainly marked by shilly-shallying and attempts to deceive.

Hu T'ing-kan, the governor of Kiangsi, is hereby, first of all, removed from office. The provincial treasurer, Chou Hao, is now having his conduct investigated, as decreed by a recent imperial edict. The provincial judge, Yu Chao-k'ang, has shown himself incapable of making a prompt investigation of a

serious criminal case, and, as the first step in his punishment, is referred to the board of civil office for the determination of a penalty.

The case of the massacre is still continued in the charge of the board of foreign affairs, which is directed to deal with it in a careful and satisfactory manner.

Respect this.

Minister Rockhill to the Secretary of State.

No. 342.]

AMERICAN LEGATION,
Peking, July 6, 1906.

SIR: In further reference to the matter of the Nan-ch'ang riots, which I reported to you in my dispatches No. 251 of March, No. 260 of March 17, and No. 272 of April 2, I have now the honor to transmit what purports to be the text of the settlement signed on the 20th of last month by the French minister here and the foreign office, together with a translation of the proclamation issued by the governor of the province of Kiang-si in compliance with Article V of the agreement.

I think the text of the agreement as here given omits a provision of considerable importance, viz, that the people shall not erect tablets or show other marks of respect or honor to the memory of the sub-prefect, Chiang. The agreement provides for a settlement of the questions which were in dispute in the diocese of Nan'ch'ang prior to the riots there and which were the cause of the dispute between the missionaries and the subpreject.

The terms of the proclamation clearly recognize, it seems, that the cause of the ill-feeling which culminated in the riots and murders of February 25 was the attempt of the native Christians to shield themselves behind the priests from their own officials, and the injudicious interference of the priests in native disputes and questions not affecting the free exercise of their parishioners' religion.

The British legation has settled with the Chinese Government its claims on account of the Nan'ch'ang murders in consideration of a money payment of some 30,000 taels, the reward of the Chinese who protected the fleeing British missionaries, and the punishment of three men who confessed that they had murdered Mr. Kingham and his daughter.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1—Translation.]

Agreement in the Nan-ch'ang case.

Mr. Bapst, the minister of France, and Na-(t'ung), Ch'u (Hung-chi), associate presidents, Lien-(fang), and T'ong (Shao-i), vice-presidents of the Chinese board of foreign affairs, on the 29th day of the intercalary fourth moon—that is, the 20th of June, western calendar—entered into and signed an agreement in Nan-ch'ang case, which is substantially the same as that discussed with the French minister, Dubail, at Peking, but slightly altered by some additions, excisions, and changes. The important changes are three, viz:

(1) France does not desire China to punish the gentry, Li Mei and others, nor to disturb them in their official positions.

(2) It is agreed that the indemnity shall be somewhat less than that formerly demanded.^a

^a The indemnity originally demanded was 400,000 taels.

(3) The Christian, Liu, must not suffer any further punishment. This important matter having been disposed of, it will not be necessary to refer it to the superintendent of trade for the north (the Viceroy Yuan Shih-k'ai) for further consideration. The agreement is as follows:

AGREEMENT.

Investigation of the facts.

Vicomte du Halgouet, third secretary of the French legation, and Liang Tun-yen, Chinese customs taot'ai of Tiensin, having made a joint inquiry into the circumstances attending the death of Chiang Shao-t'ang, the district magistrate of Nan-ch'ang Hsien, found that on the 29th of the 1st moon of the present year (February 22, 1906) the Nan-ch'ang district magistrate, Chiang Shao-t'ang, went to the Roman Catholic mission to discuss an old missionary case with the French missionary, "Wang An-chih" Lacruche, and the disagreement between them was such that the magistrate, Chiang, became exasperated and committed suicide by cutting his throat. Because the magistrate aforesaid thus committed suicide by cutting his throat false and slanderous reports against the French missionaries were put into circulation, with the result that a serious outbreak of violence occurred on the 3d day of the 2d moon (February 25, 1906). The Chinese Government having of its own accord punished the guilty parties, the board of foreign affairs has now agreed upon the following articles with the French minister at Peking, the mutual purpose being to avoid future misunderstanding:

The five articles agreed upon.

ARTICLE 1. The sum of 40,000 taels shall be paid as indemnity to the families of the five murdered missionaries, and a further sum of 10,000 taels for the passage money and other expenses of new missionaries to be brought out hereafter. These sums must be paid according to the weight and fineness of the treasury tael to the French consul-general at Shanghai, who will receipt for the same.

ART. II. The sum of 200,000 taels shall be paid as indemnity for the churches, schools, and orphanages destroyed in the former riots at Hsin-ch'ang and elsewhere and for those destroyed on the recent riot at Nan-ch'ang, as well as for the houses of the native Christians and their personal property of all kinds, which sum shall be apportioned by the mission to those who have suffered loss in the various cases mentioned in full settlement of these claims.

ART. III. The sum of 200,000 taels mentioned in Article II, treasury weight and fineness, shall be paid in ten installments, one payment of 20,000 taels being made every three months, to the French Roman Catholic bishop at Kiukiang, who shall receipt for the same.

ART. IV. All "red" deeds (i. e., deeds officially stamped and registered) for mission property which have been destroyed must be replaced by the local authorities with official certificates of ownership, and houses shall be loaned to the mission for its use in the district of Nan-ch'ang, within the city walls, to be occupied by the mission until it shall have erected its own buildings, when it shall remove thereto.

ART. V. The governor of the province of Kiangsi shall at once issue a proclamation the draft of which has been prepared by the board of foreign affairs in consultation with the French minister at Peking.

The foregoing five articles have been written in Chinese and French, four copies of each having been prepared, one to be deposited with the board of foreign affairs, one with the French legation at Peking, one at the yamen of the governor of Kiangsi, and one with the Roman Catholic mission at Kiukiang.

(Translated from the Jih Jih Hsin Wen of Tientsin, of June 23, 1906.)

[Inclosure 2—Translation.]

The Nan-ch'ang case—Proclamation of the governor of the province of Kiang-si.

The Wai-wu Pu and the minister of France at Peking having each designated a delegate to make an investigation of the Nan-ch'ang affair, it has been established that—

On the 29th day of the 1st moon of the present year (February 22, 1906) Mr. Chiang Shao-t'ang, subprefect of Nan-ch'ang, went to the mission of the

French Catholic missionary, Mr. Lacruche, to discuss some long-standing business, and that, not being able to reach an agreement, the subprefect, Chiang, had cut his throat in a paroxysm of rage, and that as a result of this act calumnious reports had been spread against the French missionary, culminating in the events of the 3d of the 2d moon (February 25).

To-day the two Governments, considering that it is most unfortunate that these events should have occurred, and being desirous that concord should reign forever between Christians and non-Christians, and that no more false and calumnious rumors to deceive and mislead the people should be spread against the missions, have concluded an agreement stipulating that questions, old as well as recent, should be settled and terminated, and that a proclamation should be published by the authorities of this province to correct the false reports previously put in circulation.

In compliance with the request received from the Wai-wu Pu the present proclamation is consequently published to inform the people of the whole province, gentry and trades people, soldiers and civilians, that each one should peacefully attend to his business, being careful not to give the least heed to false rumors or to invent them and spread them about and thus incite trouble, all being deeds which would bring those responsible for them to grief.

Bear it well in mind that the missions have as their first object to exhort people to do good, and that missionaries are well-bred and polished people; that Christians, to whatever creed they belong, are all children of China, and that they are obedient to the laws of the Empire. On all questions concerning marriage, property, money matters, quarrels, litigations, and lawsuits both parties should carry their complaints to the local magistrates, who will judge them with equity.

Christians, furthermore, should not make false charges inspired by hatred and revenge nor seek for, while disguising the truth, the missionaries to interfere, in agreement with the treaties—this to the end to insure, between Christians and non-Christians, equality of treatment, which will of itself create concord and peace.

Let everyone comply with the above without omitting anything.

Minister Rockhill to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, *July 30, 1906.*

(Mr. Rockhill reports that the British and French Governments did not ask exemplary damages on account of Nanchang riots.)

REFORMS, GOVERNMENTAL, JUDICIAL, AND EDUCATIONAL.^a

(For previous correspondence see Foreign Relations, 1905, pp. 176 et seq.)

Minister Rockhill to the Secretary of State.

No. 262.]

AMERICAN LEGATION,
Peking, China, March 20, 1906.

SIR: I have the honor to inclose herewith copies of correspondence which I have had with the president and chairman of the board of trustees of Soochow University, Shanghai, in regard to the attitude of the Chinese Government toward Christian educational institutions in China, together with an extract from the Chinese Recorder and

^a See also changes in the customs service, p. 280.

Missionary Journal of March, 1906, containing my letter of January 24, in reply to certain questions of the Rev. A. S. Mann, of St. John's College, Shanghai, in further reference to the same subject.

I believe that the inclosed letters will show the department the attitude taken by this legation; that it is my earnest desire to promote an understanding between the Government and missionary schools of this country, and that I am strongly in sympathy with the movement which, if successful, can not fail to improve the relations of the two peoples, and at the same time to place the missionary educational institutions on an equal footing with the new Chinese institutions of a similar character.

A committee, consisting of the Reverend Doctors Sheffield, Lowry, and Hart, has been appointed to represent the educational association, which, it is hoped, will confer directly with the board of education of the Chinese Government, and will succeed in persuading those in authority in Peking to so frame their regulations that students in Christian colleges will have the same advantages resulting from their education as those in private schools or government institutions.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

D. L. Anderson to Mr. Rockhill.

Soochow, September 20, 1905.

DEAR SIR: The recent edicts from the throne abolishing the old-time literary examinations furnish the occasion for this letter, and as the matter I wish to present for your consideration is, I think, one of great importance it closely concerns both the new educational system of China and also the effectiveness of our mission colleges, I trust you will pardon my troubling you with this.

The recent edicts, in which the Government declares that from henceforth candidates for literary degrees are to be selected directly from the schools, change entirely the status of all schools throughout the Empire, both government schools and mission schools, while at the same time they naturally give to graduates of the government schools superior advantages both of official standing and of government employment. These men will receive the coveted literary degrees, will be appointed to official position, and from their number will be selected those who are to be sent abroad to perfect their studies in the great universities of Europe and America.

Now, the best organized schools in China to-day—and very probably this will be true for years to come—are the mission schools; and these are chiefly American schools, such as the Peking University, Nanking University, St. John's College, Shanghai, Soochow University, and others, representing both Protestant and Catholic missions, hold an important place in the educational field of China to-day, and are really doing the larger part of the educational work. These institutions have erected large and costly buildings specially adapted to their needs; they have marked out full and thorough courses of study; they, moreover, have on the field good corps of competent professors devoted to their work. These schools are not only doing good work for China, but are, in fact, doing better work than China will be able to do for herself for some years, and which she can only hope to equal through a very large expenditure of money. These mission schools cost China nothing. They are the free gift of the better element of western lands, especially of the United States, to China's advancement and progress.

Now, if the Chinese Government will recognize the work done by these mission colleges by conferring on their graduates the same literary degrees that are granted to graduates from the government schools, also having obtained their degrees, by giving them the same opportunities of government employment or of being selected to go abroad for further study, such action will not only greatly advance the interests of these mission industries, but will also

add much to the educational resources of the Empire. All mission colleges will be brought directly into the service of the Government and will work hand in hand with the government schools to supply the Government with thoroughly trained men.

If, on the other hand, the Government does not recognize this work in some such way as suggested above, students will be drawn from the mission colleges by the superior attractions in the way of degrees and government employment offered by the government schools. This will not only hurt the effectiveness of the mission schools, drawing away their students before graduation, but, as for the present at least, these mission schools are better equipped, better governed, and are really doing better work than the government schools. The cause of true education will also suffer.

What the government needs is thoroughly educated men. The training is important, more important than the place where the training is gained. The Government has hitherto recognized this, in that for years past it has been sending young men indifferently either to the United States or to Europe to be trained for her service. Would it not be well for the new board of education, in the reorganization of China's educational methods, to plan to recognize the educated young man of China, even though he does not get his training in a government school and at government expense? And to this end would it not be well for this board to fix definite requirements—that is, mark out a definite course of study for the degrees of B. A., M. A., etc., and then arrange to recognize the student who has completed the course, no matter in what school? Such action on the part of the board of education will certainly be of great advantage to the cause of true education throughout the Empire. It would also enable China to recognize among her educational resources the long list of mission schools.

There is no competition whatever between the mission schools and the government schools. In every case the mission school charges full tuition fees, etc., while the government schools are not only free, but make contributions for the support of the student. Very probably the course of study in the mission schools will, for some years at least, be broader than that of the government schools, the teaching more thorough, the graduation more difficult. Hence the student who is simply after his "degree," his "button," will find easier and shorter road in the government school.

Mission colleges need, under the new régime, recognition as educational institutions. While some of us are duly incorporated in the United States, and hence are competent to give degrees, etc., yet, after all, recognition of our work through the bestowal of degrees on our graduates will enable our students to win the only degrees really valuable in Chinese eyes. This recognition will also enable us to retain our students to graduation, and thus do more thorough work. Mission schools ask nothing but this recognition of their work. They seek no government funds nor favors.

Now, that the plans are being formed for the new educational system, I have presumed to trouble you with this, trusting that you will both approve the suggestions made and that you will be able to influence the proper authorities so as to secure the needed recognition for our schools, which will be a practical incorporation. Could this be secured, not only will your effort be highly appreciated by the various schools, but it will also add greatly to American influence in China, since the schools are largely American.

Again begging your pardon for troubling you,

I remain,

(Signed)

D. L. ANDERSON.

[Inclosure 2.]

Mr. Young J. Allen to Mr. Rockhill.

SHANGHAI, December 12, 1905.

DEAR SIR: At a recent meeting of the board of trustees of our Soochow University I was requested as their chairman to call your excellency's attention to the attitude of the Chinese Government toward our educational institutions. In general, the Government recognizes the treaty right of toleration, and the Chinese are not debarred membership in the Christian Church, but as Christians, educated in our institutions, irrespective of their qualifications, they are counted

and treated as ineligible to any, even the most inferior, offices. Thus showing that the limited toleration they enjoy has reference only to their relation to foreigners, and by no means implies that the Government is disposed to recognize what it is supposed to grant. Now, while we are averse to recognizing the right claimed by the Chinese to inspect our higher institutions and dictate what their curricula shall be, thus attempting to substitute a Confucian for a Christian curriculum, we would by no means object to recognizing any curriculum the government schools may adopt, and undertake, in connection with our own system and courses of study, to prepare men to stand the requisite examinations for the respective degrees, if by so doing our graduates are made equally eligible, according to qualification and merit, for appointment to office in the government service.

The point, then, to which we desire particularly to call your attention resolves itself into this, to wit, that the measure of toleration granted in the treaties is not sufficient to cover existing conditions, and that unless we insist on a wider recognition on the part of the Government, we may expect to find our schools ignored and their great value to China depreciated and lost. We, therefore would urge that while China is projecting and adopting reforms, no reform is more urgent or would be more appropriate and timely than to grant once and for all entire religious liberty. It would be in harmony with the present aspirations of the Chinese for a constitutional government, and nothing could commend it more fully to the comity of nations.

Believing this to be so, we would most earnestly commend this subject of religious liberty to your attention and anything you can do toward achieving such a reform will greatly relieve our Christian work, and, we are sure, will not a little influence and improve the relations of China with all Christian nations.

(Signed) YOUNG J. ALLEN.

[Inclosure 3.]

Mr. Rockhill to Mr. Y. J. Allen.

PEKING, January 3, 1906.

SIR: I have to acknowledge the receipt of your letter of December 12 last, in which you inform me that at the request of your board you have to call my attention to the attitude of the Chinese Government toward Christian educational institutions in China.

This very important subject was brought to my attention in September of last year by Dr. D. L. Anderson, president of the Soochow University. In reply to Doctor Anderson's letter I assured him that I would have much pleasure in doing all that I possibly could to secure just recognition by the Chinese Government for your institution and all American educational institutions in China.

I have since then talked the matter over repeatedly with some of my diplomatic colleagues whose nationals maintain educational establishments in China, and quite recently with Dr. D. Z. Sheffield, president of the Peking University.

While I quite agree with your board in thinking that nothing would be more beneficial to China than entire religious liberty, I greatly doubt whether the Government is prepared to take so far-reaching a step at the present moment. I think that we must and can attempt with a fair chance of success something to remove, at least in a measure, the disqualifications under which you state native Christians educated in your institution labor as regards admission into the service of the Chinese state.

The point is well set forth by Doctor Anderson in his letter to me to which I have previously referred. "If the Chinese Government," he says, "will recognize the work done by the mission colleges by conferring on their graduates the same literary degrees that are granted to graduates from the government schools—also having obtained their degrees by giving them the same opportunities of government employment or of being selected to go abroad for further study—such action will not only greatly advance the interests of the mission institutions, but will also add much to the educational resources of the Empire. All mission colleges will be brought into the service of the Government and will work hand in hand with the government schools to supply the Government with thoroughly trained men."

It seems to me that if we could secure acceptance by the Chinese Government of your suggestion to "undertake in connection with [your] own system and course of study to prepare men to stand the requisite examinations for the respective degrees"—subject probably to inspection by government officials—with permission to compete at such examinations as may be required for entry into governmental service, we would already be making a very big step in the direction of ultimately bringing about that complete religious liberty which we all hope to see insured in China.

It has occurred to me that it would perhaps be a good plan for a small committee representing the various educational institutions conducted by Americans in China to come to Peking and discuss this matter with the newly established board of education. I would be delighted to give any committee which may be chosen such assistance as I can to further its object.

Should this suggestion not commend itself to you, I shall be much pleased to address the Wai-wu Pu in the matter and urge its favorable consideration of such requests as we may deem practicable and likely to prove acceptable without too protracted discussion.

Trusting that you will favor me with an early reply,

I remain,

(Signed)

W. W. ROCKHILL.

Minister Rockhill to the Secretary of State.

No. 326.]

AMERICAN LEGATION,
Peking, China, June 13, 1906.

SIR: I have the honor to inclose herewith a translation of the memorial prepared by Wu T'ing Fang and Shen Chia-fen, the commissioners charged with revision of the code, announcing the completion of the court procedure in criminal and civil cases.

It is interesting to note the reference therein made to "the ancient precedents of the T'ang and Ming dynasties" and the explanation that the present rules merely follow those of the old dynasties.

The imperial edict of April 24, 1905, "abolishing cruel forms of torture," forwarded to the department in Mr. Coolidge's No. 1870 of April 26, 1905,^a is another illustration of the principle of reversion to antiquity as a legitimate excuse for adopting a change of system.

The inclosed memorial dwells on two important recommendations—(1) establishment of trial by jury, (2) recognition of a legal profession.

I have, etc.,

W. W. ROCKHILL.

[Inclosure.]

Memorial of the commissioners charged with the revision of the code, reporting procedure in criminal and civil cases.

Your ministers reverently submit to the inspection of Your Majesties this memorial, announcing the completion of the court procedure in criminal and civil cases, and pray that an imperial edict may be issued, putting the same in force, that it may meet with observance and that the authority of the law may be maintained.

It is the opinion of your ministers that the whole system of laws and statutes should be adjusted to the exigencies of the times. Generally speaking, we may consider the Criminal Code^b as a body (of fundamental principles), and the

^a Foreign Relations, 1905, p. 176.

^b The Chinese Code of Laws has to do almost entirely with crime and its punishment. Hence the Chinese conception of law as a body of principles is that of a system of punishments and the department of justice of the Imperial

Rules of Court Procedure as determining the manner of the body's action. If the body (of principles) be defective, there is nothing upon which we may depend for guidance in determining the intent of the law; and if the manner of applying the principles be not arranged (beforehand), it will be impossible to make the operation of the law really effective. The two things are mutually dependent, and neither one should be despised. Last year, therefore, your ministers, when reporting upon the recommendation of the censor, Liu P'eng-nien, that interrogation by torture should be abolished, requested that they might be permitted first of all to compile a set of rules for court procedure. This request was submitted in memorial, as the records will show.

Now China includes her (rules for) court procedure and the decision of cases in her laws and statutes. They follow the ancient precedents of the T'ang and Ming dynasties, the manner of executing the law being carefully provided for in the text of the statutes. Considering all the circumstances of to-day, it is most urgently necessary to enlarge these provisions so as to make them more detailed. In all western countries the rules of court procedure are published in a separate volume, and they are further arranged under two divisions; those for civil and those for criminal cases. All cases having to do with debts, houses, lands, title deeds, and claims for damages are placed under the jurisdiction of the civil courts. All that have to do with rebellion, counterfeiting the currency or official seals, plots to murder, robbery with violence, larceny, swindling, seizing property under threats, and others of the sort, must be tried as criminal cases and decided according to the criminal law. As the rules for the decision of these cases are all carefully arranged, the work of properly disposing of them proceeds uniformly in accordance with such rules. Japan formerly pursued the Chinese practice, but since the revolution she has followed in the footsteps of the west, and in the XXIII year of Ming-chih she published in succession rules of procedure for civil and criminal cases, with the result that citizens of all nations settled there have all become subject to her jurisdiction, as she has availed herself of the change to recover her legal jurisdiction. On looking for the cause of this we find that it is because no longer as formerly does anyone fail in the settlement of suits at law to obtain his rights.

In China mixed Chinese-foreign cases are daily increasing in number and complexity. Foreigners consider our manner of judgment different from theirs, and there constantly arises a difference of views. Chinese merchants, too, are not familiar with foreign regulations and constantly suspect bias, and as such suspicions accumulate harmony becomes impossible. Every lawsuit growing out of some ordinary trifling dispute becomes a question for international investigation. There have been innumerable cases of this sort in recent years. Unless the rules of court procedure be revised, with changes of all kinds being permitted and their adoption even being urged, although the real body (of the law) may be perfect, its general operation will not be a success, and the judicial administration will not be improved. The ancient rule in China has been for the board of punishments to have special jurisdiction of criminal cases, and the board of revenue in cases concerned with debt or with real estate transactions, so that some slight distinction has been made between civil and criminal cases.

As to the department and district magistrates in the provinces, each unites in himself in one person both administrative and judicial authority. It is impossible to make any sudden change affecting official functions, but civil and criminal cases differ one from the other in their character, and although they may be under the jurisdiction of the same court, it is important to make a distinction in the methods of dealing with them. Your ministers, in the discharge of their duties as compilers, have exercised great care in comparing and selecting. We found on examining the regulations of Europe and America that they were grouped under many headings, and that some of them were not entirely suited to conditions in China. We have taken into joint consideration only those which approach somewhat nearer to the measure of China's present

Government is called "the board of punishments." It is the aim of the code to provide an appropriate punishment for every possible variety of offense under any possible combination of circumstances, leaving nothing to the judge but the determination of the category to which the case in hand belongs. Hence the memorialists reason that if the body of principles be incomplete—i. e., if any specific case be unprovided for in the system of punishments—there can be no guidance as to the intent of the law.

needs, and have prepared brief rules of court procedure, making a distinction between criminal and civil cases. Our inquiries have occupied a long time, and we are able only now to report the completion of the rules. Among them are some regulations which are common to all countries, and of these there are two which our country ought to adopt. The first is trial by jury. An examination of the "Rites of the Chou dynasty" shows that the officials having jurisdiction in capital cases had three methods of deciding upon a capital sentence.^a The third is called "Taking the opinion of the people," [which means] that all the people must approve of the proposed execution, after which the punishment, acquiesced in both by the officials above and the people below, is inflicted. Mencius's statement^b about killing by decree of the people fits in with this; and this indeed is the origin of trial by jury. This method of deciding upon a capital sentence has been unheard of since the time of the Ch'in and Han dynasties. The present practice of other nations, east and west, is nearly identical with the ancient custom of China.

Certainly the institution of criminal statutes by the Imperial Government originally grew out of the desire to protect the good and virtuous and reform the wicked and cruel. It is the disposition of men to deceive by misstatements, and a single administrator of the law being limited in his powers of discernment it is not easy for him to get at the facts; but when a number of men are depended upon for the hearing and investigation, it is easy to distinguish between truth and falsehood. If an unworthy criminal magistrate takes bribes and engages in crooked practices, deciding cases according to his own feelings, and resorts to fine writing to cover up his offenses or makes malicious misstatements to implicate others or is guilty of other such malpractices, it becomes more than ever necessary to investigate his conduct. We have to request therefore that hereafter in all the provincial capitals, as well as all large ports of international trade, and in the mixed court(s) members of the gentry, wealthy merchants and others shall be invited to lend their services and a list of jurors prepared, and that in any case in the trial of which a jury ought to be employed, an experiment be made of the practice at the proper time in accordance with the plan submitted herewith.

If the place be a small one, and wanting any persons properly qualified to act as jurors, the adoption of the practice may be temporarily postponed, until education shall have become more general (in the district) when the plan may be put into operation, and we may hope that judgment will be administered more justly, that the severity of the punishment by mutual discussion (of the jurors) will be determined in accordance with public opinion, and that, as a matter of course, the miscarriage of justice by favoritism as well as the willful infliction of punishments unduly severe will be avoided.

The second recommendation is that lawyers ought to be employed. As to the term "lawyer," we mean by it "an advocate." The Japanese use the term "one who argues in defense." When the parties to a lawsuit are brought in fear and trembling into the presence of the court, if they say much, they talk in a confused way. Hence they employ lawyers to talk for them. The work of examining witnesses, confronting them, one with another, and cross-examining them is performed in the various countries by men who have completed the course in the law school and received their diplomas. The Government, too, appoints a lawyer to conduct any important case which it may have on hand. In the case of poor persons an association to secure legal assistance appoints attorneys to act in their behalf, and takes no pay for this service. The effect

^aThe "Rites of Chou" says: "The officers having jurisdiction in capital cases had three ways of determining a sentence of death, three reasons for the exercise of clemency, and three for bestowal of pardon, by the use of which the minister of crime was assisted in hearing criminal cases. The first method of arriving at a sentence of death was by taking the opinion of the whole body of ministers, the second by taking the opinion of the inferior officials, and the third by taking that of the people."

^bThe statement of Mencius, to which reference is made, is found in the conversation with the prince, Liang Hui. Mencius is represented as saying: "When the royal counselors say you may put them to death, do not listen to them. When all the high officers say you may put them to death, do not listen to them. When the people of the state say you may put them to death, after you have investigated and found the criminal worthy of death, you may execute him, wherefor it is said the people put him to death."

upon the intercourse between officials and private persons is certainly not slight.

Heretofore at the various ports of international trade in China foreign lawyers have already been permitted to practice in the courts. Worst of all, even the yamens, following the custom of employing advisers, have depended upon foreigners for defense in Chinese suits, with the result that much obstruction has been experienced. For instance, when a case of international concern has arisen, they have invited such an attorney to conduct the case, although there is certainly no right principle of action requiring a man to assist others to the detriment of his own people. On this account the extraterritorial powers of the consuls grow and extend themselves. How can one bear to think of the evils that must afterwards result! We propose to ask, therefore, that henceforth in each of the provincial law schools, where men are being trained in the law, a definite number of students of good character, serious-minded, and well versed in the law, shall be selected, who, after they shall have completed their courses, shall be examined, and, if found qualified, shall be given diplomas; after which they shall be apportioned among the provinces and employed in arguing cases before the courts.^a

If the various schools find it difficult to provide the men needed on short notice, then each of the said provinces shall select the best qualified of its legal secretaries^b and distribute them among the schools, with special object of making them more skilled in their profession, and after they shall have passed their examinations their assignment for employment shall be taken into consideration. They shall also be given official rank as an encouragement. In a word, for every additional upright lawyer the Government may have there will be in time one more experienced judge.

The two recommendations made above suggest practices for which our law makes no provision, but which are of the utmost importance for the recovery of legal jurisdiction (i. e., for the abolition of extraterritoriality), and we have therefore introduced them both into our compilation. The whole is divided into five chapters, containing altogether 260 regulations. We have had a careful copy of this document made, which we now reverently present for Your Majesties' inspection. If it shall receive the imperial approval, we further pray that a special edict may be issued, publishing it to all in the capital and the provinces for universal observance. As to the two codes, criminal and civil, we pray that we may be allowed to wait until we shall have completely arranged our compilations, when we shall submit a memorial presenting both in full detail.

This memorial of your ministers, submitting rules of court procedure, and asking that experimental trial of the same be made, is reverently presented, with a prayer that Your Imperial Majesties, Empress Dowager and Emperor, will inspect the same and issue instructions.

(Translated from the Pei Yang Kuan Pao of May 13, 1906.)

Minister Rockhill to the Secretary of State.

No. 383.]

AMERICAN LEGATION,
Peking, China, August 29, 1906.

SIR: I have the honor to inclose herewith a translation of an imperial edict which was communicated to me by the Chinese Government on the 26th instant and which orders the creation of a committee to consider the reports and recommendations of the high commission-

^aThis provision for the employment of attorneys and counselors at law in the courts of China is a decidedly new departure, and places the practice of law in this Empire for the first time upon a respectable footing. The study of law as a profession has been frowned upon, and except recently in the ports where foreigners reside no attorney has been permitted to argue a case in court. There is a recognized class of scribes, however, versed in legal phraseology, authorized to draw up petitions and other legal documents.

^bThese legal secretaries are men more or less familiar with the code, employed as private secretaries by the magistrates to assist with their consul in difficult cases. Until quite recently they have had no official standing.

ers recently returned from investigating the methods of government of Japan and the western world.

The committee is composed of the following high officers of state, exclusive of those mentioned in the edict: The Prince of Ch'ing, Ch'ü Hung-chi, Liu Ch'uan-lin, Jung Ch'ing, Hsü Shih-ch'ang, T'ieh-liang, Na-t'ung, Wang Wen-shao, Sün Chia-nai, Shih-hsü.

I have, etc.,

W. W. ROCKHILL.

[Inclosure—Translation.]

Imperial edict.

The ministers of the grand council in a personal audience have received the following imperial edict:

"The commissioners appointed to investigate methods of government have returned to Peking and have submitted their several reports.

"We hereby appoint Tsai-feng, the Prince of Ch'un, with the ministers of the grand council, the ministers of the council of state, the grand secretaries, and Yuan Shih-k'ai, the superintendent of trade for the north, to carefully consider these reports together, and to request an imperial decree authorizing the proper course of procedure.

"Respect this."

Minister Rockhill to the Secretary of State.

No. 386.]

AMERICAN LEGATION,
Peking, China, September 4, 1906.

SIR: I have the honor to inclose herewith a translation of an imperial edict which appeared on the 1st instant as a result of the report to the Throne of the committee recently convened by order of the Emperor to study the reports and recommendations of the commissioners sent abroad to study administrative methods of foreign lands. I reported the creation and organization of this committee in my dispatch No. 383 of August 29.

I transmit also another edict of the 2d instant, creating a commission to revise the regulations governing the duties, ranks, etc., of officials, for the purpose of reforming the administration of the Empire.

The programme of reforms laid down in the edict is most gratifying if carried out, but it may well be feared that a few years, as pointed out in the edict, will not prove sufficient to make them, even in the rough; or, if made, that they will prove satisfactory or permanent. The task before the Government is an enormous one.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1—Translation.]

CONSTITUTIONAL GOVERNMENT IN CHINA.

Imperial edict of September 1, 1906.

We have received from Her Imperial Majesty, Tzu Hsi, etc., etc., Empress Dowager, the following decree:

From the founding of our dynasty to the present time the wise measures adopted by the holy monarchs who have succeeded one another upon the

throne have always without exception been taken with due regard to the exigencies of the times and have been embodied in the Statutes of the Empire.

At present all nations are in free communication with each other, and in their methods of government and their laws are influenced one by another. Our political institutions, however, remain as of old, a condition of affairs which threatens danger and disaster, day by day becoming more imminent. Unless we broaden our knowledge by a more comprehensive study of the institutions of other lands, and improve our laws accordingly we shall fail to keep the path of progress marked out by our imperial ancestors, and there will be no hope of securing that just administration which the welfare of ministers and people alike demand.

Some time ago, therefore, we appointed certain ministers to visit foreign countries to inquire into their methods of government, and Duke Tsai-tse and his associates have now returned and made their reports. All are agreed that the lack of prosperity in the state is due to the separation between the officials and the people and the lack of cooperation between the capital and the provinces. The officials are ignorant of the needs of the people, and the people do not understand what is necessary to the safety of the state. The wealth and strength of other countries are due to their practice of constitutional government, in which public questions are determined by consultation with the people. The ruler and his people are as one body animated by one spirit, as a result of which comprehensive consideration is given to the general welfare and the limits of authority are clearly defined. Even in securing and appropriating funds for public use, as well as in all political measures, there is nothing which is not made the public concern of the people. Moreover, these nations all learn one from another, and are constantly improving their methods so as to attain to the highest degree of prosperity. The success of government and the concord of the people have their origin here.

Under these circumstances we can but consider carefully the form of government best suited to the needs of the times, and adopt a constitutional polity in which the supreme authority shall be vested in the crown, but all questions of government shall be considered by a popular assembly.

These are the foundation principles upon which the perpetuity of the state is to rest. As yet, however, the constitution is not prepared, and the people, too, are not properly equipped with the necessary knowledge. If we adopt hasty measures and simply issue specious and pretentious documents, how can we secure the confidence of the people?

If, therefore, we would get rid of accumulated evils and fix responsibility, we must first of all begin with the official organization. The first thing imperatively necessary is that the regulations relating to official functions be taken up and considered one by one and successively amended, and that the various classes of laws likewise be carefully arranged.

We must extend education, put the finances in order, improve the military system, establish a police organization throughout the Empire, cause the gentry and people to thoroughly understand political affairs, and thus by such preparation lay the foundations of constitutional government.

Let the ministers and officials in the capital and the Provinces give thorough attention to these matters and exert themselves to secure success.

In a few years, when the system shall have been roughly outlined, we can, after due consideration of the circumstances, collate and compare the methods of other nations and adopt a satisfactory form of constitutional government as well as fix a date for putting it into operation. That date will depend upon the rate of progress being made, and will be proclaimed accordingly to the Empire.

Let all the Tartar generals, viceroys, and governors of the Provinces instruct the literary classes and the common people to rouse themselves to earnest efforts in behalf of education, in the hope that everyone may come to understand the real meaning of patriotism and comprehend those principles by which the nation is to be united for the promotion of civilization, that private interests are not to be pursued to the injury of the public welfare, that petty jealousies must not be allowed to defeat national policies, and that respect for authority is the preservation of peace.

Thus we may hope that the people will accumulate the stores of wisdom needed for the establishment of a constitutional form of government.

Let this be published abroad for the information of all. Respect this.

[Inclosure 2—Translation.]

Imperial edict of September 2, 1906.

Yesterday we published an edict making important announcement of preparations for the establishment of constitutional government, and directing that first of all steps should be taken to put in order the regulations as to officials. This is a matter of grave concern, and it will be necessary to take into consideration the ancient practice and harmonize it with present conditions. Examination must be made into the essentials of the laws and rules of the present dynasty, and a collection made of the best features of the customs and regulations of other states, so that by a combination the most suitable may be secured. No particular must be neglected. Thus we may perhaps arrive at the most advantageous. Let Tsai-tsê, Shih-hsü, Na-t'ung, Jung-ch'ing, Tsai-chên, K'uei-chün, T'ieh-liang, Chang Po-hsi, Tai Hung-Tz'u, Ko Pao-hua, Hsü Shih-ch'ang, Liu Jun-shiang, Shou-ch'i, and Yuan Shih-k'ai be appointed to consult together and revise the aforesaid regulations relating to the official regulations. The said high officials must aim loyally at the public interest and set aside all preconceived notions, and with careful attention make a satisfactory arrangement of these regulations. Moreover, we direct Tuan-fang, Chang Chih-tung, Shêng-yün, Hsi-liang, Chou Fu, Tsên Ch'un-hsian to appoint high provincial commissioners and taot'ais and send them to Peking to consult with the above-named commission. We also appoint I-k'uang, the Prince of Ch'ing, Sun Chia-nai, and Ch'ü Hung-chi a superior commission to pass upon the regulations after amendment. After deciding upon them they will await an imperial edict authorizing their enforcement, so that due weight may be given to them. Respect this.

NOTE.—The officers constituting the commission hold offices as follows: Tsai-tsê, duke, recently special envoy to foreign countries, just made minister of the presence; Shih-hsü, grand secretary; Na-t'ung, grand secretary and associate president of the board of foreign affairs; Jung-ch'ing, grand councilor, probationary grand secretary, president of the board of education; Tsai-chên, minister of the presence, president of the board of commerce; K'uei-chün, president of the board of civil office; T'ieh-liang, grand councilor, president of the board of revenue; Chang Po-hsi, Chinese president of revenue; Tai Hung-tz'u, president of the board of rites, recently special envoy to foreign governments; Ko Pao-hua, president of the board of punishments; Hsü Shih-ch'ang, grand councilor, president of the board of police; Liu Jun-hsiang, president of the board of works; Shou-ch'i, president of the censorate; Yüan Shik-k'ai, viceroy of Chihli Province.

The viceroys ordered to send representatives of the rank of provincial treasurer, provincial salt or grain commissioner or taot'ai, are stationed at the following places: Tuan-fang at Nankin; Chang Chih-tung at Wu-ch'ang; Shêng-yün at Hsi-an Fu, Shensi; Hsi-liang at Ch'êng-tu, Szechuen; Chou-fu at Foochow, and Tsên Ch'un hsüan at Canton.

The superior commission is composed of the prime minister, Prince of Ch'ing, whose personal name is I-k'uang; Ch'ü Hung-chi, associate president of the board of foreign affairs, and a grand councilor; and Sun Chia-nai, grand secretary and president of the Hanlin Academy.

Chargé Coolidge to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, *November 7, 1906.*

(Mr. Coolidge reports that important edicts are being issued changing the structure of the government and preparing the way for

constitutional government, and mentions, among the changes thus far made, the following: The consolidation of minor departments with boards, each of which is to have only one responsible head; the creation of a new board of communications controlling the postal service, telegraph service, railways, and steamships, and the prospective appointment of two councils, one to consider the national budget, the other to receive expressions of public opinion and deliberate thereon.)

Chargé Coolidge to the Secretary of State.

[Telegram—Paraphrase.]

PEKING, November 8, 1906.

(Referring to his telegram of November 7, Mr. Coolidge says that the edict promises no distinction between Manchus and Chinese in appointments. The reorganization leaves 20 high officials temporarily out of office and necessitates many transfers. The only changes in the foreign office are the transfer of T'ang Shao-i to the vice-presidency of the new board of communications, being replaced by the minister at London, and a general reduction of the staffs of the boards. The edict is regarded as a compromise between progressive and conservative elements. The special commission continues and will direct its attention to provincial service reformation.)

RESTRICTIONS UPON THE IMPORTATION, GROWTH, AND USE OF OPIUM.

The Acting Secretary of State to Minister Rockhill.

No. 161.]

DEPARTMENT OF STATE,
Washington, July 11, 1906.

SIR: I inclose herewith a copy of a letter from the Hon. John T. Morgan, inclosing a copy of one to him from the Rev. Hampden C. Du Bose, of Soochow, China, in which the latter expresses his desire to be introduced to the Chinese foreign office, in the interest of the movement for the suppression of the opium traffic in China.

The policy and sentiments of the Government of the United States in regard to the deleterious traffic in opium in China have been long and emphatically declared, and took express shape in the treaty of November 17, 1880, and in the act of Congress approved February 23, 1887. Under these circumstances, unless you are aware of some good reason to the contrary, not known to the department, it may be desirable for you to testify the continuing interest of this Government in the matter by affording Mr. Du Bose the desired opportunity to confer personally with the Chinese foreign office.

The department would welcome a report from you on the present aspects of the opium trade in China, with such suggestions as you may be in a position to make touching the attitude to be maintained by the United States in regard thereto.

I am, etc.,

ROBERT BACON.

Minister Rockhill to the Secretary of State.

No. 382.]

AMERICAN LEGATION,
Peking, China, August 29, 1906.

SIR: I have the honor to acknowledge the receipt of the department's instruction No. 161 of July 11, containing the request of the Rev. Hampden C. Du Bose, of Soochow, that he be introduced to the Chinese foreign office to confer with it with regard to the suppression of the opium traffic.

As the Government of the United States is entirely in sympathy with the movement in which Mr. Du Bose takes a prominent part, I can see no objection to complying with his request and have written to him to that effect.

A report including the present aspects of the opium trade is now being prepared by the Chinese secretary and will be ready soon.

I am, etc.,

W. W. ROCKHILL.

Minister Rockhill to the Secretary of State.

[Extract.]

No. 393.]

AMERICAN LEGATION,
Peking, China, September 8, 1906.

SIR: In further acknowledgment of your instruction No. 161 of July 11 last, I have the honor to transmit herewith a report on opium production and taxation prepared with his usual care by Mr. Williams, Chinese secretary of this legation.

I understand that the scheme now entertained by the Chinese Government to bring about the abolition of the use of opium in China is to begin by issuing an imperial edict forbidding its use by all officials throughout the Empire and providing for a yearly reduction of one-tenth of the area given to the cultivation of the poppy, so that in ten years there would be no opium produced in China. The consent of the Indian government would also be secured to reduce the importation into China by one-tenth every year, so that coincidentally with the cessation of the cultivation of the poppy in China the importation of the foreign drug would terminate.

As there are no easy and cheap lines of communication between the western provinces of China, where perhaps half the opium is produced, and the coast, a product of such small bulk and so cheap carriage as opium will continue to be the most profitable one for the farmers. The day when railways open up these provinces of Szechuen, Kueichou, and Yunnan, and the exportation of rice is permitted, the cultivation of the poppy will begin to decrease.

I think we should lend all our influence to encourage the agitation now being conducted by the Anti-Opium League, which may produce great results much sooner than now seems likely.

I have, etc.,

W. W. ROCKHILL.

[Inclosure.]

OPIUM IN CHINA.

The poppy was unknown to the Chinese until some time in the eighth century A. D., when it was introduced by the Arab traders.^a It was cultivated in Chinese gardens as a flower, but the use of the seeds in medicine was also learned from the Arabs, and is mentioned in several medical works from the ninth century onward. Poets also referred to the use of a decoction of poppy seeds as having an exhilarating effect. The manufacture of opium is described in a work published in the fifteenth century, and there seems no reason to doubt that in the early part of the sixteenth century the Chinese were engaged in this manufacture. It was used, however, only in medicine at that time. The smoking of opium began after the introduction of tobacco and tobacco smoking, brought from Manila by Chinese traders, in the early part of the seventeenth century. Tobacco smoking spread rapidly from Amoy and Formosa into all parts of the Empire in spite of the imperial edicts forbidding it, which were as ineffectual as similar attempts made about the same time in Great Britain.

During the century which followed the introduction of tobacco the Chinese began to mix various drugs with it, and early in the eighteenth century the attention of the Government was called to the prevalence of a new vice in Formosa, that of opium smoking. In 1729 an imperial edict was issued, prohibiting the sale of opium and the opening of opium-smoking houses. The edict was no more effectual, however, than that of earlier days against tobacco.

It must be remembered that for centuries previous to the issue of this edict opium had been imported as a medicine from Persia and India. It had been introduced into India by the Arabs in the sixteenth century, and they were the principal importers of it into China until the rise of Portuguese power in the Far East. As the drug was needed in medicine, the custom-houses do not seem to have refused it entrance, despite the edict forbidding the sale. One reason for the neglect to enforce the new law may have been the severity of the penalty for its infraction. The keeper of an opium den was liable to a sentence of strangulation, subject to revision at the autumn assize. Perhaps a more potent reason was the fact that many officials had become victims of the habit. At any rate it continued to be imported and to pay a duty, and in 1767 the importation had grown to 1,000 chests per annum. It continued to increase from year to year during the period when the trade was in the hands of the Portuguese, and afterwards when it had passed to the British. The East India Company took control of it in 1781. It must not be forgotten that while the import of Indian and Persian opium was thus increasing, the cultivation of the poppy was not neglected in China. As noted above, this had been going on for centuries, and the manufacture of opium in China had been established for some two hundred years when the British succeeded to the control of the trade with India.

Earnest efforts have been made at various times during the past two hundred years to suppress the traffic in the drug and eradicate the vice of opium smoking, but the local authorities, with a few notable exceptions, do not appear to have seconded the Imperial Government in its attempts in this direction.

The imports of the foreign drug continued to grow until in 1888 they amounted to 82,613 piculs.^b In this are included the imports into Formosa, at that time still a part of the Chinese Empire. If we deduct the quantity sent into that island, we shall have 77,966 piculs as the import for that year to the mainland of China. This is the high-water mark of the importation of foreign opium. Since that time it has very slowly but very steadily decreased. The imports for the past ten years, as reported by the imperial maritime customs, were as follows:

Year.	Piculs.	Year:	Piculs.
1896	49,994	1901.....	49,484
1897	49,309	1902.....	50,764
1898	49,752	1903.....	58,457
1899	59,161	1904.....	54,752
1900	49,279	1905.....	51,920

^a The facts relating to the early history of opium in China are taken from "The Poppy in China," by Doctor Edkins, published by the I. M. Customs; special series, No. 13.

^b Report of imperial maritime customs. A picul=1.33½ pounds avoirdupois.

We may say, then, that the annual importation of foreign opium at present amounts to about 50,000 piculs in round numbers.

With the spread of the vice of opium smoking the manufacture of the native drug steadily increased. The cultivation of the opium poppy in the province of Yünnan was already an important industry in 1736. The Mohammedans have been numerous and influential in that province from very early times, and probably introduced the culture there, as they did in India. It was, of course, intended at first to supply the demand for the drug as medicine, but the province of Yünnan and its neighbors, Szechuen and Kueichou, began very early to cater to the wants of the opium smokers. These three provinces in southwestern China still furnish the greater part of the native opium consumed. Attempts have been made at various times to estimate the annual output for the Empire. In 1864 the imperial maritime customs published a collection of reports by various commissioners of customs on the cultivation of the poppy and the same of the native opium in their districts. Even at that time 15 of the 18 provinces of China proper were reported as producing opium for use in smoking. The difficulty of obtaining any accurate statistics as to the amount produced will appear from the following facts: In 1869 the Shanghai Chamber of Commerce, after inquiries made, estimated the annual output of the province of Szechuen at 50,000 piculs, and the same year the production of Yünnan was estimated at 20,000 piculs, and that of Kueichou at 15,000, making for three provinces a total of 85,000 piculs. Ten years later Mr. E. B. Drew, then commissioner of customs at Ningpo, put the total production of the Empire at 265,000 piculs, and arrived at this sum, as he tells us, in the following manner:

	Piculs.
For Szechuen (quotes Richtofen)-----	60,000 to 100,000
Yünnan (quotes Baber)-----	80, 000
Kueichou (quotes Hobson, 1868)-----	15, 000
Chekiang (his own province)-----	10, 000
Shantung (quotes Simpson)-----	300
Estimates Kansuh, Shensi, Shansi, Honan, Mongolia, and Manchuria, from descriptions given by various writers, especially Richtofen-----	100, 000
Total-----	265, 300

In 1881 Mr. Donald Spence, British consul in Chungking, Szechuen, estimated the output of that province at 177,000 piculs, of which 54,000 were consumed in the province, and gives for Yünnan an annual production of 35,000 piculs, Kueichou 10,000, and Hupeh 2,000, making for the four provinces 224,000 piculs.

The same year the imperial maritime customs published the result of its inquiries made two years before (1879). The estimates given therein of the total production of the Empire are mostly guesses and vary from 12,000 piculs to the 265,000 piculs, as quoted above, from the report of Commissioner Drew. We may perhaps arrive at something near the truth by accepting for each province the lowest estimate of those dwelling within its borders or near them, where such estimates are available, and for the other provinces to the conclusion that the production of opium in China in 1879 may have been as much as 85,000 piculs. In that year the imports of foreign opium at Hongkong amounted to 107,970 chests, of which there were imported into China, exclusive of Formosa, 77,377 piculs, so that the total consumption for the mainland that year may have been as much as 162,377 piculs.

Other reports were made upon this subject by the imperial maritime customs in 1887 and in 1889, and, if we could accept the figures given, we would have to conclude that the annual production at that time amounted to about 200,000 piculs. But Sir Robert Hart, when asked by a commission of the powers in 1901 for an estimate of the annual production of native opium, placed it as low as 150,000 piculs. Two years later a commissioner of customs at Chungking, Szechuen, estimated the output of that one province at 250,000 piculs, which is certainly extravagant. An earlier commissioner of customs at the same port in 1898 put it at 100,000 piculs. Either amount would make Sir Robert's estimate for the whole Empire entirely too small. But one hesitates to reject the estimate of one than whom there is no person better qualified for such a task, and fortunately we have in a recent memorial upon the subject of the opium revenues of Szechuen a report which enables us to form an opinion of the relative values of the estimates given. In the report to which reference has just been made the viceroy of Szechuen puts the duty-paying opium of that province at 31,000 piculs per annum, and the opium consumed in the province at some-

thing more than 10,000 piculs. Besides these two amounts we have that of the export through the maritime customs, about 11,000 piculs per annum, so that the total production of the province may be put down at not less than 52,489 piculs. It is a well-known fact that official returns in China are not wholly reliable, and the chances are that the total production of opium in Szechuen is much more than the amount given, but as these are the only figures available we must accept them. In August, 1904, the Wai Wu Pu offered the powers certain guarantees of the expenditure required annually for the improvement of the Whangpoo River at Shanghai. These securities were the opium duties of Szechuen and those of the prefecture of Hsüchou, in Kiangsu. The former were said to amount to 400,000 taels per annum, which, as the duty was then 12 taels per picul, would agree substantially with the report of the viceroy. The duty on the output of Hsüchou, in Kiangsu Province, was at that time 8.50 taels per picul, and the total said to be 200,000 taels, which gives us for the annual production of that prefecture 23,530 piculs. As the drug is produced at many other places in the province we may estimate the total output for Kiangsu as about 30,000 piculs. In the customs' reports mentioned above we find certain data by which we are enabled to estimate the minimum output for certain other provinces, and may thus arrive at the following probable estimate for the whole Empire:

Estimated annual production of opium in China.

Province.	Piculs.	Province.	Piculs.
Manchuria.....	10,000	Hunan	1,000
Chihli	5,000	Hupeh	2,000
Shantung	10,000	Kiangsi	7,000
Kiangsu	30,000	Anhui	5,000
Chekiang	10,000	Honan	5,000
Fukien	13,270	Shansi	2,000
Kuangtung	3,000	Shensi	2,000
Kuangsi	1,000	Kansuh	2,000
Kueichou	5,000		
Yunnan	10,000	Total	173,759
Szechuen	52,489		

It seems safe to conclude, therefore, that the annual production of opium in China at present can not be less than 175,000 piculs. Add to this the average annual import of the foreign drug, 50,000 piculs, and we have for the total annual consumption of the raw drug not less than 225,000 piculs. The raw drug produces, if native, 68 per cent, on an average, of prepared opium, and the foreign drug about 63 per cent. The annual consumption of prepared opium is therefore not less than 150,500 piculs=15,050,000 catties=240,800,000 liang, or Chinese ounces. An average smoker consumes 3 mace, i. e., three-tenths liang, in a day, or 109.5 in a year, which will give us nearly 2,200,000 opium smokers for China. If we accept a conservative estimate of the population of the Empire as 300,000,000, we shall have about seventy-three one hundredths of 1 per cent of the population addicted to this vice. If we assume that three-tenths of the population are adult males, we shall have about 1 man in 40 given to opium smoking, though it is a vice not entirely confined to the male sex. The total import of foreign opium in 1905 was 51,890 piculs, valued at haikwan taels 34,070,021. The value of the native article varies greatly with the distance from the place of production. In the province where it is produced its value varies from taels 292 for Szechuen to taels 1,000 per picul in Manchuria. The last figure, however, is unusual, and due to the disturbed condition of that portion of the Empire. Basing our computation upon the figures given for various provinces, we find that the very lowest estimate of the cost of the native opium at the place of production in 1905 was more than taels 58,000,000, and the total cost of that produced and that imported not less than 92,000,000 taels. To the actual consumers the cost was much greater. The revenue derived in 1905 from the foreign opium imported was, duty, haikwan taels 1,557,720.48 and, likin, haikwan taels 4,153,989.92, or a total of 5,711,710.40 taels. In 1755 A. D. opium, then imported in spite of the prohibitory edict of 1729, still paid duty according to the tariff of K'anghsi at the rate of 3 candareens a carry, or taels 3 per picul, which at the valuation then obtaining was 6 per cent ad valorem. By the tariff agreed

upon by treaty in 1858 foreign opium paid an import duty of taels 30 per picul. By the Chefoo convention between Great Britain and China, first negotiated in 1876 but not ratified by Great Britain until 1885, this duty was continued, but it was agreed that foreign opium should be dealt with only by the imperial maritime customs, which should be allowed to collect in addition to the taels 30 import duty, a likin charge not to exceed taels 80 per picul, making the total charge taels 110 per picul, which is the present charge.

Inasmuch as native opium was under a ban, all trade in it was for many years treated as wholly illicit, and, though it was winked at, it was left untaxed. Gradually, however, local authorities began to levy duties upon it, and these have greatly varied from province to province and from year to year. In 1879, for instance, at Newchwang native opium, in addition to import duty, paid a tax of taels 20.92 per picul; at Ichang but taels 1.50, at Hankow taels 10, at Shanghai taels 11.62, at Amoy taels \$3.16, and at Pakhoi taels 11.52. In 1887, at Chefoo, it paid a likin tax of taels 10.50 per picul, increased the next year to taels 22. At Shanghai in 1887 it paid likin at the rate of Kup'ing taels 43 per picul, while in Canton it paid haikwan taels 45.80, and an additional tax of 3 candareens a liang, i. e., taels 4.80 per picul, was levied at the shops where the prepared opium was sold or smoked. At the same time the Hsüchou opium paid taxes as follows: 1. A tax on the poppy field of 3 mace a mou, i. e., taels 0.30 for one-sixth of an acre. 2. A charity tax taels 0.64 and a registration fee of taels 0.32 per picul at the place of production. 3. In transit, a native customs duty of taels 8.50, and a grain tax of taels 2.24 per picul. 4. On arrival at Chinkiang a likin charge of taels 43 per picul, or a total of taels 54.70, besides the tax on the poppy fields. On the whole, however, until very recently the tax on the native drug has been much lighter than that on the foreign article, and this fact, together with the lower cost of production, has greatly stimulated the cultivation of the poppy. In spite of the large revenue thus derived from opium, the Chinese Government has never looked with favor upon the traffic, and attempts have been made at various times, as said above, to suppress the evils growing out of it.

Previous to 1900 native opium passing through the maritime customs at Ichang had been paying a total charge of taels 60 per picul, exclusive of taxes at the place of production. In July, 1900, the viceroy, Chang Chih-tung, with a view to checking the consumption of opium in the territory under his jurisdiction, increased this charge to taels 72 per picul, and near the close of 1901 increased it again, making it taels 80 per picul. This, with the likin charged in Szechuen, made a total on the product coming from that province of taels 84.76. Opium designed for local consumption was still more heavily taxed, being required to pay taels 90 besides the likin of Szechuen, or a total of 94.76 taels per picul. The immediate result of this action was to greatly increase smuggling and to drive legitimate traffic to the use of native junks or roundabout land routes controlled by the native customs or likin offices, and thus to reduce the receipts of the maritime customs. Another significant result was the importation of a small amount of foreign opium to a district where it had been unknown for many years. In view of these facts, in 1903 the authorities reduced the tax to a total of 76.75 taels per picul, including the Szechuen likin.

In February, 1904, the same tax was imposed in the province of Hunan, also in the jurisdiction of the Viceroy Chang Chih-tung, and in the summer of the same year an agreement was made with the provincial authorities of the provinces of Kiangse and Anhui that one consolidated tax, to include both likin and customs duties, should be levied at a uniform rate in the four provinces, and to prevent discrimination by the native customs as against the maritime service it was agreed that the collection of this consolidated tax should be intrusted to the imperial maritime customs at Ichang and to branch offices under its control. The port of Ichang was chosen because it is at the head of steam navigation on the Yangtze, for which reason most of the opium from Yünnan and Szechuen was sent thither for distribution. In 1905 this arrangement was extended to four other provinces, Kiangse, Fukien, Kuangtung, and Kuangsi, and the tax increased to taels 134.79 per picul for opium destined to the four inner provinces and taels 104 for that going to those on the seaboard. Previous to this latter arrangement, however, after the experience of 1902, it was seen that unless the tax on foreign opium should also be increased the effort to stamp out the vice by heavy taxation would fail, and therefore in 1903 representations were made to the British Government by the Chinese minister in London looking toward the increase of the duty upon Indian opium. The reply of the British Government, as quoted in the Peking Gazette, was that the tax on the native drug

ought to be increased by the same amount as any addition made to the duty on the foreign article. Upon this a memorial was submitted to the Imperial Chinese Government, asking that the customs duty and likin on foreign and native opium be increased by an equal amount, and the matter was referred to the proper boards for consideration and report. No further report has as yet appeared relating to the negotiations respecting foreign opium. As to the native drug, the steps to increase the taxes upon it in eight of the provinces have been related above. The success of this arrangement has been so pronounced that on the 7th of May this year (1906) an imperial edict appeared directing that the system adopted in the eight provinces mentioned above should be at once extended to all the provinces of China proper and at a later date, to be hereafter determined, to Turkestan and Manchuria.

The head office of the collectorate was at the same time removed from Ichang to Wuchang, the capital of Hupeh, and K'o Fengshih, junior vice-president of the board of revenue, was made chief of the administration. On the 25th of May the inspector-general of the maritime customs, Sir Robert Hart, was duly notified to enforce the new regulations dealing with this matter, which are contained in 21 articles.

According to these regulations a consolidated opium duty of k'up'ing taels 100, plus a fee for administrative expenses, k'up'ing taels 15, will be collected on every 100 catties (133 $\frac{1}{3}$ pounds), net weight of native opium, to the exclusion of any and every other kind of tax, and no rebates whatever are to be allowed, no matter in what province the drug may be produced, nor where it may be eventually sent for consumption. Duty and fee are payable in full at the first office or barrier met with en route. Labels will there be affixed and certificates issued enabling the drug to proceed freely to any of the 18 provinces without further taxation, all dues heretofore collected at provincial boundaries and all laying-down taxes being entirely abolished. The opium is to be weighed by the k'up'ing scale, and 16 ounces allowed to every catty. Of the k'up'ing taels 115 collected, k'up'ing taels 100 are to be entered in the duty account and k'up'ing taels 15 put to the expense account.

The treasury of each province is to be allowed from the total collection an annual payment equal to the amount reported as paid into the said treasury in 1904 as collected from native opium. The remainder of the duty collected is to be forwarded to the imperial treasury. The funds thus accumulated are to be devoted by the Imperial Government to military expenses in connection with the reorganization of the army.

The 18 provinces of China proper are to be divided into 9 collectorates, and besides the head office at Wuchang there will be a branch office in each collectorate, in charge of an official of the rank of taot'ai. Special arrangements are made for the collection of the duty on the opium consumed in the province of production. The taxes heretofore levied on the poppy fields are entirely abolished and the provinces are strictly enjoined not to levy any tax whatsoever on opium save that provided for in the regulations, although the lamp tax, that is a license fee payable by keepers of opium joints, is still permitted.

The tax thus provided for (taels 100 per picul) is that to be levied on raw opium. Prepared opium will pay at double the rate, and opium dross at one-half the rate. Travelers, however, are allowed to carry 10 liang (ounces) of prepared opium free, and 20 liang of opium dross.

Article XXX of the regulations declares that the object of this increased taxation is not revenue, but the discouragement of the opium habit.

It will be noted that the new tax is levied in k'up'ing or imperial treasury taels, of which 100.8=100 haikwan or customs taels.^a The duty of k'up'ing taels 100 will therefore be equivalent to haikwan taels 99.20, and the annual revenue to be collected on the 175,000 piculs estimated production of opium in China will be k'up'ing taels 17,500,000 or haikwan taels 17,360,000. A portion of this sum, that paid to the imperial treasury, say taels 8,000,000, is to be devoted to the expense of army reorganization. This work has been going on for the past four years, and there are all told in the new army over 100,000 men. The pay of a first-class private is nominally taels 4.50 a month, and of a second-class private taels 4.20. The salary of the commander of an army corps is taels 600 a month, with an allowance of taels 1,000 a month for expenses; that of a division commander taels 400, with allowance of taels 600; brigadier-general, taels 250, with allowance of taels 250; a colonel, taels 200 a month,

^a In 1905 a haikwan tael was worth gold \$0.73.

with allowance of taels 200. Other salaries range from taels 250 a month for chief of artillery to taels 50 for a company commander. Military experts will be able from these indications to estimate the cost of maintaining an army of 100,000 men. In any case the contribution of taels 8,000,000 annually toward this expenditure is not to be lightly thrown away, and it does not seem probable that the Chinese Government has hope of immediately suppressing the traffic in opium. The tax of k'up'ing taels 115 per picul (haikwan taels 114.08) is a heavy one, yet it must be remembered that when in 1904 the tax on opium destined to the inner provinces was taels 134.79 per picul the amount of Szechuen and Yunnan opium that passed the customs at Ichang was the largest on record, being 36,856 piculs. If it be supposed that this was due to an excess held over from the previous year, and to ignorance of intention to raise the tax, such an explanation will not account for the fact that the following year, when there could not be any ignorance of the increase in the tax, the amount fell off but a trifle, being 36,311 piculs. It is quite evident, therefore, that the trade is able to bear the tax. The present consolidated tax is lighter than that of 1904 for the inner provinces, but heavier for those on the coast. It is somewhat heavier, too, than the total tax levied on foreign opium, but the lower cost of production should enable the native article still to hold its own in competition with that from abroad. It must be admitted, however, that the destruction of the trade in native opium can not put an end to opium smoking so long as foreign opium is allowed to come in under present charges. It is unreasonable, therefore, to expect the Chinese Government to destroy the trade of its own nationals simply to make way for the development of that of a foreign nation.

It is significant, too, that with the levy of this consolidated tax all other taxes on opium are abolished. All provincial levies are absolutely prohibited under severe penalties. Even the tax on the poppy fields is removed, which seems strange in view of the taxes put upon grain. These facts incline one to believe that the Government does not care to strangle the trade at its source, and that it does not hope to free the country in the near future from the evils of opium smoking by taxing the trade to death. There is more to be hoped from its efforts to prevent the contraction of the habit of opium smoking in the new schools and in the army. The new public-school regulations make strict provision for the prevention of the use of the drug by pupils and teachers, and the new army regulations are equally strict. That they are not a dead letter was shown a short time since in the case of a young officer, who thought the rule would not be enforced, and found to his cost that he had to suffer the full penalty provided. It is reported, too, that officers of the civil service under a certain age are to be required to break off the habit or surrender their posts. The vice once acquired is not easily abandoned, and it is most likely that, as in the case of intemperance in drink in western lands, it will require the careful education of several generations to effect much improvement. There is no doubt that there are thousands who use opium in moderation without appearing to be greatly injured thereby, but it is also equally unquestionable that for the majority the habit is an unqualified curse, productive of physical weakness, indolence, and poverty.

Minister Rockhill to the Secretary of State.

[Extract.]

No. 400.]

AMERICAN LEGATION,
Peking, China, September 21, 1906.

SIR: In continuation of my dispatch No. 393 of the 8th instant, I have the honor to transmit herewith a translation of an imperial edict which appeared yesterday, decreeing the abolishment within ten years of opium smoking and ordering the council of state to draw up regulations for carrying the same into effect.

I have, etc.,

W. W. ROCKHILL.

[Inclosure.]

Imperial edict prohibiting opium smoking.

[Translated from the Peking Gazette of September 20, 1906.]

Ever since the relaxation of the prohibition of opium smoking the vice has spread nearly everywhere in China. The smokers waste their time, neglect their business, become sick in body, and ruin their families. For several decades there has been a daily increase of poverty and weakness which may be traced to this cause. In a word, it deserves the strongest condemnation. The Imperial Government is now earnestly seeking to make the State strong, and finds it necessary to urgently warn its subjects that all may bestir themselves and put away this long-standing evil and walk in the paths of health and peace.

It is hereby decreed that within a period of ten years the injurious practice of using opium, whether foreign or native, must be entirely abolished. As to the measures needed for a strict enforcement of prohibitions of opium smoking and the cultivation of the poppy, let the council of state carefully consider the question and draw up satisfactory regulations to be submitted for our approval. Respect this.

The Acting Secretary of State to Ambassador Reid.

No. 297.]

DEPARTMENT OF STATE,
Washington, September 27, 1906.

SIR: I commend to your careful consideration a copy of a letter addressed to the President by Bishop Brent, of Manila, concerning the relation which the Government of the United States now bears to the important question of the opium traffic in the East, in natural consequence of our having become an interested party through the acquisition of an oriental possession peopled by a race akin to those most affected by that traffic.

To Bishop Brent's letter is annexed a copy of extracts from a letter^a of the Secretary of War, emphasizing the importance of the opium question and its bearing upon the beneficial improvement of Chinese and oriental civilization. It may be assumed that the governments of the nations with which the traffic is conducted will recognize the merit of Bishop Brent's suggestion and be disposed to take part in the outlined investigation, without prejudice to ultimate liberty of action.

The United States has kept its hands clean in China so far as opium is concerned. The United States Government has agreed by treaty (1880, art. 2) with China that its citizens shall not engage in the opium trade, and by act of Congress approved February 23, 1887, it is made a misdemeanor punishable by fine or imprisonment for an American to engage in the opium trade in China in any way.

The Government of the United States has not hitherto been in a position requiring it to make any official representations regarding the opium trade so far as it concerns other countries, because it is a trade which in no direct way concerned us. We have been heretofore neither producers, carriers, consumers, nor sellers of opium, so we have had no pretext whatever to open a discussion on the subject.

Now that "we have the responsibility of actually handling the matter in our own possessions," as Bishop Brent says, the position is different, and we have full justification for approaching the other interested powers for our mutual benefit. Such an effort, based on

^a Not printed.

the allegation of our mutual interest, would be favorably received, it is believed, by China and Japan.

The struggle against the opium vice is stronger and more hopeful in China than ever before. For the Chinese Government to be asked by the United States Government to join our country, Great Britain, France, Holland, and Japan in a common investigation of the opium question would greatly strengthen the rapidly growing sentiment against opium among the Chinese themselves. One thing would have to be guarded against: The great temptation to the Chinese Government to suppress the importation of opium only to grow the drug more in their own territory. At present the poppy is grown over enormous areas in the most fertile localities in China, and its cultivation is rapidly spreading. China imported in 1905 6,953,905 pounds of opium from abroad (Chinese customs returns of trade, 1905), while many thousand tons were produced on her own soil. If the Chinese Government is to be asked to take part in an international conference having for its object the control of the opium trade she should be made to give in advance specific pledges that the Government would adopt genuine radical measures to prevent the spread of the growth of the poppy on her own soil. Otherwise the efforts of the foreign powers would only result in suppression of a trade yielding revenue to themselves, while China would take advantage thereof to increase her own production and fasten the curse more firmly than ever on her people.

The President is impressed by the suggestion and believes that a general and impartial investigation of the scientific and material conditions of the opium trade and the opium habit in the Far East, conducted by the principal powers having possession and direct interests in that quarter, namely, Great Britain, France, the Netherlands, Germany, the United States, China, and Japan, would have useful and beneficial results. Before taking the initiative in proposing such an investigation to the powers named, and in view of the fact that Great Britain in particular has heretofore testified abundant interest in the problem by appointing a royal commission to investigate the opium traffic, it is thought advisable to sound His Britannic Majesty's Government and ascertain its views in advance of general overtures being made to the other powers. It is also thought desirable to elicit in the same way the views of Japan, which, besides occupying an influential position in the affairs of the Far East, is the nearest neighbor of the American Philippine possessions.

You will take an early opportunity to sound Sir Edward Grey on the subject, mentioning to him that a similar preliminary inquiry is made of Japan through the American ambassador at Tokyo.

I am, etc.,

ALVEY A. ADEE, *Acting Secretary.*

Same, *mutatis mutandis*, No. 32 to Embassy at Tokyo.

[Inclosure.]

Bishop Brent to the President.

BISHOP'S HOUSE, Manila, July 24, 1906.

MY DEAR MR. PRESIDENT: I am going to make bold to suggest that which I venture to think might be fruitful of great good if you can see your way to initiating the movement. It is this: Recently, as of course you are aware, the

question of England's share in the opium traffic has been reopened in official circles in the old country. My experience on the Philippine opium investigating committee leads me to believe that the problem is of sufficient merit to warrant an endeavor to secure international action. From the earliest days of our diplomatic relations with the East the course of the United States of America has been so manifestly high in relation to the traffic in opium that it seems to me almost our duty, now that we have the responsibility of actually handling the matter in our own possessions, to promote some movement that would gather in its embrace representatives from all countries where the traffic in and use of opium is a matter of moment.

Why could we not hope to have an investigation on the basis of science as well as of practical observation of actual conditions, in which England, France, Holland, China, and Japan should take part with ourselves. The sole hope for the Chinese is in concerted action. As a side issue, but as a consideration that would in my mind enhance the value of the movement, it would tend to unify in some measure nations that are oriental either by nature or through the possession of dependencies in the Orient. Nothing tends to promote peace more than a common aim.

I shall not enlarge on this matter, as I feel that your mind will grasp the situation at once and will see all that I have in my mind as well as considerations that have not occurred to me. I would add that I have partially prepared a paper on opium legislation in the East in which it is my purpose to incorporate the substance of this letter. As I am trying to work on this subject with accuracy and care, it may be some months before it sees the light, but it is destined for an American periodical.

With high esteem, I remain, yours, very faithfully,

C. H. BRENT,
Bishop of the Philippine Islands.

The Acting Secretary of State to Ambassador Reid.

No. 315.]

DEPARTMENT OF STATE,
Washington, October 13, 1906.

SIR: Referring to instruction No. 297, of the 27th ultimo, I inclose herewith, for your information, a copy of a letter from Bishop Brent, in further relation to international action looking to the suppression of the opium traffic with China.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Same, *mutatis mutandis*, No. 35 to Embassy at Tokyo.

[Inclosure.]

Bishop Brent to the President.

ZAMBOANGA, P. I., *August 20, 1906.*

MY DEAR MR. PRESIDENT: Pursuant of the subject of agitating international action in connection with the opium question, I beg to inform you that I have just heard from the Bishop of Victoria, from whose letter I herewith quote:

"I am glad that you are agitating in the matter. We English bishops in China have this year sent or are sending a representation to our Government about the China trade; and we, the pastors and heads of the various British churches and missions in Hongkong, have this week sent in a petition to the governor against the system of farming in which we quote largely from your most valuable and interesting report. Generally, things seem to be coming to a head with regard to the matter * * *. I am inclined to think that they (the Government at home) will be more ready to act in the matter than their predecessors."

I also recently heard from a man of prominence in Shanghai, who said that our report had been translated into Chinese and was being scattered through the Empire.

I greatly regret, and I know that I speak the mind of the governor-general and vice-governor, that Congress did not give more leeway to the Philippine

Commission and put them in a position to set in operation progressive prohibition. I am alive to the fact that the licensing system was the only thing left for them to adopt, inasmuch as two years would be insufficient for the system which we proposed. If now it were possible for Congress to pass an act lengthening the time before it would be necessary to put the prohibitory law into operation, the commission would be ready and willing to follow out the proposition made in our report.

Yours, very faithfully,

C. H. BRENT,
Bishop of the Philippine Islands.

The Secretary of State to Minister Rockhill.

DEPARTMENT OF STATE,
Washington, October 23, 1906.

SIR: I have to acknowledge the receipt of your dispatch, No. 393, of the 8th ultimo, transmitting a report, prepared by Mr. Williams, Chinese secretary of the legation, on the production and taxation of opium in China.

You will say to Mr. Williams that the department appreciates his excellent report, and that it has been read with interest.

I am, etc.,

E. ROOT.

Ambassador Reid to the Secretary of State.

No. 283.]

AMERICAN EMBASSY,
London, November 8, 1906.

SIR: Referring to your instructions, No. 297, of September 27, and No. 315, of October 13, I have the honor to report that the suggestion of an invitation by the United States to the Chinese Government to join it, together with Great Britain, France, Holland, and Japan, in a common investigation of the opium question was presented to the minister for foreign affairs on receipt of your first dispatch. He received it sympathetically, but said he would have to consult the other members of the ministry.

Yesterday, when I mentioned your later dispatch on the same subject, he told me he had been about to address me a letter, promising the ready concurrence of the British Government in such a conference as you proposed, with the understanding that the other countries named also agreed to it, and with the further understanding that the conference should take into consideration not merely the growth of and trade in opium in India, but also the similar conditions in China itself.

I have, etc.,

WHITELAW REID.

Ambassador Wright to the Secretary of State.

No. 96.]

AMERICAN EMBASSY,
Tokyo, November 8, 1906.

SIR: I have the honor to acknowledge the department's instruction No. 32, of September 27, 1906,^a transmitting a copy of a letter

^a See Instruction No. 297 to Ambassador Reid (p. 360).

addressed to the President by Bishop Brent, of Manila, concerning the relation which the Government of the United States now bears to the question of the opium traffic in the East, and also the department's instruction No. 35, of October 13, 1906, transmitting a copy of another letter from Bishop Brent on the same subject.

Following the department's instructions, on November 5 I had an interview with the Viscount Hayashi, minister for foreign affairs, informing him that my Government was of the belief that the time had come when a general and impartial investigation of the conditions of the opium trade and habit by those powers directly affected would have beneficial results, and had instructed me to ascertain the views of the Japanese Government upon the question, since Japan, besides occupying an influential position in the East, is the nearest neighbor of the Philippines, whose possession by the United States gives our Government a new and peculiar interest in the opium trade. I mentioned also the fact that a preliminary inquiry was being made of Great Britain through the American ambassador at London.

The viscount stated in answer that he would bring the matter to the attention of the privy council and would give me an answer as soon as possible.

I have, etc.,

LUKE E. WRIGHT.

The Acting Secretary of State to Ambassador Reid.

No. 342.]

DEPARTMENT OF STATE,
Washington, November 24, 1906.

SIR: The department has received with gratification your No. 283, of the 8th instant, reporting, with reference to the department's No. 297, of September 27, the British Government's favorable reception, with the condition stated in your dispatch, of this Government's suggested invitation to the Chinese Government to join with the United States, together with Great Britain, France, the Netherlands, and Japan, in a common investigation of the opium question.

I am, etc.,

ROBERT BACON,
Acting Secretary.

Ambassador Wright to the Secretary of State.

No. 103.]

AMERICAN EMBASSY,
Tokyo, November 24, 1906.

SIR: Referring to the department's instructions Nos. 32 and 35,^a of September 27, 1906, and October 13, 1906, respectively, inclosing copies of letters to the President from Bishop Brent, of Manila, and directing me to elicit the views of the Japanese Government on the subject of an impartial investigation, by the powers directly affected, of the conditions of the opium trade and habit in the Far East, and also referring to my dispatch No. 96, of November 8, to the department, in which I reported that, following the above-mentioned instruction, I had broached the matter to the Viscount Hayashi, minister for foreign affairs, who had promised to bring it to the attention

^a See Instruction No. 315 to Ambassador Reid (p. 362).

of the privy council, I now have the honor to report that in a further interview with the viscount on November 22, 1906, he stated that he had submitted the matter to the privy council, and that the Japanese Government was willing to join with the Government of the United States in the investigation suggested, and to take steps looking toward a limitation or suppression of the opium traffic, provided they could be assured of China's bona fide cooperation; that the difficulty they feared was the grave danger pointed out in the department's dispatch—the great temptation to the Chinese Government to suppress the importation of opium, only to grow the drug to greater extent in their own territory.

I have, etc.,

LUKE E. WRIGHT.

Ambassador Reid to the Secretary of State.

No. 291.]

AMERICAN EMBASSY,
London, November 27, 1906.

SIR: Referring to your instruction No. 297, of September 27 (file 774), and No. 319, of October 13 (file 774-776), and to my dispatch No. 283, of November 8, concerning the invitation by the United States to the Chinese Government to join it, together with Great Britain, France, Holland, and Japan, in a common investigation of the opium question, I have the honor to inform you that His Majesty's Government are willing to take part in such an inquiry if the above-mentioned powers are likewise willing to participate, and if, as regards China, the inquiry extends to the production of opium in China as well as to the import of foreign opium.

I have, etc.,

WHITELAW REID.

[Inclosure.]

Sir E. Grey to Ambassador Reid.

No. 38400.]

FOREIGN OFFICE,
November 22, 1906.

YOUR EXCELLENCY: On the 17th ultimo you informed me that you had received instructions to inquire what view His Majesty's Government would take of a joint commission or a joint investigation of the opium trade and the opium habit in the Far East, to be undertaken by the United States, Great Britain, France, the Netherlands, Germany, China, and Japan.

I have now the honor to inform you that His Majesty's Government are willing to take part in such an inquiry if the other powers named by your excellency are likewise willing to participate, and if, as regards China, the inquiry extends to the production of opium in China as well as to the import of foreign opium.

I have, etc.,

E. GREY.

Chargé Moore to the Secretary of State.

No. 469.]

AMERICAN LEGATION,
Peking, December 6, 1906.

SIR: The regulations for the suppression of opium growing and smoking in China, which have been drawn up and submitted by the

council of government reforms, have been approved by imperial rescript dated November 21, and are inclosed herewith.

It is intended to gradually eliminate the cultivation of the poppy, and the viceroys and governors are instructed to see that magistrates investigate and report on the acreage of poppy lands and issue licenses to farmers owning such lands on condition that the quantity of poppy be reduced each year and replaced with whatever crop the nature of the soil may be fitted for.

Already the customs Taot'ai Lang T'un Yen has been instructed by his excellency the Viceroy Yüan Shih-k'ai to consult the consuls of Tientsin regarding the prohibition of the establishment of new opium dens in their concessions. Those in the Chinese city have already been prohibited so that the young men may be freed from the temptation to become habitual smokers of the noxious drug, and all existing houses are to close their doors within a certain period. It is requested that a similar period be fixed by the foreign consuls after consultation with Taot'ai Liang.

The commissioners of the south and north sections of the Tientsin city police have received instructions from the viceroy to order the keepers of all existing opium dens, except shops that sell both raw and prepared opium, in Tientsin and its suburbs, to close their doors and stop business before the end of the current Chinese month (i. e., December 15) or they will be most severely punished without indulgence. In order to put this command into effect, Chinese restaurants, eating houses, and wine shops are prohibited from keeping lamps and pipes for opium smoking by their visitors after the 15th instant and offenses will be punished by severe penalties.

All ships importing raw and prepared opium will be prohibited from carrying on this traffic within a certain time, i. e., after proper regulations have been drawn up between Sir John Jordan and the foreign office for the gradual reduction of the importation of Indian opium into China and of the planting of home-grown opium in the provinces. It is believed that His Excellency Tang Shao-i will open negotiations with the British minister on this subject shortly.

In this connection, the latest revenue statistics available, giving the receipts derived by the Chinese Government from opium, are interesting, and show that the traffic is increasing.

The opium likin (on foreign and native opium) produced a revenue of haikwan taels 1,049,631 for the imperial maritime customs during the third quarter of the present year, compared with haikwan taels 976,953 during the corresponding period of the previous year.

I have, etc.,

THOS. EWING MOORE.

[Inclosure.]

Regulations for the suppression of opium growing and smoking in China.

1. *To limit the cultivation of poppy.*—The cultivation of the poppy is the greatest iniquity in agriculture, and the provinces of Szechuan, Shensi, Kansu, Yunnan, Kueichow, Shansi, and Kanghuai abound in this product, which is in fact found everywhere. Now that it is decided to abandon opium smoking within ten years, the limiting of this cultivation should be taken as a fundamental step. The viceroys and governors should instruct the magistrates to investigate and report on the number of mou of land in which poppy is grown.

Licenses should only be issued to farmers owning such land on the condition that the quantity of poppy be reduced each year and replaced with whatever grain the nature of the soil may be found suitable for. The magistrates are to make inspection trips from time to time, and the license be renewed every year and at the end of the ninth year the cultivation should entirely cease, or the lands be confiscated. Any magistrate who contrives to induce farmers to stop growing poppy and employ the land in useful grain cultivation previous to the expiration of the ten years will be recommended to the throne for reward.

2. *The issue of licenses to smokers.*—Opium has been in use for so long by the people that nearly three to four tenths of them are smokers; the officials, gentry, and government graduates should first get rid of the habit as an example to the common people. All smokers, irrespective of class, men and women alike, must report themselves to the local officials' office of the place in which they live. In case the village is distant from any yamen or police office, the gentry should undertake the matter of transmitting names. The local officials will first issue proclamation and forms, on which the name, age, residence, and occupation of smokers and the quantity of opium consumed must be filled in by the smokers, and from these two registers must be compiled, one to be kept in the office and the other sent to the high authorities. At the same time, a duly stamped license must be issued to smokers, which is divided into two classes, viz, Chia and Yi or A and B; the former will be given to persons above 60 and the latter to persons under 60 years of age, but those who are granted the second class will not be allowed to change for the first when they get to be 60. The full particulars as regard to the name, etc., must be stated on the license, without which the buyers and smokers will be fined and dealt with. The license will only be issued once and after that no new smokers will be admitted.

3. *Time limit for the habit to be overcome.*—After the issue of licenses, persons of 60 whose health is declining will be treated leniently, but those who are under 60 and hold the second-class license must reduce the quantity by two or three-tenths each year, and cease smoking entirely in a few years. When the habit is overcome the fact must be reported to the local official yamen with a written guarantee countersigned by the smoker's relatives and neighbors, then his name in the register will be canceled and the license surrendered, and the same reported to the high authorities quarterly. The period fixed is long enough, if the smokers have not given up when the time of grace is expired, officials will be ordered to resign, government graduates be deprived of their degrees, and common people will be registered as "opium smoking class" and their names be posted on the thoroughfares of the city in which they live, and they will be excluded from public meetings and social gatherings.

4. *Prohibition of opium dens.*—Previous to the expiration of the period, the opium shops can hardly be prohibited, but there are in existence a kind of opium den in which opium apparatus is provided and which are open to young men and wandering people. These are very mischievous places and must be prohibited by the local officials within six months, and after that they must be closed, under warrant. Again, restaurants and similar places are not allowed to provide opium for patrons, neither must they be permitted to make opium there. The shops with opium apparatus must also be closed within six months and any breach of the above regulation will be punished with a fine. The tax on licensed opium lamps must be stopped within three months.

5. *Registration of opium shops.*—Although the opium shops can not possibly be prohibited at present, new shops should not be allowed to open. Those in the villages, towns, and cities should all be registered and licenses issued by the local officials, and after the registration no new ones should be added, and opium should only be sold to holders of licenses, but not others. At the end of each year, a return of quantity sold must be made out and submitted to the local officials for record. The total consumption of each district should be reduced in proportion and the business stopped within ten years, otherwise they will be closed by authority, goods confiscated, and owners fined heavily. When a shop is closed, the license should be surrendered or a heavy fine will be imposed.

6. *To prepare antiopium pills.*—There are in circulation many effective prescriptions for the curing of the opium habit, and the provinces should select skillful doctors to study and consult in the preparation of antiopium pills suitable to smokers of different climate, and the most important point is not to mix opium dross or morphia in the preparation. The magistrate should purchase the pills and place them in the charitable institutions and drug stores

for sale at cost price, and the poor smokers should be given them without charge. The gentry and merchants may be allowed to prepare their own pills, the prescription being distributed free. Anyone who can afford to prepare such pills and cure smokers by distributing them freely will be rewarded with honors by the local officials.

7. *Encouragement of antiopium societies.*—Lately, there are philanthropists who are organizing, with the assistance of sympathizers, antiopium societies, which is really very praiseworthy. The Tartar generals, viceroys, and governors should instruct the local officials to combine with the upright gentry and merchants in organizing extensively such societies in the hope of effecting a speedy change of the habit. But they should only be allowed to discuss matters in connection with antiopium, but not government affairs or other things.

8. *Responsibility of local officials.*—The regulations can only be enforced by the earnest efforts of the gentry under the direction of the local officials. The Tartar generals, viceroys, and governors should look into the matter attentively, compare at the end of each year whether the smokers are reduced, whether antiopium pills are prepared and antiopium societies being organized or not, and same must be reported to the council of government reforms for reference. In Peking, the district police officers, the general commandant of the gendarmerie, and the governor of Shuntien will be held responsible for the enforcement of these regulations. In any district in which there is not a single smoker before the end of ten years, the local officials may be recommended for reward. In all the above occasions the official writers and yamen runners should not be allowed to exercise the slightest extortion, and any offender in this way will be strictly punished as being guilty of fraudulence.

9. *To strictly prohibit officials from smoking.*—The limit of ten years is for the common people. In regard to officials, who are the examples of the people, if they are indulging in opium smoking, how can they take the lead in reform? Now, for the execution of this order, the officials should first be dealt with, for whom the limit must be short and the punishment severe. In future all officials, metropolitan and provincial, civil and military, high and low, above the age of 60, who can not afford to leave off the practice, will be treated leniently, but princes, dukes, hereditary nobles, presidents of the boards, Tartar generals, viceroys, governors, lieutenant-generals, deputy-generals, and provincial generals, who are all deeply favored by imperial grace and holding high positions, should not be screened, but reported if smoking. During the time allowed for curing the habit officials will be appointed only acting to their posts, and will be permitted to resume their offices when their relinquishment of the vice is proved to be true. They should in no case continue the practice under pretext of sickness or other excuse, which will bring disgrace upon themselves. All other official smokers must quit smoking within six months under supervision of superiors, and when cured they should be examined and guaranteed. If on account of sickness anyone can not leave off the habit, he will be deprived of his hereditary rank which he is holding and it will be given to another member of the family; if an official, he will be ordered to resign. If opium is smoked secretly by any official, when proved or denounced he will be recommended for dismissal as a warning for deception, and his superior will also be punished for negligence of discovery. The instructors, students, and members of the army and navy must all overcome the practice within six months.

10. *To negotiate the prohibition of the import of foreign opium.*—To prohibit the cultivation of poppy and the smoking of the drug are steps necessary to be taken as domestic precautions by the Government, while the foreign opium being imported from foreign countries involves international communication. It is requested that the Waiwupu be ordered to negotiate and stipulate for some arrangement with the British minister in the hope that both foreign and native opium may be alike reduced in quantity each year and entirely done away with at the time stipulated. In addition to Indian opium, there is also the Persian, Annam, and that of Dutch colonies imported to China in a considerable quantity. If the country from which the opium is imported has entered into treaty obligation, China may approach its minister for negotiation, and if the country has not entered into treaty China may exercise her sovereignty by strictly prohibiting the import of same. The tartar generals, viceroys, and governors should instruct their subordinates and the commissioners of customs to effect strict inspection along the coast at the frontiers against smuggling of opium into the country. Again, the morphia, and its syringe with which injections are made, is most injurious. China should call attention to the eleventh clause of the commercial treaty with Great Britain and the sixteenth clause of the

treaty with the United States of America, and issue instructions to the customs that unless the said articles are intended for medical use their import to China is totally prohibited. The shops in China, irrespective of Chinese or foreigners, should not be allowed to prepare morphia or make syringes, so that China may be free from all such evils.

The people should be thoroughly notified of the above regulations in the form of proclamation posted in the villages, towns, and cities by the local officials under strict supervision of the tartar generals, viceroys, and governors, and who must see that these regulations are actually carried out.

REVISION OF THE RULES OF THE MIXED COURT AT SHANGHAI,
AND RESULTING RIOTS.

The Acting Secretary of State to Minister Conger.

No. 382.]

DEPARTMENT OF STATE,
Washington, September 23, 1901.

SIR: I have to acknowledge the receipt of Mr. Squier's dispatch, No. 674, of July 22 last,^a inclosing a copy of correspondence regarding a proposed revision of the code of rules for the mixed court at Shanghai, and reporting that he has requested the United States consul-general at Shanghai to confer with his British and German colleagues with the view of drafting a revised code for submission to the diplomatic body.

In reply I have to say that the department would be glad to examine the proposed code after it has been agreed upon by the consuls.

I am, sir, etc.,

DAVID J. HILL,
Acting Secretary.

Minister Conger to the Secretary of State.

No. 938.]

LEGATION OF THE UNITED STATES OF AMERICA,
Peking, China, March 7, 1902.

SIR: Referring to department's instruction No. 382 of September 23, 1901, I have the honor to inclose herewith a copy of the amendments to the rules of the mixed court at Shanghai, as agreed upon by all the members of the consular body except His British Majesty's consul-general, Mr. Warren, who was absent from the meeting at which they were considered on account of indisposition.

I inclose also Consul-General Goodnow's dispatch transmitting the above.

Should these amendments meet the approval of the department, I respectfully request to be notified of the fact at an early date.

I have the honor, etc.,

E. H. CONGER.

[Inclosure 1.]

SUGGESTED AMENDMENTS TO THE MIXED COURT RULES.

1. (a) The mixed court of Shanghai shall keep a regular docket in Chinese and English of all civil actions and proceedings, entering each case separately,

^a Not printed.

numbering it consecutively, with the date of filing, the names of the parties in full, their nationality, the thing claimed, with minutes and dates of all orders, decrees, continuances, appeals, and proceedings until final judgment, and a sufficient minute of the final judgment.

(b) Another regular docket shall be kept for all criminal cases, with similar minutes.

(c) Such docket shall be open at all times for inspection by parties interested.

2. All trials and proceedings in the mixed court of Shanghai shall be open to the public, unless the assessor and Chinese judge agree that for public morals the case should be heard in private.

3. The Chinese judge of the mixed court in Shanghai shall be a substantive subprefect, and authorized to try all cases against Chinese in the foreign settlements north of the Yang-king-pang.

4. (a) A foreign assessor, as agreed upon by the consular body of Shanghai, and subject to the treaty rights of each nationality of foreigners, shall sit with the Chinese judge in every case.

(b) When the Chinese judge and the foreign assessor shall agree as to the judgment in any case involving less than 1,000 taels or six months' imprisonment, their joint judgment shall be final. Should they not agree in any case, then no decision in that case shall be rendered by them, and the case shall be referred to the taotai and the consul concerned. Where any case involves over 1,000 taels, or to exceed six months' imprisonment is given, either party may appeal to the taotai and consul concerned. Should the taotai and the consul concerned agree in any case, their joint decision in such case shall be final. Should they disagree, the case shall be sent to the viceroy at Nanking and the consul concerned on the record.

5. The mixed court jail shall be subject to the sanitary regulations and the supervision of the head authorities of the municipality north of the Yang-king-pang.

6. All warrants of the mixed court against Chinese in the foreign settlement north of the Yang-king-pang shall not be enforced unless countersigned by the senior consul of the consular body at Shanghai. If the defendant is in the employ of a foreigner, such warrant must be countersigned by the consul of the nationality of the employer of the defendant.

7. Should the attorney in any case be adjudged by the Chinese assessor sitting in that case to be guilty of any contempt committed in their presence or of any refusal to obey their lawful summons or order, he may be suspended by them from practice in that court for a period not exceeding one month or, with the consent of the consul of the nationality of the attorney concerned, for not to exceed six months.

8. In cases involving principles where no precedents exist in Chinese law, the mixed court shall be governed by commercial customs and equity.

9. All parts of the present rules and regulations for the mixed court of Shanghai, not in conflict with these amendments, are hereby continued in full force.

[Inclosure 2.]

Mr. Goodnow to Mr. Conger.

CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA,
Shanghai, February 25, 1902.

SIR: I hand you herewith a copy of the amendments to the rules of the mixed court of the foreign settlements north of the Yang-king-pang, as drawn by Doctor Knappe (German consul-general) and myself, and as agreed to by all the members of the consular body at Shanghai, except Mr. Warren, who was absent from the meeting on account of indisposition.

The matter has been thoroughly discussed by all the consuls and they instructed me as senior consul to send it to the doyen of the diplomatic corps, as considered by them to be suitable for adoption and its adoption recommended.

These amendments cover all that I think is desirable at the present time to ask, and I would recommend that in the interests of American trade you urge the consent of the Chinese Government to them.

I note your 1334 and the inclosure from Sir Ernest Satow where he quotes Sir James Mackay as saying: "When this is done I have little doubt that I

shall be able to put something before Sheng which shall have the support of the consular body here." You see by this that Sir James Mackaye still contends for the point to which all the consuls object; viz, that he, as representing one nation, shall treat with the Chinese authorities as to the rule of this court, which represents all nations vis-a-vis the Chinese.

The consular body (with the exception of Mr. Warren, who, of course, can take no part in the discussion) are unanimously opposed to that assumption. As a consequence, Dr. Knappe and myself, to be consistent, have consulted with the entire consular body instead of sending up recommendations solely to our own ministers as was at first contemplated. The feeling in the matter is very strong. This is a cosmopolitan city, under the direction of all the nations, and, we think, great care should be taken to keep it so. We therefore think, and I hope for your approval of this, that the matter should be taken up by the diplomatic body with the Chinese.

I am, sir, etc.,

(Signed)

JOHN GOODNOW, *Consul-General.*

The Secretary of State to Minister Conger.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,

Washington, April 15, 1902.

(The minister is informed that the department approves the proposed amendments of the Shanghai mixed court rules sent him by Consul-General Goodnow, and he is instructed to urge the adoption of them.)

The Secretary of State to Minister Conger.

No. 518.]

DEPARTMENT OF STATE,

Washington, May 14, 1902.

SIR: I have to acknowledge the receipt of your dispatch No. 938, of March 7 last, inclosing a copy of the amendments to the rules of the mixed court at Shanghai, as agreed upon by all the members of the consular body except the British consul-general, who, on account of sickness, was absent from the meeting at which they were considered.

The department's telegram of April 15, confirmed in instruction of April 17, informed you that the department approves the proposed amendments, and directed you to urge their adoption.

I am, sir, etc.,

JOHN HAY.

Minister Conger to the Secretary of State.

[Extract.]

No. 1777.]

AMERICAN LEGATION,

Peking, China, December 29, 1904.

SIR: Referring to my dispatch No. 938 of March 7, 1902, and department instruction No. 518 of May 14, 1902, concerning amendments to the rules governing the mixed court at Shanghai, I have to

report that the representatives of all the powers, except the French and the Mexican (who says he has no objections but can not join), have sent the proposed amendments, with a joint note, to the Chinese Government requesting their agreement thereto.

I inclose a copy of this note, and will report further on receipt of their reply.

I have the honor, etc.,

E. H. CONGER.

[Inclosure—Translation.]

Joint note of the ministers to the Prince of Ch'ing in re rules of mixed court at Shanghai.

PEKING, December 22, 1904.

The undersigned have the honor to address His Highness Prince Ch'ing, president of the council of foreign affairs, on the subject of the rules of the mixed court at Shanghai.

These rules were adopted in 1868 after consideration by the foreign representatives and the Tsungli yamen. Since that time the labors of the court have shown a constant tendency to increase, and their tendency have been especially noticeable since the extension, in 1898, of the foreign concessions, which has brought a much larger number of people within the jurisdiction of the court.

As the revision of the rules has consequently become a question of urgent necessity, the foreign consuls have not failed to take them under consideration, and have proposed amendments which they have transmitted to the undersigned, who, after prolonged deliberation, have the honor to communicate them to your highness. They beg your highness to have the kindness to examine them and to signify your approval, so that they may be published in the ordinary method, and put into operation within a short period of time.

The undersigned have the honor to renew to your highness the assurance of their highest consideration.

(Signatures.)

SUGGESTED AMENDMENTS TO MIXED COURT RULES.

[Alterations and additions by the committee are in italics.]

1. (a) The mixed court of Shanghai shall keep a regular docket in Chinese of all civil actions and proceedings, entering each case separately, numbering it consecutively, with the date of filing, the names of the parties in full, their nationality, the thing claimed, with the minutes and date of all orders, decrees, continuances, appeals, and proceedings until final judgment, and a sufficient minute of the final judgment.

(b) Another regular docket, *in Chinese*, shall be kept for all criminal cases, with similar minutes.

(c) Such docket shall be open at all times for inspection by parties *materially* interested.

2. All trials and proceedings in the mixed court of Shanghai shall be open to the public, unless the assessor and judge agree that, for public morals, the case should be private.

3. The Chinese judge of the mixed court of Shanghai shall be a substantive subprefect, and authorized to try all cases against Chinese, *no matter of what rank*, in the foreign settlements north of the Yang-king-pang. *There shall be attached to the court one or more assistant magistrates of the rank of, at least, expectant subprefect, whose appointment and removal shall rest with the taotai, and who shall try such cases as may be assigned to him by the magistrate.*

4. (a) A foreign assessor, as agreed upon by the consular body of Shanghai, and subject to the treaty rights of each nationality of foreigners, shall sit with the Chinese judge in every case not *purely Chinese*.

(b) If the magistrate and assessor fail to agree, after consideration, upon the decision in any case, it shall be referred to the taotai and consul or consul-general concerned, as the case may be.

5. The mixed court gaol shall be subject to the sanitary regulations and supervisions of the health authorities of the municipality north of the Yang-king-pang.

6. No warrant of the mixed court against Chinese in the foreign settlement north of the Yang-king-pang shall be enforced unless countersigned by the senior consul of the consular body at Shanghai. If the defendant is in the employ of a foreigner, such warrant must be countersigned by the consul of the nationality of the employer of the defendant.

7. In all cases, civil or criminal, which come before the court where a foreign assessor is sitting, either party may be represented by counsel.

Before an attorney or counsel is admitted to practice in the mixed court, he must satisfy the court that he has been admitted to practice in the consular court of his own nationality at Shanghai.

8. Should any attorney in any case be adjudged by the Chinese judge and foreign assessor sitting in that case guilty of any refusal to obey their lawful summons or order, he may be suspended from practice in that court for a period not exceeding one month, or, with the consent of the consul of the nationality of the attorney concerned, for a time not to exceed six months.

9. In cases involving principles where no precedents exist in Chinese law, the court shall be governed by commercial custom and equity.

10. All parties to proceedings before the mixed court shall observe such rules of procedure as the magistrate may from time to time prescribe, subject to the consent of the consular body.

11. All parts of the present rules and regulations for the mixed court of Shanghai not in conflict with these amendments are hereby continued in full force.

The Secretary of State to Chargé Coolidge.

No. 879.]

DEPARTMENT OF STATE,
Washington, February 13, 1905.

SIR: I have to acknowledge the receipt of Mr. Conger's dispatch No. 1777, of December 29 last, reporting that the French minister to China has recently been instructed by his Government not to object any further to the proposed amendments to the rules governing the mixed court at Shanghai, nor to take any part with his colleagues in their effort to amend the rules, and that therefore the representatives of all the powers, except the French and Mexican ministers, have sent the proposed amendments to the Chinese Government, accompanied by a joint note in which they request that Government to agree to the amendments.

Mr. Conger's action in the matter is approved by the department.

I am, sir, etc.

JOHN HAY.

Minister Rockhill to the Secretary of State.

[Extracts.]

No. 178.]

AMERICAN LEGATION,
Peking, China, December 23, 1905.

SIR: Mr. Conger, in his dispatch to the Department of State No. 1777, of December 29, 1904, transmitted copy of a note of the diplomatic body at Peking to the Prince of Ch'ing, embodying certain

amendments which it proposed as urgently necessary to the rules for the mixed court in the international settlement at Shanghai.

On January 20, 1905, this legation received a copy of an identic note from the Prince of Ch'ing, acknowledging the note of the diplomatic body of December 22, 1904, and stating that he had referred this important matter to the superintendent of southern trade (the viceroy of Nanking), who, after thoroughly investigating the matter, would reply to the foreign office, which in turn would be able to settle the question with the diplomatic body.

On September 8 last, nothing having been received from the Wai-wu Pu in the meanwhile, and the consul-general of the United States having repeatedly called my earnest attention to the urgent necessity of reaching an understanding with the Chinese Government on the matter, as the relations between Chinese and foreigners in the international settlement were getting more and more strained and threatened serious complications, I wrote to the dean of the diplomatic body asking him and those of our colleagues who were interested in the matter to press its consideration on the foreign office until finally settled.

The Dean, Baron von Mumm, having consulted the diplomatic body, accepted my suggestion, and on the 27th of September sent the Prince of Ch'ing a note, practically in the same words as my note to him above referred to.

No reply, however, having been elicited within a reasonable time, on November 22 I addressed the inclosed note to the Prince of Ch'ing, and my British and German colleagues also sent similar ones. Two days later we received a note from the prince, saying that the reply awaited from the superintendent of southern trade had been mailed him and would be received in a few days. On December 4 we finally received communication of the amendments for the rules of the mixed court proposed by the superintendent of southern trade and the taot'ai of Shanghai and accepted by the Chinese Government. These counter proposals are now under consideration by the diplomatic representatives at Peking.

While the above detailed negotiations were taking place, the consular body at Shanghai took upon itself, without consulting, as was its duty, the diplomatic representatives at Peking, to secure from the taot'ai at Shanghai that female prisoners should be imprisoned in the jail of the municipality and no longer in the Chinese court jail. The taot'ai refused to accede to this proposal. I inclose herewith a copy of his note of June 10, 1905, to the senior consul, and the latter's reply thereto of June 21.

Notwithstanding the refusal of the taot'ai to allow Chinese females to be imprisoned in the municipal jail, in a meeting of the consular body, held on the 26th of July, "at the suggestion of Mr. Potier, consul-general for Portugal, it was resolved to note in these minutes that in future the assessors of the mixed court, when finding that a female defendant should be sentenced to imprisonment, should send her to the municipal jail for female prisoners."

On the 27th of July our consul-general at Shanghai wrote me the inclosed letter, from which it would appear that either he had not yet seen the minutes of the meeting of the day before, or that he did not realize the binding effect on him of its decisions. This latter explanation seems the more likely from the last two lines of his letter,

in which he says that he will instruct the American assessor to adhere to the established rules, overlooking that he was bound by the new decision, against which he had not protested.

I inclose also a copy of Mr. Rodgers' dispatch to me of August 21, last, in which he again states that the consular body had decided to let the assessors at the mixed court act as they deemed best, and that he had instructed the American assessor to observe the old rules and customs.

Such was the condition of affairs in Shanghai when on December 11 the Prince of Ch'ing sent a note to the dean of the diplomatic body informing him that as a result of an attempt on the 10th by the British assessor at the mixed court to have certain Chinese women remanded to prison in the municipal jail, there had been a fracas in the court room in which several persons had been badly hurt by the foreign policemen, who had finally carried the women off and imprisoned them in the municipal jail.

Considering the statements of the Prince of Ch'ing, the British minister, the German minister, and myself, as representing the powers whose assessors sit most of the time at the mixed court, telegraphed to our consuls-general at Shanghai that the women should be immediately released from the municipal jail. I inclose draft of the reply to the prince's note which was agreed upon by the diplomatic body, and which was sent December 17, 1905.

Although the prisoners were released, the mixed court magistrate, under orders from the Shanghai taot'ai, refused to reopen the court until the British assessor had been removed and the foreign police who had taken part in the fracas had been punished. To enforce these demands the Ningpo Merchants' Guild, the most powerful and aggressive in Shanghai, declared a general boycott on the 18th instant, which promptly resulted in fighting and bloodshed.

The same day most of the ministers called at the foreign office here and urged on the Chinese minister the necessity of the Chinese Government taking prompt and energetic action to stop the agitation and restore peace and order.

On the 19th I received from the Prince of Ch'ing a dispatch giving the text of an imperial edict reviewing the case and ordering the viceroy of Nanking to proceed at once to Shanghai and settle it.

I inclose also draft of a note from the dean of the diplomatic body to the senior consul at Shanghai, which it has been agreed by the diplomatic representatives should be sent.

I have the honor, etc.

W. W. ROCKHILL.

[Inclosure 1.]

Dispatch from Prince Ch'ing to Hon. J. G. Coolidge, chargé d'affaires, in re revision of the mixed court rules.

I have the honor to acknowledge the receipt upon January 5 of a dispatch from your excellencies on the subject of the revision of the rules for the mixed court in Shanghai. You state that this has become an urgent necessity, and that the foreign consuls have taken the matter under consideration and proposed amendments, which they have sent to the foreign ministers in Peking for their consideration; that the ministers after prolonged deliberation communicate them to me for approval, that they may be published in the ordinary method and put into operation within a short period of time.

I have the honor to state that my board finds that Shanghai is an important commercial center; the hub of Chinese and foreign commerce; that the business of the mixed court is increasing daily; that the ten rules adopted in 1868 are very old and should be revised in accordance with the needs of the times, in order to be thoroughly satisfactory. But in the case of the original rules the minister of commerce ordered the Shanghai customs taot'ai to propose some rules for consideration, after which the Tsung-Li-Yamen sent said rules in dispatches to the various foreign ministers for their consideration and decision. In this instance the amendments sent to me by your excellencies have been sent by my board to the superintendent of trade for the south, who will order the Shanghai customs taot'ai to make a thorough investigation into the state of affairs; then after satisfactory deliberation they will reply to my board, which will then consider and decide the matter. This will doubtless be to the mutual advantage of all concerned, enabling all to observe the same rules.

As soon as I have received the reply from the superintendent of trade for the south and the Shanghai customs taot'ai my board will consider and decide the matter and inform your excellencies; but for the present it becomes my duty to send this dispatch that you may know what is being done in the matter.

A necessary dispatch.

Kuanghsü, XXX year, 12th moon, 15th day (January 20th, 1905).

[SEAL.]

[Inclosure 2.]

Mr. Rockhill to Baron v. Mumm, German minister and dean of the diplomatic corps.

AMERICAN LEGATION, September 8, 1905.

MY DEAR DEAN: On the 22d of December, 1904, the diplomatic representatives in Peking of Austria-Hungary, Belgium, Germany, Great Britain, Italy, Japan, Korea, the Netherlands, Portugal, Russia, Spain, and the United States addressed a note to the Prince of Ch'ing on the subject of the rules for the mixed court in the Shanghai international settlement.

The diplomatic representatives called the attention of the prince to the urgency of agreeing on amendments to the rules of 1868, and they transmitted the amendments agreed upon between them for his earnest consideration and expressed the hope that they might be put in operation within a short period of time.

This note was duly acknowledged by the Prince of Ch'ing by an identic note to each of the diplomatic representatives who had signed the note of December 22, 1904, and stated that he had sent the amended rules transmitted him by them to the superintendent of southern trade, who would "order the Shanghai customs taot'ai to make a thorough investigation into the state of affairs, when, after a satisfactory deliberation, they will reply to my board, which will then consider and decide the matter."

Six months have passed since this note was received. This would seem to be ample time for the "investigation and deliberation" deemed necessary, and as the consul-general of the United States at Shanghai has on several occasions of late called my attention to the ever-increasing urgency of the case, I take the liberty of addressing you in this matter, trusting that you and those of our colleagues who are interested in this question will join with me in pressing its consideration on the foreign office until finally settled.

I remain, dear Baron, very cordially, yours,

W. W. ROCKHILL.

[Inclosure 3.]

Mr. Rockhill to the Prince of Ch'ing.

PEKING, November 22, 1905.

YOUR IMPERIAL HIGHNESS: I have the honor to call the attention of your imperial highness to the urgent necessity for action in the matter of the revised regulations for the mixed court in the international settlement at Shanghai.

It is now almost a year since the representatives in Peking of Austria-Hungary, Belgium, Germany, Great Britain, Italy, Japan, Korea, the Nether-

lands, Portugal, Russia, Spain, and the United States, on the 22nd of December, 1904, submitted to your imperial highness certain amendments to the rules of 1868, to which they were all agreed and for which they requested the consideration of your highness' Government.

To this request your highness replied on January 20 of this present year, saying that the proposed amendments had been sent to the viceroy of the Liang Kiang and other provincial authorities for their consideration, and that after receiving their report your highness' board would decide the matter. After more than eight months had passed without further communication from your highness on the subject, the dean of the diplomatic corps on the 27th of September again addressed your highness on behalf of all the powers interested, asking for prompt action on the subject. To this your imperial highness replied on October 2, stating that no report had yet been received from the provincial authorities.

Nearly two months have now elapsed since your highness' note was received, and still nothing has been done in this very important matter, and I am compelled on behalf of my Government to urge upon your highness the necessity of immediate steps to put an end to this unnecessary delay on the part of the provincial authorities, whose indifference or neglect is preventing the introduction of the reform so imperatively demanded by the condition of affairs in the mixed court at Shanghai. Nearly every week I receive communications from the American consul-general at Shanghai, calling my attention to the importance of this matter. It is quite as much to the interest of China as of the other parties that the old mixed court rules be revised, and I can see no reason for the apparent unwillingness of your highness' Government to take the necessary action in a matter of such pressing concern to all interests at Shanghai, both native and foreign.

I have the honor, therefore, to ask that your imperial highness will, without further delay, take such measures as may be necessary to secure a report from the viceroy of the Liang Kiang immediately, and that your highness will communicate to me at an early date the decision of your Government respecting the matter.

I avail myself, etc.

(Signed)

W. W. ROCKHILL.

[Inclosure 4.]

Dispatch from His Imperial Highness Prince of Ch'ing, president of the board of foreign affairs, to Hon. W. W. Rockhill, American minister, in reply to complaint of delay in the matter of the revised mixed court regulations for Shanghai.

PEKING, November 24, 1905.

I have the honor to acknowledge the receipt on yesterday of your excellency's dispatch saying that on the 27th of the ninth moon, western calendar, the dean of the diplomatic corps, on behalf of the ministers of the various countries, had sent me a dispatch urging speedy action in the matter of the Shanghai mixed court regulations, and that he had received a reply stating that the provincial authorities of the Kiangnan had not yet reported upon them; that two months had now passed since this reply had been received, and that nothing had been done with regard to the question; and that you were compelled in behalf of your Government to urge me to take measures to prevent any further delay on the part of the local authorities to the hindrance of this important matter of revising the Shanghai mixed court regulations.

As to these regulations my board has repeatedly sent instructions to the superintendent of trade for the south urging him to make investigation and report, as the records show.

I have just received a telegram from the said superintendent saying that he had had correspondence with the taotal at Shanghai with regard to the mixed court regulations of that port and had thoroughly considered the matter and that they had agreed upon a draft which had been sent forward the day before inclosed in a dispatch to me. As the reply of the aforesaid official has already been mailed it must arrive here within a few days, and on its receipt I shall consider its proposals and communicate with your excellency. In the meantime, as in duty bound, I send this dispatch for your information.

A necessary dispatch.

Kuanghsü, XXXI year, tenth moon, 26th day (November 24, 1905).

[Inclosure 5—Translation.]

The Prince of Ch'ing to Baron von Mumm, dean of the diplomatic body.

PEKING, December 4, 1905.

On the 5th of January, 1905, His Excellency Baron Czikkann, formerly minister of Austria-Hungary and dean of the diplomatic body, addressed an official note concerning the revision of the rules of the mixed court at Shanghai. It was therein said that labors of the court tend constantly to increase, and that since therefore the revision of the rules had become an urgent necessity, the foreign consuls at Shanghai had not failed to consider them and had proposed amendments which they had transmitted to the representatives of the powers at Peking which now communicated them to me. This note was accompanied by proposed amendments in eleven articles.

This ministry has kept up a regular correspondence with the superintendent of southern trade on this subject, and has several times urged him in writing to transmit his reply as soon as possible. On the 28th November I received a letter from the superintendent of southern trade saying that he had just taken up the question of the amendments to the rules of the Shanghai mixed court, but as it was necessary to add to some of the suggestions and cut out from others, he had tried to bring the rules to a state of perfection to meet the present requirements. My ministry has again examined the rules and has reached the conviction that all the articles as settled upon are perfectly proper.

I have the honor to transmit herewith to your excellency, as dean of the diplomatic body, copy of the rules with the request that you will bring it to the knowledge of the representatives of the powers at Peking, so that they may communicate these rules to the foreign consuls at Shanghai and give them the necessary instructions for their general observance.

Trusting that I may receive an answer from your excellency on this matter, I avail myself, etc.

(Signed)

PRINCE OF CH'ING.

[Subinclosure in inclosure 5.]

I. (a) The mixed court at Shanghai shall keep separate dockets in Chinese of all police cases and mixed civil cases, entering each case separately, numbering it consecutively, with the date of filing, the names of the parties in full, their nationality, the thing claimed, with the minutes and date of all orders, decrees, continuances, appeals, and proceedings until final judgment, and a sufficient minute of the final judgment.

(b) The mixed court shall have power to deal with all civil cases punishable by cangue or beating with the bamboo or by imprisonment not exceeding three years, and shall keep a separate docket thereof as above provided.

(c) Such several dockets—except those of police cases, and mixed civil cases, which may be examined by any party materially interested at any time after the case has been decided—if they contain confidential or important information which it is not advisable to divulge, shall not be subject to inspection.

The remaining civil cases brought directly to the court need to be recorded in a separate document, but when such cases are disposed of the judgment, together with a statement of the names of the parties and witnesses already set at liberty or otherwise dealt with, shall be exhibited in due course on the notice board for general information.

II. All trials and proceedings in the mixed court of Shanghai shall be open to the public, unless the assessor and judge agree that for confidential reasons and for public morale the case should be private.

III. The office of the magistrate of the mixed court shall be an official post with all the attributes of the yamen of a prefect, independent subprefect, of independent departmental magistrate. The magistrate shall be selected and deputed from among the prefects, subprefects, assistant subprefects, departmental and district magistrates of the Province. If the official deputed be a departmental or district magistrate the rules shall be followed applying to an acting prefect or acting (independent) departmental magistrate. His official dealings and correspondence shall be conducted on the lines followed by a prefect, independent subprefect, or an independent departmental magistrate.

If there is no suitable official in the Province, an official from another Province may be used. The Shanghai taotai shall in either case request the viceroy and the Governor to make the appointment (and if occasion demands), to address (the authorities of another Province asking for the) use (of an official's services). (Translator: The Chinese drafting requires amendment here.) The date of his taking over and handing over charge shall be reported to the board.

IV. (a) In all cases, except where both parties are Chinese and in which no foreigner is involved, a foreign official shall sit as assessor. The powers of these foreign assessors, who shall be appointed by the several consular representatives, subject to the treaty rights of each nationality of foreigners, shall be exercised in accordance with the provisions of the Chefoo convention, section 2.

(b) If the magistrate and assessor fail to agree after consideration upon the decision in any case, it shall be referred to the taotai and consul or consul-general concerned, as the case may be.

V. The mixed court gaol shall be kept under European sanitary conditions. An experienced and capable Chinese medical officer shall be engaged by the court itself to carry out this work, and the Shanghai taotai shall set aside funds for this purpose.

If in the future the court gets a proper gaol, separate rules will be drawn up for its satisfactory administration.

VI. No warrant or summons of the mixed court against Chinese in the foreign settlement north of the Yangkingpong shall be enforced unless countersigned by the senior consul. (In the case of respectable persons, and when the circumstances of the case are not really grave, a summons should only be issued and warrants must not be used unnecessarily. If a party fails to appear when summoned more than once he may then be arrested under a warrant.)

If the defendant is in the employ of a foreigner such warrant must be also countersigned by the consul of the nationality of the employer of the defendant.

In Chinese cases where the parties are summoned by the Chinese magistrate, they may be released on bail if the hearing of the case is not at once impending, so as to avoid detention in custody.

Now that no torture is employed in hearing cases, the new regulations sanctioned by the Throne shall be followed.

VII. In all cases, civil or criminal, which come before the court where a foreign assessor is sitting and both parties are represented by counsel, before an attorney or counsel is admitted to practice in the mixed court he must satisfy the court that he has been admitted to practice in the consular court of his own nationality at Shanghai.

VIII. (No alteration.)

IX. In cases involving principles where no precedents exist in Chinese law, the court shall be governed by Chinese commercial custom and equity.

X. (No alteration.)

XI. All parts of the present rules and regulations for the mixed court of Shanghai not in conflict with these supplementary amendments are hereby continued in full force, and the Chinese and foreign officials shall do their best to carry out the same.

[Inclosure 6.]

[Clipping from North China Daily News, December 12, 1905.]

THE MUNICIPAL COUNCIL.—MIXED COURT.

The following letter, with inclosures, is ordered for publication as bearing on the recent dispute at the court:

SHANGHAI, 22nd June, 1905.

DEAR SIR: I have the honor to forward to you:

1. Translation of a dispatch from the taotai, dated 10th of June, 1905.
2. Translation of a reply dated 21st of June, 1905.

As it appears impossible to come to terms with the local Chinese authorities I have been instructed by my colleagues to proceed to Nanking and to discuss the question with his excellency the viceroy.

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

DOCTOR KNAPPE,

Consul-General for Germany and Senior Consul.

F. ANDERSON, Esq.,
Chairman Municipal Council.

Translation of dispatch from Taotai to Senior Consul, dated June 10, 1905.

The taotai writes in reply to the letter of the 6th instant, that according to all the treaties a Chinese offender is under the jurisdiction of China. If a Chinese commits an offense in the settlement, he is to be tried and detained in custody by the magistrate of the mixed court according to Article I of the rules for the mixed court at Shanghai.

The mixed court has existed in Shanghai for several tens of years; but neither is there any mention in the treaties, nor is there any precedent to show that a female convict has ever been sent to the municipal gaol.

I have been, the taotai continues, in Shanghai for four years as taotai and have always endeavored in my intercourse with the foreign consuls to act in an amicable manner. I can not understand how you, as senior consul, influenced by the municipal council, can address to me a request which is not in conformity with the treaties.

In consequence of the successive enlargements of the settlement the number of the cases which have to be tried in the mixed court has increased; and accordingly the gaols for male and female prisoners, which in former times were regarded as large enough, have proved to be too small. I have, therefore, given instructions to the mixed court magistrate to repair and cleanse the mixed court's gaols and to choose a place on the mixed court's premises for erecting new buildings.

Mr. Twyman, the British assessor, has inspected the places and declared them as fit for use. Thereupon I have set apart a sum of money for the construction of the new buildings and have thus done my duty.

Female convicts have to be tried as soon as they have been taken, and immediately after the trial they are to be dealt with according to the sentence.

If there have occurred delays in producing female convicts, because I do not agree with their being sent to the municipal gaol, and if consequently cases accumulate, the fault lies not with me but with the foreign assessor. According to Chinese law offenders who have committed a crime are sent to prison; those who have only committed a trivial offense are kept in custody.

Never has there been equal treatment in all the cases without regard for the severity of the case.

Your request that I should agree with the female convicts for the present being sent to the municipal gaol is not in accordance with the treaties, and I am, therefore, not in a position to comply with it.

Translation of the senior consul's reply, dated June 21, 1905.

I have the honor to acknowledge the receipt of your letter dated 10th of this month, which I have submitted to the consular body.

I have received instructions to reply to you as follows:

You forget to mention that male prisoners in all Chinese cases of the mixed court have been taken to the municipal gaol since its creation. In this way thousands and thousands of Chinese have undergone their punishment up to the present date and the average number of convicts detained there is 450 per day.

Female prisoners have not been taken to the municipal prison so far because no accommodation for women was in existence up to a short time ago; but the municipality have granted a large amount of money and erected a special gaol for women.

There is no difference in principle between male and female prisoners, and it is not comprehensible, why, if you agree that male prisoners to the number of 450 are kept regularly in the municipal gaol, you should object to a few female prisoners being sent to the same establishment.

It is evident by your conduct in this matter, as well as in many others, that your principle is obstruction to any progress in the interest of humanity.

There appears to be no chance of coming to an understanding with you.

I have, therefore, received instructions from my colleagues to proceed to Nanking and to negotiate with his excellency the viceroy in this and some other matters.

I have the honor, etc.,

(Signed)

DOCTOR KNAPPE.

[Inclosure 7.]

Mixed court dispute.—Minutes of consular meeting of July 26, 1905.

Present, all the members of the consular body except the representatives for Russia and Sweden and Norway.

I. Uniform. The consular body instructed the senior consul to suggest to the taotai that he should ask the consular body not to come in uniform to the tiffin at the Emperor's birthday, but in white.

II. Sealing of proclamation by the senior consul. The consular body authorized the senior consul to examine in every case the contents of every proclamation issued by the Chinese authorities and to affix or refuse his seal at his own discretion.

III. Question of pimps. The consular body declared their willingness to assist the municipal council in their endeavors to suppress the pimps. Answer to this effect is to be sent to the chairman of the municipal council. It was resolved that every consul should examine the list of pimps sent in by the municipal council and should inform the senior consul if the nationalities given are correct.

IV. Mixed court. Letter from the consul of the 24th instant was read. At the request of the taotai (his letter of the 17th instant) particular cases of irregularities on the part of the mixed-court magistrate will be notified to the taotai; the council will further be asked for details.

At the suggestion of Mr. Potier, consul-general for Portugal, it was resolved to note in these minutes that in the future the assessors of the mixed court when finding that a female defendant should be sentenced to imprisonment should send her to the municipal gaol for female prisoners.

V. Road to the hills. The senior consul mentioned that the deputy sent by the viceroy was apparently already here.

Mr. Rodgers declared that he had official notice from Peking that the matter was pending there for the present. Therefore the matter was left over.

VI. Chinese reformatory. Letter of the committee was read. At the suggestion of the senior consul it was resolved to ask the municipal council for their opinion. In the meantime every consul should study the rules for the reformatory and give his opinion at the next meeting.

VII. Native bank orders. Letter from the chairman of the general chamber of commerce of the 13th instant was read. The senior consul was instructed to write to the taotai in conformity with application.

VIII. Personnel des Legations Etrangères à Peking. The senior consul was instructed to ask the doyen of the diplomatic body for a number of copies of the above list.

(Signed)

DR. KNAPPE, *Senior Consul.*

SHANGHAI, August 1, 1905.

[Inclosure 8.]

Consul-General Rodgers to Minister Rockhill.

AMERICAN CONSULAR SERVICE,

Shanghai, July 27, 1905.

SIR: I have the honor to acknowledge the receipt of your No. 97, concerning the road to the hills and the altering of the rules of the mixed court at Shanghai.

In reply I beg to inform you that both of these subjects were discussed at a meeting of the consular body Wednesday, the conclusion being to do nothing. No report has been received from the viceroy on the question of the road. As to the mixed court, I shall instruct our assessor to adhere to the established rules until changes are authorized from Peking.

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

(Signed)

JAMES L. RODGERS.

[Inclosure 9.]

*Consul-General Rodgers to Minister Rockhill.*AMERICAN CONSULATE-GENERAL,
Shanghai, August 21, 1905.

SIR: I have the honor to inform you that a rather bad state of affairs exists in relation to the mixed court at Shanghai. The Shanghai municipal council some time ago, without consulting the consular body, and with no notification to the assessors other than the British, instituted some new procedures, which the Chinese authorities interpreted as an infringement of their authority and practically in violation of the rights guaranteed by the treaty. The municipal council claimed their "suggestions," which were put in force, were in the interest of reform, to prevent extortion of money from prisoners and to provide for a proper administration of justice. The consular body, when the matters were brought to its attention by the taot'ai and then by the municipal council, simply temporized, but reproved the municipal council. It was afterwards decided to leave the method and manner of the conduct of the court as far as the new processes were concerned to the discretion of the assessors. The taot'ai had practically withdrawn his objection to some of the new ideas, but the magistrate objected strongly to that which required the delivery of the prisoners after punishment to the municipal police, who returned them to the central station, there to be released.

Upon receipt of your recent dispatch in relation to the mixed court, I instructed our assessor, Mr. Arnold, to observe the old rules and customs. That has been done, and now the police and the municipal council protest against releasing prisoners directly after punishments. I have told them that I do not recognize their right to interfere, and that attitude I shall maintain.

* * * * *

It is my hope that the diplomatic corps at Peking will take this matter up and reach a conclusion soon which will have the effect of putting an end to a condition which is a menace to the intercourse between foreigners and Chinese in Shanghai. There undoubtedly is necessity for reform in the mixed court, but I am inclined to believe that the Chinese will make concessions readily if they are properly approached.

I would be obliged for such information as you may be able to give as to the status of this question in Peking.

I have the honor to be, sir, etc.,

JAS. I. RODGERS.

[Inclosure 10—Translation.]

The Prince of Ch'ing to Baron von Mumm, dean of the diplomatic body.

PEKING, December 11, 1905.

On the 14th of the 11th moon of the 31st year of Kuanghsü (December 10, 1905), I received from the superintendent of southern trade the following telegram:

"The taot'ai of Shanghai conveys to me the following telegraphic report, just made to him orally by Mr. Kuan, deputy at the mixed court:

"On the arrival at this port of the river steamer, a detective having found on board 12 young girls, whose presence seemed suspicious, they were taken this morning to the mixed court to be questioned. As all of them were servants, bought in Ssu-ch'uan by an official of that province, his relatives or friends, for their personal use, and in no wise destined to be disposed of in a doubtful traffic, the deputy, after vainly trying to reach an amicable understanding with the British vice-consul, Mr. Twyman, ordered his men to remove the girls in question, to be held at the disposal of the court for additional investigation. The chief of foreign police opposed this, and, using violence, his agents and constables struck right and left with their clubs; as a consequence of which two of the deputy's men were wounded and several persons among the crowd of onlookers, unable to get out of the way, were severely beaten. The women

(girls) were then seized and led off to the (foreign) police station. The foreign official (i. e., Mr. Twyman), instead of stopping his agents, approved and encouraged them. The Chinese deputy restrained his men, who fortunately did not strike anyone.

“A court is a place where justice is rendered, and the fact of striking in court the ch'ai jen (runners) of an official, is not only disrespect to the laws and justice, but also a breach of decorum and propriety. I shall therefore be indebted to you if you will officially request the dean of the diplomatic body at Peking to equitably settle the incident.”

“I have furthermore received from the gentry and merchants of Shanghai the following telegraphic request:

“The woman Li Fan Huang, not Li Fan Wang, is the wife of a prefectural secretary of Ssu-ch'uan, named Li T'ing-yü. He dying, his widow, accompanied by her daughter-in-law and her young child, was returning to Kuang-tung with the remains of her husband. She had with her a certain number of serving women, and she was bearer of a passport from the ch'uan-tung. The British police having without cause charged her with proxenetism, took her before the (mixed) court, and, contrary to the regulations, had her imprisoned in the western jail (i. e., the municipal council jail), where she still is. The people are angered and threatening.”

Considering that there is in this present case neither plaintiff nor accused; that it appears that it is not a case of proxenetism; that the matter does not concern any foreigner; that notwithstanding all this, foreign police agents have in court struck ch'ai jen (official runners), and that innocent women have been arrested and imprisoned, and that their actions can be justified neither by the treaties nor by the circumstances nor reason, I have therefore the honor to send your excellency the present dispatch, and to beg you, Monsieur the Dean, to take steps with the British minister at Peking to the end that he may send instructions to his consul-general at Shanghai to have, in the first place, liberated the women imprisoned in the western jail, and then to reach an agreement with the Shanghai taot'ai for an equitable settlement of the matter, so that the population may be calmed and treaty provisions kept.

I shall be obliged to your excellency for an answer.

Important matter.

[Inclosure 11.]

Baron von Mumm to the Prince of Ch'ing.

PEKING, *December 17, 1905.*

YOUR IMPERIAL HIGHNESS: I have the honor to inform your imperial highness that I have called the attention of my honorable colleagues, and especially of his excellency the British minister, to your note of December 11 with regard to an incident at the mixed court in Shanghai.

My honorable colleagues of Great Britain and the United States, whose assessors, together with the German representative, take part most commonly in the proceedings of the mixed court, have begged me to inform you that we are agreed in thinking that in accordance with the explanation furnished by your highness the Chinese women in question should be released immediately. They have furthermore authorized me to inform you that we are prepared to give orders to our respective consuls-general in Shanghai to come to an agreement with the taotai as to an equitable solution of the question.

We have communicated these instructions to the rest of our honorable colleagues, who are of the same mind with us.

Since this was done a telegram has reached me from Shanghai stating that the women in question had been liberated.

This being the case, I feel it my duty to insist with your imperial highness, on behalf of my honorable colleagues, that formal orders be given forthwith that the sessions of the mixed court, suspended temporarily as a result of the incident in question, should be resumed immediately to avoid the serious injury to public interests in Shanghai which would result from the continued opposition of the Chinese magistrate of the mixed court.

I seize, etc.

(Signed)

A. V. MUMM.

[Inclosure 12.]

*Prince of Ch'ing to Mr. Rockhill.*PEKING, *December 19, 1905.*

I have the honor to inform your excellency that on the 19th of December, 1905, an imperial edict was issued, as follows:

"The various telegrams submitted by the foreign board have been carefully noted. It seems that a Mrs. Li, née Huang, who was returning to Canton with her family, was wrongfully accused of kidnaping before the mixed court of Shanghai; that the family was forcibly confined in the municipal jail, and that the municipal police by their arrogant display of authority excited the anger of the people. While the board of foreign affairs was in the midst of their deliberations with the foreign ministers at Peking and making a just arrangement (as to the mixed court), it is unfortunate that there should have been some ignorant ruffians who availed themselves of this pretext to close up their stores, burn the jail, and injure human life. Shanghai, being a commercial port, is a place of important concern. What are all the officials down there doing that such a serious affair as this should happen? Let the viceroy of the Lian Kiang and the governor of Kiangsu immediately arrest the leader and all the offenders concerned in this trouble. Let them be arrested and severely punished immediately. Let these officials also impeach all the local officials who have been remiss in their duty, either civil or military. Let Chou-fu proceed to Shanghai at an early date and make a complete and thorough inquiry into the whole affair, and devise means to deal with it. At the same time let him explain the whole matter to the people and restore quiet. Respect this."

(Signed) PRINCE OF CH'ING.

[Inclosure 13—Translation.]

Draft of letter of the dean of the diplomatic body to the consular body at Shanghai.

PEKING, ———, 1905.

MR. CONSUL-GENERAL: In view of the late incidents at Shanghai my honorable colleagues have requested me to make the following statement to the consular body:

The representatives of the powers have learned with astonishment that the consular body has decided in a meeting held on the 26th of last July that the assessors at the mixed court should send to the municipal jail Chinese women condemned by that court to be imprisoned.

Their attention has also been called to a letter sent by the taot'ai, under date of the 10th of June, to the dean of the consular body, and which has just been published in the North China Daily News, and in which this office formally refuses to agree that condemned Chinese women shall be imprisoned in the municipal jail.

My honorable colleagues have requested me to recall to you that by Article I of the rules for the mixed court it is the magistrate who is authorized to confine Chinese prisoners.

These rules were adopted in 1869 by the foreign representatives at Peking and the Chinese Government, to whom it belongs to modify them by common consent. The consuls are not empowered to suspend its application nor introduce changes therein without the approbation of the representatives of the powers and the Chinese Government; such action would conflict with all the conventions which regulate the relations between the Chinese and foreigners in open ports.

While calling your attention to the facts and principles set forth above, the diplomatic body is of the opinion that the decision taken by the consular body on the 26th of July, not having been approved by the representatives of the powers in Peking, must be considered null and void.

Minister Rockhill to the Secretary of State.

[Extracts.]

No. 213.]

AMERICAN LEGATION,
Peking, February 5, 1906.

SIR: In continuation of my dispatch No. 178 of December 23d last, concerning the long-pending negotiations for the revision of the rules for the mixed court in the international settlement at Shanghai, I now beg to transmit further correspondence with our consul-general on the same matter, and in continuation of that already sent you in my previous dispatch.

I deem it necessary to place before you all the data I possess on this subject, as I think it will develop into a most far-reaching one, affecting the whole status of the Shanghai international settlement in its relation with the Chinese Government. The position taken by a prominent part of the British residents in Shanghai is clearly set forth in the inclosed editorial from the leading British paper of the locality.

The solution of the question of the revision of the rules for the government of the mixed court, which bids fair to be reached shortly by the diplomatic body and the Chinese Government, and which will be substantially in agreement with the amended rules accepted provisionally by the Department of State in its telegraphic instruction to this legation of April 15, 1902, will not give satisfaction to all the foreign community of Shanghai and the agitation for further liberties will continue.

I trust that the inclosed correspondence will enable the department to get a correct understanding of this question which has already been the direct cause of so much trouble and friction.

I have, etc.,

W. W. ROCKHILL.

[Inclosure 1.]

*Mr. Rodgers to Mr. Rockhill.*SHANGHAI, *December 16, 1905.*

SIR: I have the honor to acknowledge receipt of your telegram of December 15, reading as follows:

"AMERICAN CONSUL, *Shanghai*:

"Fifteen. Your cipher telegram thirteenth is not clear if you mean consular committee unanimously agreed in favor of confining Chinese females in the female jail in the municipal jail. Report fully.

"ROCKHILL."

And also to confirm my reply thereto of the same date, reading as follows:

"ROCKHILL, *Peking*:

"Mixed court female jail has been agreed to, not municipal. Other demands reported prevent opening of the court.

"RODGERS."

(Signed)

JAMES L. RODGERS.

[Inclosure 2.]

Mr. Rodgers to Mr. Rockhill.

SHANGHAI, December 27, 1905.

SIR: I have the honor to acknowledge receipt of your No. 471 of December 21 last, in relation to the mixed court matters. In reply thereto I beg to say that the minutes of the consular meeting of July 26, 1905, as quoted by you are wrong. When in June the question of the place of confinement of female prisoners came up in connection with other issues of the taot'ai against the municipal council, it was acknowledged by the taot'ai and by the mixed court magistrates that there was no place for their confinement at the mixed court, but the promise was given that one should be constructed. The question had never been prominent in comparison with that of the matter of the police in court, of supervision of punishment and the control of the prisoners. However, when the subject had been discussed early in July I went to the mixed court and there inspected the site and the foundation of the female jail. At the meeting of the consular body, July 26, when the matter was again mentioned, I stated that the jail was in course of construction. It was then agreed that the senior consul should see the taot'ai and explain that it was only desired to use the female portion of the municipal jail until the Chinese jail was ready. No formal action was taken. However, Mr. Potier, it seems, thought the minutes should contain some record of the subject, and that which you have quoted was apparently the result of Doctor Knappe's version, it being absolutely at variance from the understanding, at least so I maintain. Again, on October 5, the subject came up and I reported the jail ready, but the taot'ai had not so notified the senior consul. It was my impression, however, that it was to be used, and it would have been had the American assessor been given a chance to send the female prisoners there. The police attended to that.

As to the rules of 1869. The present procedure, which was adopted years ago, or which was the result of years of gradual change, differs largely from the rules of 1869, although by courtesy they are still supposed to exist. By agreement between Messrs. Goodnow, Warren, and Schnitzler, the American, English, and German consuls, respectively, the basis of the present procedure was inaugurated in 1901, and Mr. Goodnow has stated to me that their action was approved by the diplomatic body, a statement which was confirmed by Sir Pelham Warren when I produced in a consular meeting the original copy of the revised rules.

* * * * *

In conclusion I beg to inform you that the court was open to-day, with Mr. Twyman sitting as assessor. The municipal council has not made any concession as to the presence of the police who participated in the disturbance of December 18.

(Signed) JAMES L. RODGERS.

[Inclosure 3.]

Mr. Rockhill to Mr. Rodgers.

PEKING, January 9, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 172 of December 27 last in relation to the mixed court matters.

You say that the minutes of the consular meeting of July 26, 1905, as quoted by me are wrong. I can not see how this can be, as I quoted from an official copy sent the British minister by the British consul-general at Shanghai. The diplomatic representatives here have all assumed that these minutes stated the action of the consular body at Shanghai on July 26 last in reference to the custody of Chinese female prisoners correctly, and on the 6th instant the dean of the diplomatic body sent the senior consul at Shanghai a note, a copy of which I inclose in translation, embodying the views of the foreign representatives here concerning said decision.

You further state that the 1869 rules for the mixed court in the settlement of Shanghai are only supposed to exist by courtesy. While I admit that many changes and additions have been made to said rules since they were first ac-

cepted by the Chinese Government and the diplomatic representatives of the powers in 1869, such changes and additions have never been adopted by mutual consent of China and the powers. I fail to see how any amendment could have permanently binding force unless so agreed upon.

* * * * *

(Signed) W. W. ROCKHILL.

[Subinclosure to inclosure 3.]

Baron von Mumm to Mr. Kleimenow.

PEKING, January 6, 1906.

MR. CONSUL-GENERAL: In view of the late incidents at Shanghai my honorable colleagues have requested me to make the following statement to the consular body.

The representatives of the powers have learned with astonishment that the consular body have decided in a meeting held on the 26th of last July that the assessors at the mixed court should send to the municipal jail Chinese women condemned by that court to be imprisoned.

Their attention has also been called to a letter sent by the taot'ai under date of the 10th of June to the dean of the consular body, and which has just been published in the North China Daily News, and in which this office formally refuses to agree that condemned Chinese women shall be imprisoned in the municipal jail.

My honorable colleagues have requested me to recall to you that by Article I of the rules for the mixed court, it is the magistrate who is authorized to confine Chinese prisoners.

These rules were adopted in 1869 by the foreign representatives at Peking and the Chinese Government, to whom it belongs to modify them by common consent. The consuls are not empowered to suspend its application nor introduce changes therein without the approbation of the representatives of the powers and the Chinese Government; such action would conflict with all the conventions which regulate the relations between the Chinese and foreigners in open ports.

While calling your attention to the facts and principles set forth above, the diplomatic body is of the opinion that the decision taken by the consular body on the 26th of July not having been approved by the representatives of the powers in Peking, must be considered null and void.

I avail myself of this opportunity, etc.,

(Signed) MUMM.

[Inclosure 4.]

Mr. Rockhill to Mr. Rodgers.

PEKING, January 10, 1906.

SIR: In further reference to your dispatch No. 172, of December 27 last, and to my reply thereto—No. 502, of the 9th instant—I fear that you are under the misapprehension that the “amended rules” for the mixed court of Shanghai of “1901,” to which you refer in your dispatch, were accepted by the Chinese Government, and are consequently in force at the present time. Such is not the fact, as shown by the correspondence between your consulate-general and this legation.

In 1901 a committee of the consular body at Shanghai, under instruction from the diplomatic representatives here, prepared a set of amended rules for the mixed court of the international settlement at Shanghai. These amendments, having been agreed to by the consular body, were forwarded by Mr. Goodnow, then our consul-general, to Mr. Conger, on February 25, 1902.

This basis was considered by the foreign representatives here, and by them submitted to their respective governments for approval as such, and on July 1, 1902, Mr. Conger was able to inform Mr. Goodnow that they had been provisionally accepted by our Government. On September 16, 1902, Mr. Goodnow telegraphed to Mr. Conger, asking the status of the negotiations on this matter, and Mr. Conger in his telegram of the same date informed him that the diplo-

matic representatives had failed to come to an agreement concerning them. (See Mr. Conger's No. 1587, of September 16, 1902, to Mr. Goodnow.)

This inability of the diplomatic representatives to agree on the amended rules submitted to them by the consular body at Shanghai was only overcome in the latter part of 1904, and it was only on December 22 of that year that they were able—the French and Mexican representatives excepted—to send to the Chinese foreign office a joint note embodying the amendments they deemed necessary to the rules of 1869.

The subsequent stages in these negotiations down to the date of my writing are briefly related to you in my dispatch No. 406 of November 14 last and the inclosures thereto.

Since then the Chinese Government has, as I also informed you in my No. 407 of November 14 last, forwarded to the diplomatic representatives its proposals of amendments to the rules of 1868, and these are now before the diplomatic representatives for consideration and reply to the Chinese foreign office.

It appears clearly from the above that there are no "amended rules" in force at the present time, though, as I stated in my dispatch No. 502 of the 9th instant, temporary provisional changes may have been agreed upon locally in the interest of expediting the work of this important court; but that the present procedure can have been inaugurated in 1901, as you say, on the simple agreement of the consuls, without the approval of their ministers, to say nothing of that of the Chinese Government, is of course quite inadmissible.

For your further information and in connection with your statement in dispatch No. 172 that the "minutes of the consular body's meeting of July 26, 1905, as quoted by you (me) are wrong," I inclose a copy of the minutes^a from which I quoted, the original of which was signed by the senior consul, Doctor Knappe, and is dated August 1, 1905.

(Signed)

W. W. ROCKHILL.

[Inclosure 5.]

Mr. Rodgers to Mr. Rockhill.

SHANGHAI, *January 23, 1906.*

SIR: I have the honor to acknowledge the receipt of your No. 504 of January 10 in relation to the rules of the mixed court, Shanghai, and to say in reply that the amended rules to which I referred in my No. 172 of December 27, 1905, are apparently not those forwarded February 25, 1902. These amended rules, of which I inclose a copy, have been in full force and effect since their date, and I am told were agreed to at Peking.

(Signed)

JAMES L. RODGERS.

[Subinclosure to No. 5.]

To the mixed court assessors, Messrs. Bourne, Barchet, Von Vardnuin, Mayers:

GENTLEMEN: The mixed court rules of April 20, 1869, having become obsolete, and revision thereof being a work of time, we have to instruct you in future to follow the subjoined two rules, which have become firmly established by practice, and to regard them as if they were incorporated with the said rules of April 20, 1869.

1. All Chinese arrested in the settlement must be brought up before the mixed court magistrate sitting with a foreign consular assessor as a court of first instance.

2. Should the magistrate and assessor not be able to agree on a judgment in any case, civil or criminal before them, there can be no decree, but there must be reference to the taot'ai and consul-general.

Every party to a civil criminal proceeding in the mixed court at Shanghai may be heard in person, or by attorney of his choice, or by both. Should any

^a For the copy of the minutes of the consular meeting of July 26, 1905, mentioned above, see inclosure No. 7 in dispatch to the department No. 178, of December 23, 1905.

party desire to be heard by attorney he shall apply to the said court for permission to be so heard, and the granting of such permission and the presence of such attorney shall be under the exclusive control and discretion of the court.

(Signed) JOHN GOODNOW,
U. S. Consul-General.

(Signed) PELHAM WARREN,
H. B. M's. Consul-General.

(Signed) SCHNITZLER,
Acting Consul-General for Germany.

SHANGHAI, July 3, 1900.

[Inclosure 6.]

Mr. Rodgers to Mr. Rockhill.

SHANGHAI, January 18, 1906.

SIR: I have the honor to acknowledge receipt of your No. 502 of January 9, 1906, in relation to the mixed-court matter.

* * * * *

In this connection I beg to acknowledge receipt of the copy of the letter to the dean of the diplomatic body to senior Consul Kleimenow. Its contents have been noted with interest and satisfaction.

I beg to submit herewith a copy of a police report to the municipal council. It will throw some light upon the conditions that existed, and will also show that even the German assessor thought there was doubt as to the much mooted decision of July 26.

There is certainly the necessity for reform, and my invariable contention has been that it should be given by modern and up-to-date rules from Peking.

(Signed) JAMES L. RODGERS.

[Subinclosure to No. 6.]

Police report on proceedings at the mixed court.

[For the week ending December 9, 1905.]

SUMMARY OF PUNISHMENTS.

	Male.	Female.	Total.
Imprisonment only	67	1	68
Fined	32	.....	32
Total	99	1	100
Cases left to court	9	.....	9
Remanded	14	.....	14
Released on security	10	.....	10
Dismissed	8	.....	8
Deported .....	.....	1	1
Sent to Sinza refuge	2	.....	2
Total number cases brought before court	142	2	144

MISCELLANEOUS.

On Monday, the 4th instant, the number of police cases brought before Assistant Magistrate Ching and Mr. Twyman was unusually large and several cases remained untried. On Tuesday Mr. Arnold and Magistrate Kwan inquired why these were not brought before them. They were informed that the captain superintendent of police had ordered the cases in question to be taken before the British assessor only. Most of them were disposed of on Wednesday, but eight prisoners remained over until Friday morning. The magistrate sen-

tenced five of them, then refused to hear the other three. Mr. Twyman marked the charge sheet: "Magistrate refused to hear case till he had obtained the taot'ai's permission." The magistrate also recorded a minute on the Chinese sheet to this effect: "Brought up at this court from the police on Monday, but owing to being late when brought up there was no trial. Not brought up on Tuesday. Brought up on Wednesday, but being late again no trial. Not brought up on Thursday. Brought up again on Friday, but it is deemed unfit for trial. Awaiting instructions from the taot'ai."

At 2.30 p. m. on the 4th instant a woman named Zung Ling Sze was tried before Assistant Magistrate Ching and Mr. Bristow for illegally buying a girl for the purpose of prostitution. She was ordered to pay 800 taels to the Door of Hope and to be deported to Soochow. The magistrate would not allow the prisoner to be handed over to the police, saying that she should be deported by the mixed court. The inspector on duty replied that the usual practice in such cases was for the police to carry out all sentences of deportation to a treaty port. Mr. Bristow concurred in this view and said that the woman was to be taken back to the police station. The police were ordered to remove her. The magistrate would not permit it, saying: "You can not take her away until this matter has been dismissed. If I am wrong you can report me to the taot'ai, but I must obey orders. The woman is not to be treated as a criminal. She will be deported by the court and the police can witness the deportation." Mr. Bristow and the inspector objected and the constables removed the woman, a certain amount of force being necessary, as she was unwilling to leave the court. The magistrate stood in the doorway to prevent their passage, but after much argument consented that the police should keep her in custody and bring her before him at 9 in the morning. The following day the money was handed to the Door of Hope in court, and the woman was escorted by the police to the Soochow launch.

At 6.10 p. m. on the 6th instant, a native entered the sergeant's room and commenced opening and shutting the windows and doors, and made himself generally objectionable. On being asked what he wanted, he said he was about to put locks on the windows. The sergeant objected as it would stop all ventilation. The man went away, and Magistrate Kwan entered and asked the sergeant what he meant by objecting to his putting locks on the windows of his own court. The sergeant said he would be glad of some ventilation in the room, to which the magistrate replied that he could go outside and get it, and added: "You have really no rights here at all. The taot'ai is very angry with me; especially about the deportation affair last night. He accuses me of siding with the foreigners and considers me a very weak man for my position because I don't trouble you more."

On Saturday, the 9th instant, a woman was brought before Assistant Magistrate Ching and Doctor Mercklinghaus on a charge of ill treating a boy. The police officer on duty referred the assessor to the senior consul's letter to the taot'ai of the 22d of June last. After consulting with the magistrate, Doctor Mercklinghaus said he would remand the case for a fortnight, that the instructions of the consular body of the assessors were not at all clear, and that those given on the 26th of July last were to the effect that female prisoners should be sent to the municipal jail as long as the accommodation of the court was unsuitable. He added that the magistrate informed him that the new cells for females at the court were now ready. The woman was removed to the municipal jail.

SUMMARY OF PRISONERS IN THE MIXED COURT CELLS.

Sixty-three male and five female prisoners are detained in the mixed court cells.

[Inclosure 7.]

Mr. Rodgers to Mr. Rockhill.

SHANGHAI, January 18, 1906.

SIR: I have the honor to state that I am informed confidentially by the Taot'ai Lo Tsong Yao, director of the bureau of foreign affairs, Nanking, that he is endeavoring to obtain the viceroy's consent to a full and fair investigation of the mixed-court procedure with a view to preparing under foreign advice

and assistance a new code of rules, which shall be submitted to the foreign representatives at Peking and the wai-wu-pu for approval and adoption. Taot'ai Lo, in my opinion, is the best man for such work, as he has always appeared conservative and just, and furthermore is accepted as an authority on law. He has been finely educated in England, and while his brother was minister to the Court of St. James was secretary. I may be mistaken in my estimate of the man, but I believe him able and disposed to do justice to both sides in such a matter as this.

He apparently is very anxious for a solution of the question, and predicts dangerous disturbances in Shanghai unless a thorough understanding is reached in the immediate future. He does not think the damage and indemnity claim growing out of the riots should be pressed, and denies that there is a Chinese responsibility, moral or otherwise.

I would be greatly obliged for your opinion on Taot'ai Lo's proposition, as he will undoubtedly ask me for it.

(Signed) JAMES L. RODGERS.

[Inclosure 8.]

Mr. Rockhill to Mr. Rodgers.

PEKING, January 31, 1906.

SIR: I have the honor to acknowledge the receipt of your No. 194, of the 23d instant, in which, referring to certain "amended rules of the mixed court," you inclose copy of certain instructions to the mixed court dated July 5, 1900, and signed by the consuls-general of the United States, Great Britain, and Germany. You add that the rules have been in full force and effect since that date, and you add: "I am told they were agreed to at Peking."

In reply I would state that the document you inclose was never, so far as I can learn, after careful search in this and in the British legation, sent here for the approval of the diplomatic corps. In fact its date—July 3, 1900—precludes the possibility of such a step having been taken, and there is no record of it having been received at this legation after the reopening of communication between Peking and Shanghai.

Furthermore, I would call your attention to the fact that nothing shows that this document was ever approved by the local Chinese authorities, although it may have been accepted by the mixed court judge for the time being.

It certainly does not constitute a permanent amendment to the original rules of 1868, which I explained in my dispatch No. 502, of the 9th instant, must be formally accepted by the Chinese Government and the representatives of the powers in Peking interested in the matter. No other method existed than exists now for amending the rules for the government of this court, which, as I have said, calls for the agreement of the powers concerned. You can do absolutely nothing locally in the matter, nor can the municipal council.

(Signed) W. W. ROCKHILL.

[Inclosure 9.]

Mr. Rockhill to Mr. Rodgers.

PEKING, January 31, 1906.

SIR: I have to acknowledge the receipt of your No. 190, of the 18th instant, and to say in reply thereto that it is not understood here what Taot'ai Lo Tsong Yao could do at the present time in the way of "preparing under foreign advice and assistance a new code of rules which shall be submitted to the foreign representatives at Peking and the wai-wu-pu for approval and adoption.

In my No. 504, of the 10th instant, I gave a history of the negotiations which have been under way between the diplomatic representatives of the powers and the Chinese Government since 1901 for the revision of the rules of 1868. You will note therein that on December 22, 1904, the Chinese Government was informed of the amendments which the various governments deemed necessary, and that

on December 4, 1905, the counter proposals of the Chinese Government were submitted to the ministers. These are now under consideration, and no new rules or proposals can be considered by us.

(Signed) W. W. ROCKHILL.

[Inclosure 10.]

Article in the North China Daily News of Shanghai, January 23, 1906.

A COURT FOR SHANGHAI.

The dispute that has been raised by the Chinese as to the administration of the settlement north of the Yangkingpang can never be settled by the discussion of mere local authority—Chinese or foreign, official or unofficial. The power now rests with the high representatives of all the powers in Peking, acting in negotiation with the Chinese waiwupu. Neither can solution be found by a consideration of only one issue. The problem is multiform, needing discussion, but discussion that is calm.

Apparently with many the main and only issue is the mixed court. It may indeed be the main one; it is not the only one. As important it is well to bring to light a few old and a few simple principles. The most obvious fact is that the mixed court is not properly a Chinese court; it is a mixed court. The very idea of establishing such a court at all implied something new and something different from existing Chinese courts. That it was established in the foreign settlement also implied that the court would be conducted in a way other than what was customary outside the settlement and within the native city. The difference lay in the introduction of something foreign. What is the amount of the foreign element may never have been clearly stated in ironclad rules; but plainly the court is not Chinese.

If we trace the development of a general and fundamental principle, it will first be noticed that by the treaty of Tientsin in 1858 it was merely stated that Chinese subjects guilty of crime against English (foreign) subjects would be tried and punished according to Chinese laws. Foreign subjects in the same way would come under the laws of their own nation. The general and flexible statement was then made: Justice shall equitably and impartially be administered on both sides. This general principle applied to mixed cases in all parts of China. What should be done in the then English settlement was not stated till 1869, when the British minister, after consulting the Tsung-li Yamen, issued orders for the management of a mixed court in the English settlement. It was then stated that in cases where Chinese are defendants "a consul or his deputy shall sit" with the magistrate. This sitting process was vague enough always to suit the Chinese; but it certainly implied something, or why should it be added that in cases where Chinese only are concerned the foreign official "shall not interfere." Logically the sitting would be a legitimate interference. In the treaty of 1876, which, however, was never ratified, the mixed court was acknowledged to be unsatisfactory. "The officer presiding over it, either from lack of power or dread of unpopularity, constantly fails to enforce his judgments." This treaty reiterated the sitting process and added, "This is the meaning of the words hui t'ung, indicating combined action in judicial proceedings." Plainly, then, the court is not Chinese. This combination, as the same treaty says, must continue "so long as the laws of the two countries differ from each other."

If the mixed court Chinese officer was unsatisfactory in 1876, his successors have imitated him closely in this respect. The combination can not be abandoned now, for law and administration of China and foreign powers still differ. Similarity to western jurisprudence can not be attained by the mixed court till trained legal men sit on the bench.

From the experience of the past weeks there is no sign of any willingness on the part of the Chinese to assimilate to the legal usage of the British. Not only the English assessor is in the wrong, but the foreign police system is in fault and the foreign prison system is not equal to the Chinese. The day of conformity to the west is a long way off; so also China's sovereign rights in judicial cases.

The mixed court being a court of "combination," all cases are to be tried in this combined way where a foreigner is the accuser. And, though the Chinese forget it, this includes cases presented by the municipal police or the municipal council. Such cases are not Chinese cases, as the mixed court is not Chinese.

[Inclosure 11.]

Article in the North China Daily News of Shanghai, January 24, 1906.

OUR CHARTER.

The land regulations are the charter of the liberties and rights of our municipality, as the treaties are the charter of our rights as individuals in China; and to understand and appreciate the force of the land regulations it is necessary to consider with them the speech by the late Sir Rutherford Alcock, British consul at Shanghai, to the land renters, on the 11th of January, 1854, at the meeting at which the land regulations were adopted and the municipality of Shanghai was created. An extract from that speech was reprinted by us three years ago, it being considered desirable then that it should be brought again to the notice of the community; the community changes considerably in three years, and we therefore reprinted it again and published it as a supplement with our issue of last Saturday.

The first regulations were issued by the British consul and the taotai in 1845, and dealt almost exclusively with the acquisition and tenure of land by foreigners in "the ground north of the Yangkingpang, set apart to be rented by English merchants." They contained a provision that contributions should be made by the land renters for the original cost and subsequent upkeep of roads, jetties, and gateways; and for nine years this work was done and the money collected and disbursed by a committee of roads and jetties. The rapid growth of Shanghai, and particularly the influx of crowds of houseless refugees, brought about a condition of things with which the existing committee was entirely unable to cope, and toward the end of 1853, at a meeting of land renters, a resolution to the following effect was adopted unanimously:

"That this meeting considers some system of municipal regulations absolutely indispensable to the comfort, order, and safety of the community, and that as representing the body of the residents they are prepared to take into favorable consideration at the earliest moment any well-devised system that may be suggested."

Sir Rutherford, as British consul, had realized by experience "the want of some authority by which all the diverse elements of this cosmopolite settlement in the occupation of foreigners of many nations and of a native population might be welded together." It will be noted at once that the council created by the land regulations was to be not merely an executive body, but an authoritative body. Its authority was to extend over all residents in the settlement of whatever nationality, for, as the original regulations stipulated, "Individuals belonging to other nations renting ground * * * or temporarily residing within the boundaries of the ground * * * set apart to be rented to English merchants, must all, in the same manner as the English people, obey all these regulations."

The regulations of 1854, then, were drawn up by the representatives of the three treaty powers—the British consul, Alcock, the American consul, Murphy, and the French ad interim consul, Edan. They were revised and approved by the three ministers of the treaty powers, and the taot'ai attached his seal to them. The express design of the regulations was to give the foreign community "the right of self-government and the power of taxation for municipal purposes, with the means under both these heads of providing for their own security and well-being." Sir Rutherford answered for himself and his colleagues that they would interfere with the municipal council no further than "by suggestions to indicate * * * the best course to be followed for the removal of difficulties." The regulations were intended "to give that cosmopolite community a legal status; an existence as a body capable of taking legal action, and of lending a legal sanction to measures required for their defense." Sir Rutherford draws attention more than once to the full authority given to the council to protect life and property "from causes of national disturbance in the country where they were located, from sources of disquiet and danger within and without the

settlement, where a large native population bid fair to dispute possession with the foreigners for every rood of ground within the limits." In a later passage he showed once more that the widest powers were given by the regulations to the municipality. He said:

"And if it was essential that the community should mold itself into some tangible and legal form, take a local habitation and a name for such major objects of safety; the secondary objects to be attained were of scarcely less importance in the aggregate, and only to be secured by a power invested with municipal forms. All the regulations and measures necessary for the preservation of health in the maintenance of cleanliness, for the organization of police, for the creation and administration of a revenue were comprehended in municipal government. In so far as such objects were concerned it was desired and desirable that the community should exercise all the powers contemplated in the new code, self-government, and with it self-taxation for all the objects of public utility and convenience the community were empowered to decide upon."

The ministers and consuls of the three treaty powers who created the Shanghai municipality undoubtedly intended to give the municipality complete authority over the settlement and all residents in its limits, foreign and Chinese. Attempts have been made now and again to impair that authority by consuls and Chinese officials, and the council has not always been as strenuous in resisting those attempts as it should be. It was the often-expressed opinion of Mr. George F. Seward, who so ably represented the United States here and in Peking for many years, that the council did not sufficiently assert the authority with which it was vested; and it is therefore well to remind the community from time to time that it is endowed with the fullest measure of self-government.

Minister Rockhill to the Secretary of State.

No. 254.]

AMERICAN LEGATION,
Peking, China, March 9, 1906.

SIR: Continuing the subject of my dispatches No. 178 of December 23 last, and No. 213 of February 5, with regard to the affairs of the mixed court at Shanghai, I have the honor to report that on March 5 the foreign representatives concerned in the revision of the rules sent a joint note in reply to Prince Ch'ing's note of December 4, 1905, which presented the Chinese counter amendments. (Inclosure No. 5 in dispatch No. 178.) This joint note was accompanied by a new draft made after consideration of the Chinese counter amendments. (Inclosure No. 1.) I am in hopes that an agreement will be reached before long.

I also inclose a translation of the reply of the consular corps at Shanghai to the note of January 6 from the diplomatic corps (inclosure No. 13 in dispatch No. 178, as corrected in dispatch No. 188), commenting on their action at the consular meeting of July 26, 1905, when, according to the minutes of the meeting, they directed that female prisoners in mixed-court cases should be imprisoned in the jail of the municipal council. This reply (inclosure No. 2) is, I regret to say, unconvincing.

On February 7, Mr. Rodgers wrote to me (inclosure No. 3) in a manner which seemed to indicate that the consular corps and the municipal council did not, even at this late date, in spite of all that has been written on the subject, realize that it does not lie with them to make changes in the conditions of the mixed court, and once more I have endeavored to make this clear to him. (Inclosure No. 4.)

I have the honor, etc.,

W. W. ROCKHILL.]

[Inclosure 1.]

*The diplomatic corps to the Prince of Ch'ing.*PEKING, CHINA, *March 5, 1906.*

YOUR IMPERIAL HIGHNESS: On December 4 of last year your imperial highness addressed a note to the doyen of the diplomatic body on the subject of the supplementary rules for the mixed court at Shanghai, transmitting the amendments proposed by the high commissioner for southern trade to the draft which we had the honor to place before your highness on January 5, 1905.

These amendments have now been carefully considered, and we have the honor to inclose herewith a revised draft respecting the alterations, in which we desire to make the following observations:

Article I deals with the court records, and it has seemed to us injurious to the reputation of the court that while in police cases and in mixed civil cases there should be a complete record open to the inspection of the parties materially interested, for the remaining civil cases brought directly to the court no record should be kept. We have therefore omitted the word "mixed" in clause (a) of this article, and submitted the wording of the original draft for clause (c). As regards clause (b), which defines the class of crimes with which the court has competence to deal, we have added a note explaining that the punishment of beating must now be commuted to a fine, and we have omitted the words "not exceeding three years," as it seems to us that they unduly limit the powers of the court.

In Article II we accept the emendation of the board.

Article III, dealing with the rank of the magistrate, is of great importance. Ever since the foundation of the court one of its principal difficulties has been the subordinate position of the magistrate, and in considering the proposal now made, we trust it may be borne in mind that the magistrate's functions differ from those of territorial officials in being purely judicial, and it is essential that he should have a rank which will command respect to exercise these functions in a proper manner. It is with the object of assuring this result that we propose this change in the wording of the article. In deference to the wishes of the Chinese Government, we have, however, for the present given way with regard to our original proposition that the court should have power to try civil cases against all Chinese, no matter of what rank.

In Article IV we have changed the words "no foreigner" into "no foreign interest" for the sake of greater clearness, but with this exception we have accepted the board's text, with the addition of the words "last paragraph" at the end of clause (a), since certain other portions of section 2 of the Chefoo convention do not appear applicable to the matter in hand, as may be seen by reference to the whole of that section.

The first paragraph of Article V has been slightly amended, the provision as to the municipal health authorities cooperating in keeping the court jail in a sanitary condition having already been agreed upon locally.

As regards the final paragraph of this article, it appears to us invidious to say: "If in the future the court gets a proper jail," as this clearly implies that after existing for more than thirty years the court jail is still in an unsatisfactory condition. We have therefore considered that this sentence should be omitted.

We accept the board's amendment of Article VI, with the addition of a clause providing that prisoners be brought up for trial within twenty-four hours of their arrest, and with the insertion of the date of the imperial decrees abolishing the use of torture in hearing cases.

In Articles VII and XI slight verbal alterations have been made in order to render the meaning more clear. In Article IX we think it is advisable to omit the word "Chinese" before "commercial custom and equity," because it seems probable that local usages have grown up at Shanghai which are not universally recognized in China, and that the insertion of the word "Chinese" might act, therefore, as a limitation not in correspondence with actual practice.

Articles VIII and X remain unchanged.

Your highness will thus observe that for the most part we have agreed to the emendations proposed by the high commissioner for southern trade. We now trust that those points upon which we have not been able to agree may receive the board's serious consideration.

We avail ourselves of this opportunity, your highness, to renew to you the assurance of our highest consideration.

A. v. MUMM.	D. POKOTILOW.
ERNEST SATOW.	G. D'ALMEIDA.
Y. UCHIDA.	A. ROSTHORN.
C. BAROLI.	EDM. DE PRELLE.
M. DE CARCER.	IGNACIO ALTAMIRA.
W. W. ROCKHILL.	W. J. OUDENDIJK.

[Subinclosure to inclosure 1.]

Mixed court rules.—Foreign draft, after consideration of the Chinese counter amendments.

I. (a) The mixed court at Shanghai shall keep separate dockets in Chinese of all police and civil cases, entering each case separately, numbering it consecutively, with the date of filing, the names of the parties in full, their nationality, the thing claimed, with the minutes and dates of all orders, decrees, continuances, appeals, and proceedings until final judgment, and a sufficient minute of the final judgment.

(b) The mixed court shall have power to deal with all criminal cases punishable by cangue or beating with the bamboo or by imprisonment, and shall keep a separate docket thereof as above provided.

NOTE.—Beating with bamboo is to be commuted into a fine by the imperial decree of the 21st day of the 3d moon of the 31st year of Kuanghsü.

(c) The dockets shall be open at all times for inspection by parties materially interested.

II. All trials and proceedings in the mixed court at Shanghai shall be open to the public, unless the assessor and magistrate agree that for confidential reasons and for public morals the case should be private.

III. The post of magistrate of the mixed court shall carry with it all the rights, powers, and privileges of a prefect. He shall be eligible from among the prefects, subprefects, or independent departmental magistrates of the Province of Kiangsu, or from officials of the same rank from other provinces, if none can be found qualified for the position in the Province of Kiangsu.

In all cases the appointment and removal of the magistrate of the mixed court shall be made by the governor-general at Nanking.

Assistant magistrates of the mixed court shall be selected from among the above-mentioned classes of officials of the Province of Kiangsu, or of other provinces, and shall be appointed and removed likewise by the governor-general at Nanking.

The date of the magistrate's taking over and handing over charge shall be reported to the board of civil office.

IV. (a) In all cases, except where both parties are Chinese and in which no foreign interest is involved, a foreign official shall sit as assessor. The powers of these foreign assessors who shall be appointed by the respective consular representatives, subject to the treaty rights of each nationality of foreigners, shall be exercised in accordance with the provisions of the last paragraph of section 2 of the Chefoo convention.

(b) If the magistrate and assessor fail to agree after consideration upon the decision in any case, it shall be referred to the taotai and consul or consul-general concerned, as the case may be.

V. The mixed-court jail shall be kept under the best foreign sanitary conditions, with the cooperation of the health authorities of the municipality. An experienced and capable Chinese medical officer shall be engaged by the court itself to carry out this work, and the Shanghai taotai shall set aside funds for this purpose.

VI. No warrants and summons of the mixed court against Chinese in the foreign settlement north of the Yang-king Pang shall be enforced unless countersigned by the senior consul. In the case of respectable persons, and when the circumstances of the case are not really grave, a summons should only be issued, and warrants must not be used unnecessarily. If a party fails to appear when summoned more than once, he may then be arrested under a warrant.

If the defendant is in the employ of a foreigner, such warrants must be also countersigned by the consul of the nationality of the employer of the defendant.

Every person arrested shall be brought before the court within twenty-four hours of his arrest, and if the case is not disposed of he shall be remanded until the next sitting of the court, and so de die in diem until the case is finally decided.

In Chinese cases where the parties are summoned by the Chinese magistrate, they are to be released on bail if the hearing of the case is not at once impending, so as to avoid detention in custody.

Now that no torture is employed in hearing cases, the new regulations sanctioned by the imperial decree of the 21st day of the 3d moon of the 31st year of Kuanghsü shall be followed.

VII. In all cases civil or criminal which come before the court where a foreign assessor is sitting, and either party is represented by counsel, before an attorney or counsel is admitted to practice in the mixed court he must satisfy the court that he is admitted to practice in the consular court of his own nationality at Shanghai.

VIII. Should an attorney in any case be adjudged by the Chinese magistrate and foreign assessor sitting in that case guilty of any refusal to obey their lawful summons or order, he may be suspended from practice in that court for a period not exceeding one month, or, with the consent of the consul of the nationality of the attorney concerned, for a time not to exceed six months.

IX. In all cases involving principles where no precedents exist in Chinese law, the court shall be governed by commercial custom and equity.

X. All parties to proceedings before the mixed court shall observe such rules of procedure as the magistrate may from time to time prescribe subject to the consent of the consular body.

XI. All parts of the present rules and regulations for the mixed court of Shanghai not in conflict with these supplementary amendments are hereby continued in full force, and the Chinese and foreign officials shall faithfully carry out the same.

[Inclosure 2.]

Senior Consul, Shanghai, to Baron Mumm.

SHANGHAI, *February 3, 1906.*

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your letter of January 6, 1906, concerning the resolution of the consular body, erroneously represented as (definitive) in the minutes of the meeting of July 26 last, with regard to Chinese women sentenced by the international mixed court. The consular corps was not ignorant of the fact that this resolution, which had but a provisional and temporary bearing, was contrary to the letter of the regulations of 1869, but it was adopted to cover the initiative taken without our approval by the municipal council of the international concession and because it was of common knowledge that the mixed-court jail had no suitable cells for female prisoners.

Furthermore, in the 11 articles which were submitted to your deliberation some four years ago and which have remained without definite answer to this day, the consular corps had already touched upon the principle underlying this question.

By a letter dated December 11, 1905, his excellency the tao'tai informed the doyen of the consular corps at Shanghai that the mixed-court prison for Chinese women was completed. By a telegram dated December 13, 1905, you notified us that Chinese women were no longer to be sent to the municipal jail, and instructions to this effect were given to the assessors.

The resolution of the 26th of July of the consular corps was thus virtually repealed on the latter date.

It is clear from the correspondence exchanged between the consular corps and the tao'tai, and between the consular corps and the municipal council, that the attention of the Chinese authorities has been called to the point that it is for the immediate interest of foreigners and of Chinese residing in the international concession that prisoners, male or female, who are to appear or have appeared before the mixed court, should be lodged in prisons which are suitable from a sanitary and consequently from a humane point of view. The consular body, having this object in view, unless prevented by formal instructions to the contrary from the diplomatic corps, will take the necessary steps with the tao'tai in order that a certain control over the woman's prison may be left to the

foreign assessors at the mixed court and to the doctor of the international municipality.

It is to be noted that this is not the first time that the consular body, even by direction of the diplomatic corps, has been constrained to depart in a certain measure from the mixed court rules of 1869 in the interests of the good administration of this international concession.

I beg your excellencies to accept the renewed assurance of my high consideration and profound respect.

(Signed)

D. SIFFERT, *Senior Consul.*

[Inclosure 3.]

Mr. Rodgers to Mr. Rockhill.

SHANGHAI, February 7, 1906.

SIR: I have the honor to inform you that Mr. Kleimenow, consul-general for Russia, has relinquished the senior consulship of the consular body at Shanghai in favor of Mr. Siffert, consul-general from Belgium, who stood next in seniority. The succession to the senior consulship after Mr. Siffert lies with Sir Pelham Warren, consul-general for Great Britain.

Since Mr. Siffert assumed the duties of senior consul, the consular body has had several meetings at which various matters, left undone by reason of the confusion attending the riots, etc., were taken up and disposed of. There has been a good deal of discussion of mixed-court affairs, but the majority has maintained that nothing should be done in this matter until the diplomatic body reached its conclusions upon the new rules of the court. The municipal council has been urging and advocating reforms for the maintenance of the conditions which were largely responsible for the trouble, but no new action upon such matters has been agreed to. If there should be any divergence from this policy in favor of the municipal council, it would take very little to cause a repetition of the conditions in the mixed court which obtained in the week subsequent to December 8.

I will greatly appreciate any information which you may be able to give me as to the consideration of these mixed-court questions by the diplomatic body.

(Signed)

JAMES L. RODGERS.

[Inclosure 4—Extract.]

Mr. Rockhill to Mr. Rodgers.

FEBRUARY 19, 1906.

SIR: I have to acknowledge the receipt of your No. 200 of February 7, and in reply to state that the diplomatic body will submit to the Chinese Government, within the next few days, a series of amendments to the mixed-court rules, based on the provisional draft accepted by the governments interested, as stated to you in my No. 504 of January 10 last, and on the recent suggestions submitted by the Chinese Government. It is hoped that an early agreement will be concluded with the Chinese foreign office. I will forward you copies of the notes exchanged between the diplomatic body and the Wai-wu Pu as soon as they are received by me.

* * * * *

I am, sir, your obedient servant,

(Signed)

W. W. ROCKHILL.

The Secretary of State to Minister Rockhill.

No. 136.]

DEPARTMENT OF STATE,

Washington, April 18, 1906.

SIR: I have to acknowledge receipt of your dispatch No. 178, of December 23, 1905, inclosing a copy of a draft of rules of the mixed court at Shanghai proposed by the superintendent of southern trade,

the viceroy of Nanking. Your No. 213, of February 5, 1906, is also at hand, in which it is stated that "the solution of the question of the revision of the rules for the government of the mixed court, which bids fair to be reached shortly by the diplomatic body and the Chinese Government, and which will be substantially in agreement with amended rules accepted provisionally by the Department of State in its telegraphic instruction to this legation of April 15, 1902, will not give satisfaction to all the foreign community of Shanghai and the agitation for further liberties will continue."

It is to be noted that the approval of the department of April 15, 1902, was of the draft proposed by the consular body, which differs in some material respects from the amended form proposed by the superintendent of southern trade. This would afford room for the assumption that the diplomatic body may have induced the Chinese Government to modify their amendments so as to be in substantial agreement, as you state, with the form approved by the department on that date. It is possible, however, that you refer to the rules as amended by the diplomatic body (Mr. Conger to the department, No. 1777, December 29, 1904), which were also approved by the Secretary of State (No. 879, February 13, 1905), in which case the apprehended dissatisfaction of the foreign community might arise from the prohibition to the sitting of a foreign assessor in purely Chinese cases (paragraph 4 a).

This department concurs in your view that this subject "will develop into a far-reaching one, affecting the whole status of the Shanghai international settlement in its relations with the Chinese Government," and while the department is not disposed to support the extreme pretensions, such as you state are advanced in the local British press, it can not sympathize with aggressive tendencies on the part of the Chinese authorities which would be likely to inspire a large section of the Chinese people to attempt to deprive foreigners of all advantages which they have legitimately acquired in the past relations of foreign nations with that Empire.

I am, sir, your obedient servant,

ELIHU ROOT.

The Acting Secretary of State to Minister Rockhill.

No. 144.]

DEPARTMENT OF STATE,
Washington, May 1, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 254, of March 9 last, reporting that on the 5th of that month the foreign representatives concerned in the revision of the rules of the mixed court of Shanghai sent a joint note in reply to the note of December 4, 1905, from Prince Ch'ing, presenting the Chinese counter amendments, and that the joint note was accompanied by a new draft (a copy of which accompanies your dispatch), made after consideration of the Chinese counter amendments.

In reply I have to say that the new draft of the rules made by the diplomatic body, after consideration of the Chinese counter amendments, commends itself to the department, and it is hoped that the Chinese Government will accede thereto.

I am, sir, etc.,

ROBERT BACON,

Minister Rockhill to the Secretary of State.

No. 315.]

AMERICAN LEGATION,
Peking, China, May 25, 1906.

SIR: I have the honor to acknowledge the receipt of your No. 136 of April 18 with reference to the mixed court at Shanghai, since which date the department has received my No. 254 of March 9, inclosing a copy of the joint note of the foreign representatives to Prince Ch'ing of March 5, together with a new draft, made after consideration of the Chinese counter amendments.

Up to the present time no reply has been received from the Chinese Government. I inclose herewith a copy of a note which I addressed to Prince Ch'ing on the 17th instant, calling his attention to the fact that two months have elapsed since his Government had received the new draft for its consideration and expressing a hope for an early reply.

I have the honor, etc.

W. W. ROCKHILL.

[Inclosure—Translation.]

*Mr. Rockhill to Prince Ch'ing.*PEKING, *May 17, 1906.*

YOUR IMPERIAL HIGHNESS: On the 5th of March last a number of the diplomatic representatives, of which I was one, had the honor to send to your imperial highness a note inclosing a revised draft of the amendments deemed necessary to the proposed regulations for the mixed court at Shanghai.

The great importance of a settlement of the questions involved is so generally recognized that it is not necessary to insist on it again, but in view of the fact that over two months have gone by since the note to which I refer was sent your highness, I feel compelled to call your attention again to this matter, and to express the hope that, since the views of the viceroy of the Liang Kiang and the foreign representatives are now before you, the long-deferred arrangement will be made. Your imperial highness was pleased by your note of December 20, 1905, to inform us that the Imperial Government would promptly determine the question in conjunction with us as soon as it was in possession of these data. I entertain the hope, therefore, that you will favor me and my colleagues with an early reply to our note of March 5 last.

I avail myself, etc.,

(Signed)

W. W. ROCKHILL.

Minister Rockhill to the Secretary of State.

[Extract.]

No. 375.]

AMERICAN LEGATION,
Peking, China, August 15, 1906.

SIR: In continuation of my dispatch, No. 315, of May 25 last, with reference to the proposed regulations for the mixed court at Shanghai, I have the honor to inclose herewith a copy of Prince Ch'ing's reply to the joint note of the foreign representatives of March 9, together with a copy of the regulations, with additions and changes proposed by his excellency the Nanking viceroy.

I also have the honor to inclose herewith a copy of the reply of the diplomatic representatives to the above note, sent under date of

August 14, with a counter draft of regulations prepared by the British and German chargé d'affaires and myself and accepted by the representatives of the other powers.

A considerable time may elapse before an answer to our note of the 14th instant can be obtained, but I shall lose no opportunity to impress upon the foreign office the high importance of reaching an agreement concerning these regulations at the earliest possible moment.

I have the honor, etc.,

W. W. ROCKHILL.

[Inclosure 1—Translation.]

The Prince of Ch'ing to Mr. Rockhill.

PEKING, July 3, 1906.

On the eleventh of the second moon, XXXII Year of Kuanghsü, I had the honor to receive from Baron de Mumm, German minister and dean of the diplomatic corps, a joint note saying: "As to the supplementary regulations for the mixed court at Shanghai, we have carefully considered them, and have the honor to propose in reply certain changes, the reasons for the changes being given under each article (affected). We have agreed to most of the changes suggested by the Nan-yang viceroy, and we trust that those to which we can not consent will be taken into further consideration."

My board in its turn copies the joint note received, together with the amended regulations and forwarded them with a dispatch to the Nan-yang viceroy for consideration.

On the fourth of the fifth moon (June 25, 1905) I received his reply as follows: "I have already consulted with those interested and made satisfactory arrangements to adopt all those changes to which it is possible to agree, but in respect to the Articles I, IV, V, VI, and IX, I have either added some clauses or changed some characters with the object of preventing future misunderstanding. As a matter of fact the changes are such as must give satisfactory assurance of the preservation of peace."

My board has very carefully considered the additions and changes proposed by his excellency the viceroy, and is of the opinion that they are such as will promote the orderly government of the settlement, and as his proposals appear fair, it would seem that we might adopt them and at first put the regulations in force for a period of two years. If during that time their operation be attended with any difficulty, they may be taken up and amended as opportunity may offer.

As in duty bound, I send this dispatch to your excellency with a copy of the regulations, that you may examine the same and direct the American consular officers at Shanghai to comply therewith. I trust also that you will favor me with a reply.

(Signed)

PRINCE OF CH'ING.

[Inclosure 2—Translation.]

[Changes and additions, made by the Nanking viceroy, are indicated by italics; important omissions by the use of parentheses.]

SUPPLEMENTARY REGULATIONS FOR THE SHANGHAI MIXED COURT.

ARTICLE I. (a) The mixed court at Shanghai shall keep separate dockets in Chinese of all police and civil cases, entering each case separately, numbering it consecutively, with the date of filing, the names of the parties in full, their nationality, the thing claimed, with the minutes and dates of all orders, decrees, continuances, appeals, and proceedings, until final judgment, and a sufficient minute of the final judgment.

(b) The mixed court shall have power to deal with all criminal cases of the *Shanghai settlement* punishable by cangue, or beating with bamboo, or by imprisonment (*restrictions as to the punishment of imprisonment are given in the appended note*), and shall keep a separate docket thereof as above provided.

Beating with bamboo is to be commuted into a fine by the imperial decree of the 21st day of the third moon of the 31st year of Kuang-hsi.

NOTE 1.—Rowdies and seditious persons who create disturbances, as well as thieves and robbers, provided they be not guilty of a capital offense, may be tried and sentenced to imprisonment by the mixed court.

NOTE 2.—When the mixed court sentences a criminal to imprisonment, if the sentence be for sixty days or less, the magistrate may pass sentence on his own authority. If the sentence be for more than sixty days and for a term of three years or less, he must report the case to the Shanghai taot'ai and await his approval; and if for a term of ten years or less, he must report to the provincial judge and receive his approval before sentence may be passed. Ten years shall be the extreme limit of imprisonment; no sentence shall be passed for a longer term.

NOTE 3.—Robbers and thieves liable to a capital sentence must be tried by the Shanghai district magistrate; the mixed court magistrate must not deal with them.

NOTE 4.—Aside from cases of rowdyism, sedition, robbery, and stealing, all Chinese cases in which beating with the light or heavy bamboo or a lighter punishment is to be imposed may be tried by the mixed court magistrate, but cases in which transportation for a term or a heavier sentence is to be passed shall all be tried by the Shanghai district magistrate in accordance with case law and reported to his superiors. The mixed court magistrate must not deal with them.

NOTE 5.—The foregoing refers to the punishment of criminals previous to the erection of a workhouse for criminals. As soon as a workhouse for criminals shall have been completed criminals sentenced to imprisonment shall be sent to the workhouse to serve their natural terms of days or years, in hard labor, in accordance with the regulations of the board of punishments.

(c) Dockets of the above-mentioned cases shall be open at all times for inspection by parties materially interested.

ART. II. All trials and proceedings in the mixed court at Shanghai shall be open to the public, unless the assessor and magistrate agree that for confidential reasons and for public morals the case should be private.

ART. III. The post of magistrate of the mixed court shall carry with it all the rights, powers, and privileges of a prefect. He shall be eligible from among the prefects, subprefects, *assistant subprefects*, or independent departmental magistrates of the Province of Kiangsu, or from officials of the same rank from other provinces, or *unassigned*, if none can be found qualified for the position in the Province of Kiangsu.

In all cases the appointment and removal of the magistrate of the mixed court shall be made by the governor-general at Nanking. (*The taot'ai of Shanghai must report and request the governor-general and the governor to consult together and authorize the appointment.*)

Assistant magistrates of the mixed court shall be selected from among the *subprefects*, *assistant subprefects*, *departmental or district magistrates* of the Province of Kiangsu, or of other provinces, or unassigned, and shall be appointed and removed likewise by the governor-general at Nanking.

The date of the magistrate's taking over and handing over charge shall be reported to the board of civil offices. (*The commissioners engaged in revising the code have just memorialized, proposing regulations for the establishment of trial by jury, and rules for the admission of attorneys to practice before the courts, and an imperial edict has been issued directing the authorities of the several provinces to consider the matter, and it will be necessary for the mixed court, after the adoption of this recommendation, to comply in all cases with the said rules and regulations.*)

(NOTE.—It is now proposed to change the rank of the presiding judge of the mixed court, making it that of a substantive subprefect; and it will be necessary upon the adoption of this regulation to select the incumbent of one of the less important subprefectures to fill the post, when a memorial will be submitted to the Throne. He shall nevertheless be equipped with the judicial powers provided for in these regulations.)

ART. IV. (a) In all cases except where both parties are Chinese and in which no foreign interest is involved (*cases involving foreign interests are*

defined in a note appended to this article), a foreign official shall sit as assessor. The powers of these foreign assessors, who shall be appointed by the respective consular representatives, subject to the treaty rights of each nationality of foreigners, shall be exercised in accordance with the provisions of the last paragraph of section 2 of the Chefoo convention.

NOTE 1.—In cases where both parties are Chinese, but in which the matter to be decided is one affecting the regulations of the international settlement, a foreign assessor shall be allowed to sit, but the mixed court magistrate in deciding the case must do so in accordance with the fundamental laws and supplementary statutes of China and such regulations of the international settlement as shall have been recognized and approved by the Chinese Government; and in recording sentence he must also cite the article of the fundamental laws or supplementary statutes by which the penalty is determined, or the fundamental law or supplementary statute in analogy with whose provisions judgment is given.

NOTE 2.—Cases in which both parties as well as the witnesses are all Chinese, and the matter to be decided is a purely Chinese affair, one which in no wise affects the regulations of the international settlement, must be dealt with by the Chinese magistrate himself, as provided in the old regulations. There is no necessity for consular interference.

(b) If the magistrate and assessor fail to agree after consideration upon the decision in any case it shall be referred to the Shanghai taot'ai and the consul or consul-general concerned, as the case may be.

ART. V. *The place in the mixed court used for keeping criminals in custody according to the original regulations was called a "place of detention;" upon consultation it is now decided that it shall be treated as a jail and divided into wards of different grades. In accordance with the best foreign methods the said court shall itself engage one Chinese and one foreign experienced and capable medical officer who shall cooperate to carry out sanitary measures, the expense of which shall be provided for annually by the Shanghai taot'ai.*

ART. VI. No warrants and summons of the mixed court against Chinese in the foreign settlement north of the Yang-king Pang shall be enforced unless countersigned by the senior consul. In the case of respectable persons, and when the circumstances of the case are not really grave, a summons only should be issued, and warrants must not be used unnecessarily. If a party fails to appear when summoned more than once he may then be arrested under a warrant.

If the defendant be in the employ of a foreigner, such warrants must be countersigned also by the consul of the nationality of the employer of the defendant.

Every person arrested shall be brought before the court within twenty-four hours of his arrest (*restrictions as to the time within which he shall be sent for trial are provided in the note appended hereto*), and, if his case is not disposed of at one sitting of the court, he shall be remanded until the next sitting and so *se die in diem* until the case is finally decided.

In Chinese cases where the parties are summoned by the Chinese magistrate, they are to be released on bail if the hearing of the case is not at once impending, so as to avoid detention in custody.

Now that no torture is employed in hearing cases, the new regulations sanctioned by imperial decree of the 21st day of the third moon of the 31st year of Kuang-hsü shall be followed.

NOTE.—Twenty-four hours is the extreme limit; there must be no longer delay than twenty-four hours; it is not required that the arrested person be held until twenty-four hours shall have elapsed. All persons to be arrested when seized must not first be sent to the police station, but taken at once to the court to await trial. If the time be too late so that they can not be tried at once, their release by the court on bail, or their detention in custody at the court, or their delivery to the police station for safe custody, shall be determined by the court.

ART. VII. In all cases, civil or criminal, which come before the court, where a foreign assessor is sitting and either party is represented by counsel, before an attorney or counsel is admitted to practice in the mixed court he must satisfy the court that he is admitted to practice in a consular court at Shanghai.

ART. VIII. Should an attorney in any case be adjudged by the Chinese magistrate and foreign assessor sitting in that case guilty of any refusal to obey their lawful summons or order, he may be suspended from practice in that court

for a period not exceeding one month, or, with the consent of the consul of the nationality of the attorney concerned, for a time not to exceed six months.

ART. IX. In cases involving principles where no precedents exist in Chinese law, the court shall render an equitable decision in accordance with the commercial custom generally followed by the Chinese merchants of Shanghai.

ART. X. All parties to proceedings before the mixed court shall observe such rules of procedure as the magistrate may from time to time prescribe, subject to the consent of the consular body.

ART. XI. All parts of the present rules and regulations for the mixed court at Shanghai not in conflict with these supplementary amendments are hereby continued in full force, and the Chinese and foreign officials shall faithfully carry out the same.

[Inclosure 3.]

The diplomatic body to the Prince of Ch'ing.

PEKING, August 14, 1906.

YOUR IMPERIAL HIGHNESS: We have the honor to acknowledge the receipt of the communication which your imperial highness was pleased to send us on the 4th instant in reply to the note which a number of the diplomatic representatives sent to your highness on the 5th of March last, inclosing a revised draft of the amendments deemed necessary and indispensable to the regulations now in force in the mixed court of the international settlement of Shanghai.

Your imperial highness states that our note of March 5 and its inclosures had been forwarded by you to the superintendent of southern trade for his consideration, and that on June 25 last you received his reply, which was to the effect that he had adopted all the changes suggested by the diplomatic representatives to which it was possible to agree, but that in respect to Articles I, IV, V, VI, and IX he had added for greater clearness some clauses or changed some words, all in the interest of the preservation of peace.

Your imperial highness further states that the changes made by the superintendent of southern trade meet with your approval, and your highness suggests that after they shall have been examined by the diplomatic representatives they shall be put into operation experimentally for two years, when they may be amended again in the light of experience gained.

We have not failed to examine very carefully the additions and explanations made by the superintendent of southern trade to our draft of amendments, and have now the honor to offer the following observations on them:

Article I deals with the powers and records of the mixed court. While it seems particularly desirable to define these powers, it has been the earnest wish of the Governments concerned, including, it was thought, that of China, not to limit these powers unduly nor to hamper the court in their exercise. The amendment to this article proposed by the superintendent of southern trade has this effect, and is wholly unacceptable. It is neither in agreement with the general purpose of the revision of the regulations, which is to extend the powers of the court, nor with the practice of the court as established in the last thirty years or more without objection made by the Imperial Government. Being most desirous, however, of meeting the general views of the superintendent of southern trade on this subject the diplomatic representatives concerned have agreed to amend their draft of paragraph (b) of Article I so as to read: "(b) The mixed court shall have power to deal with all criminal cases punishable by cangue, or beating with bamboo, or by imprisonment not exceeding five years, and shall keep a separate docket thereof as above provided. All cases involving a penalty of more than five years' imprisonment shall be dealt with by the higher judicial authorities, after preliminary inquiry by the mixed court. The additions I-V to Article I, in view of the wording of the said article which is now suggested, are entirely unnecessary. Their retention, moreover, could only be regarded as prejudicial to the attainment of the desired end.

As regards Article III, we have no objection to the amendment introduced by the superintendent of southern trade in the first paragraph, but can not agree to that which he makes in the second paragraph, as the practical effect would be to take the selection and appointment of the magistrate of the mixed court out of the hands of the governor-general at Nanking instead of placing it solely there. The amendment to the third paragraph of this article is acceptable.

As to the remarks of the superintendent of southern trade concerning the revision of the laws, the establishment of trial by jury, etc., they have been

read with interest, but they can not find proper place in the present regulations.

Article IV, as submitted to your imperial highness by the diplomatic representatives in their draft of March 5 last, still appears to us much clearer than with the addition of the explanatory notes proposed by the superintendent of southern trade. Your imperial highness will also observe, by referring to the note of the diplomatic representatives of March 5, that the text of this article as submitted by your highness's board in its earlier draft was then accepted by us with a slight verbal change only. It is impossible to accept the newly proposed change.

The same remark applies to the text of Article V. The first paragraph of this article in the text submitted by your imperial highness's board was accepted with only a very slight amendment, and a provision was introduced for the co-operation of the municipal health authorities—an absolutely indispensable one—in keeping the court jail in sanitary condition, because it had been agreed to locally, and there could be no objection to it whatsoever. We must, for these reasons, decline to agree to any further amendment of this article.

Concerning the amendment to Article VI submitted by the superintendent of southern trade, the text of the draft sent to your imperial highness on March 5 is too clear to require any such explanation, and the suggestion made by the superintendent seems neither practicable nor for the best interests of the public. It can not be agreed to. We must adhere to the draft of the diplomatic representatives.

In Article VII the superintendent wishes to omit the words “of his nationality.” The effect of such omission would be that a foreign lawyer, unknown to his own people in Shanghai or not in good standing with them, could be admitted to practice in the mixed court, a most undesirable state of affairs and one highly prejudicial to the dignity of the mixed court. The omission can not be agreed to.

In Article IX in the draft of March 5 the word “Chinese” was omitted before “commercial custom and equity” because it seems probable that local usages had grown up at Shanghai which are not universally recognized in China, and that the insertion of the word “Chinese” might act therefore as a limitation not in correspondence with actual practice. Here also we must adhere to the text of the draft submitted to your imperial highness last March.

Your imperial highness will have observed, in comparing the draft regulations submitted on March 5 last with those communicated to the diplomatic representatives by your imperial highness at a previous date, that it has been our constant desire to meet the wishes of the Chinese Government wherever they appeared to be in the interest of the better administration of justice in the international settlement and the strengthening of the friendly relations between the foreign and the native elements of its population. Of the amendments now submitted by the superintendent of southern trade we are able to accept some while we must reject others, either as unfortunate or unnecessary or as changes in a text already accepted. Most, if not all, of these amendments, in our opinion, ought not to have been offered. The question before the superintendent of southern trade was whether or not he could agree to the amendments suggested by the diplomatic representatives. He ought either to have accepted these amendments or to have adhered to his original draft. If the present method be further pursued, the discussion may be continued indefinitely by the injection of new matter in each succeeding draft.

Should the present revised draft, which we now have the honor to inclose, unfortunately not meet with the approval of your imperial highness's Government, nothing remains for us but to instruct our consular officers at Shanghai to adhere strictly to the regulations of 1869 and to the practice of the mixed court as established by mutual local consent during the last thirty years or more.

We avail, etc.,

[Signatures.]

[Subinclosure to inclosure 3.]

Shanghai mixed court rules—Counter draft of diplomatic representatives.

AUGUST 14, 1906.

I. (a) The mixed court at Shanghai shall keep separate dockets in Chinese of all police and civil cases, entering each case separately, numbering it consecutively, with the date of filing, the names of the parties in full, their nation-

ality, the thing claimed, with the minutes and dates of all orders, decrees, continuances, appeals, and proceedings until final judgment, and a sufficient minute of the final judgment.

(b) The mixed court shall have power to deal with all criminal cases in the foreign settlement at Shanghai punishable by cangue or beating with bamboo or by imprisonment not exceeding five years, and shall keep a separate docket thereof, as above provided. All cases involving a penalty of more than five years' imprisonment shall be dealt with by the higher judicial authorities, after preliminary inquiry by the mixed court.

NOTE.—Beating with bamboo is to be commuted into a fine by the imperial decree of the 21st day of the third moon of the thirty-first year of Kuanghsü.

(c) The dockets shall be kept open at all times for inspection by parties materially interested.

II. All trials and proceedings in the mixed court at Shanghai shall be open to the public, unless the assessor and magistrate agree that for confidential reasons and for public morals the case should be private.

III. The post of magistrate of the mixed court shall carry with it all the rights, powers, and privileges of a prefect. He shall be eligible from among the prefects, subprefects, assistant subprefects, or independent departmental magistrates of the Province of Kiangsu or from officials or expectant officials of the same rank from other provinces if none can be found qualified for the position in the Province of Kiangsu.

In all cases the appointment and removal of the magistrate of the mixed court shall be made by the governor-general at Nanking.

Assistant magistrates of the mixed court shall be selected from among the substantive or expectant subprefects, assistant subprefects, department and district magistrates of the Province of Kiangsu, or of other provinces, and shall be appointed and removed likewise by the governor-general at Nanking.

The date of the magistrate's taking over and handing over charge shall be reported to the board of civil office.

IV. (a) In all cases except where both parties are Chinese and in which no foreign interests are involved, a foreign official shall sit as assessor. The powers of these foreign assessors who shall be appointed by the respective consular representatives, subject to the treaty rights of each nationality of foreigners, shall be exercised in accordance with the provisions of the last paragraph of Section II of the Chefoo convention.

(b) If the magistrate and assessor fail to agree after consideration upon the decision in any case, it shall be referred to the taot'ai and consul or consul-general concerned, as the case may be.

V. The mixed court jail shall be kept under the best foreign sanitary conditions, with the cooperation of the health authorities of the municipality. An experienced and capable Chinese medical officer shall be engaged by the court itself to carry out this work, and the Shanghai taot'ai shall set aside funds for this purpose.

VI. No warrants and summons of the mixed court against Chinese in the foreign settlement north of the Yang-king-pang shall be enforced unless countersigned by the senior consul. In the case of respectable persons, and when the circumstances of the case are not really grave, a summons should only be issued and warrants must not be used unnecessarily. If a party fails to appear when summoned more than once he may then be arrested under a warrant.

If the defendant is in the employ of a foreigner such warrants must also be countersigned by the consul of the nationality of the employer of the defendant.

Every person arrested shall be brought before the court within twenty-four hours of his arrest, and if the case is not disposed of he shall be remanded until the next sitting of the court, and so *de die in diem* until the case is finally decided.

In Chinese cases where parties are summoned by the Chinese magistrate they are to be released on bail if the hearing of the case is not at once impending, so as to avoid detention in custody.

Now that no torture is employed in hearing cases, the new regulations sanctioned by the imperial decree of the 21st day of the third moon of the thirty-first year of Kuanghsü shall be followed.

VII. In all cases, civil or criminal, which come before the court where a foreign assessor is sitting, and either party is represented by counsel, before an attorney or counsel is admitted to practice in the mixed court he must satisfy the court that he is admitted to practice in the consular court of his own nationality at Shanghai.

VIII. Should an attorney in any case be adjudged by the Chinese magistrate and foreign assessor sitting in that case guilty of any refusal to obey their lawful summons or order, he may be suspended from practice in that court for a period not exceeding one month or, with the consent of the consul of the nationality of the attorney concerned, for a time not to exceed six months.

IX. In cases involving principles where no precedents exist in Chinese law the court shall be governed by commercial custom and equity.

X. All parties to proceedings before the mixed court shall observe such rules of procedure as the magistrate may from time to time prescribe, subject to the consent of the consular body.

XI. All parts of the present rules and regulations for the mixed court at Shanghai not in conflict with these supplementary amendments are hereby continued in full force, and the Chinese and foreign officials shall faithfully carry out the same.

The Acting Secretary of State to Minister Rockhill.

No. 194.]

DEPARTMENT OF STATE,
Washington, September 28, 1906.

SIR: I have to acknowledge the receipt of your dispatch, No. 375, of the 15th ultimo, inclosing a note from the foreign office, accompanying supplementary regulations for the Shanghai mixed court proposed by the Chinese Government, and the reply of the diplomatic corps transmitting a counter draft.

The counter draft of the rules for the Shanghai mixed court, submitted with your dispatch, is approved by the department, which hopes that they may soon meet the acceptance of the Chinese Government, so that a difficult question of long standing may thus be disposed of.

I am, etc.,

ALVEY A. ADEE.

UNITED STATES COURT FOR CHINA.

The Acting Secretary of State to Minister Rockhill.

No. 211.]

DEPARTMENT OF STATE,
WASHINGTON, November 10, 1906.

SIR: Referring to the inclosed copies of "an act creating a United States court for China and prescribing the jurisdiction thereof,"^a of which you have previously received a copy, you are informed that in accordance with this act a United States court for China has been created, consisting of the following officials:

Lebbeus R. Wilfley, judge of the court.

Frank E. Hinckley, clerk.

Arthur Bassett, district attorney.

Orvice R. Leonard, marshal.

Judge Wilfley is now about to sail for China to put the court into operation.

You are instructed to inform the foreign office at Peking of the creation of this court and of its proximate inauguration, expressing at the same time the hope of this Government that the establishment of an

^a See Statutes at Large, Vol. 34, p. 814.

American court of this high character will not only inspire American citizens in China with a feeling of confidence in the judicial administration under which they live, but will also be regarded by the Chinese Government itself as an indication of the solicitude of this Government for the worthy and impartial exercise of the judicial functions which are reserved to it under the extraterritorial provisions of our treaties. You will ask the Chinese Government to instruct the high authorities at Shanghai and the other treaty ports to the above effect, and to recommend to them cordial assistance to the new American officials in the performance of their duties.

You will communicate the substance of this instruction to the United States consuls in China, together with a copy of the inclosed act, enjoining on them zealous cooperation with the court on all occasions that may arise therefor.

The representatives of the foreign powers at Peking may be advised in such manner as your discretion suggests of the establishment of the new tribunal for the exercise of jurisdiction over American citizens in China.

I am, etc.,

ALVEY A. ADEE.

The Acting Secretary of State to the Chinese Minister.

No. 80.]

DEPARTMENT OF STATE,
WASHINGTON, November 10, 1906.

SIR: I have the honor to inclose herewith two copies of an act approved on June 30 last, "creating a United States court for China and prescribing the jurisdiction thereof," and to advise you that in accordance with this act a United States court for China has been created, consisting of the following officials:

Lebbeus R. Wilfley, judge of the court.

Frank E. Hinckley, clerk.

Arthur Bassett, district attorney.

Orvice R. Leonard, marshal.

Judge Wilfley is now about to sail for China to put the court into operation.

I request you to advise your Government of this new tribunal for the exercise of jurisdiction over American citizens. It is my hope that the establishment of an American court of this high character, besides being acceptable to the citizens of this country resident in China, will also be regarded by the Chinese Government itself as an indication of the solicitude of the United States for the worthy and impartial exercise of the judicial functions reserved to it under our treaties with China.

I feel confident that the officials of this court may rely upon the cordial assistance of the high authorities of China in the performance of their duties in accordance with the treaties.

Accept, etc.,

ALVEY A. ADEE.

Consul-General Rodgers to the Secretary of State.

[Telegram—Abstract.]

SHANGHAI, *December 17, 1906.*

(Mr. Rodgers reports that the United States court opened this day, and requests that the department cable date of confirmation of the court officials.)

Third Assistant Secretary of State Wilson to Consul-General Rodgers.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, *December 21, 1906.*

(Mr. Wilson notifies Mr. Rodgers of the confirmation of the China court officers.)

OPENING OF THE CABLE BETWEEN SAN FRANCISCO AND
SHANGHAI.

President Roosevelt to the Empress Dowager and Emperor of China.

[Telegram.]

WASHINGTON, *April 16, 1906.*

I gladly take the opportunity afforded by the auspicious completion of the last link in the new American cable that joins the Pacific coast of this country to the Far East to offer Your Majesties my congratulations upon the achievement of a work that must needs contribute to the high purpose of bringing our two Governments and peoples closer together in the bonds of mutual understanding and lasting concord. It is fitting that this fresh tie between the Western and the Eastern continents should begin its happy service by bearing a message of good will, and I voice the earnest wish of this Government and of my countrymen for the happiness and welfare of Your Majesties and for the continued prosperity of the Chinese Empire and of your great people.

THEODORE ROOSEVELT.

The Emperor of China to President Roosevelt.

[Telegram.]

PEKING, CHINA,
April 17, 1906.

Greeting: We are very much pleased on receiving Your Excellency's special telegram of congratulation upon the auspicious completion of the new cable joining the Pacific coast of your country to the Far East. It is our sincere hope that by the completion of this new cable the commerce of your country and China will become more prosperous.

By order of the Empress Dowager we now offer to Your Excellency our sincere congratulations.

EMPEROR OF CHINA.

COLOMBIA.

ATTEMPT ON PRESIDENT REYES'S LIFE.

Minister Barrett to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Bogotá, February 11, 1906.

Minister Barrett reports that three mounted men attempted to assassinate the President of Colombia while he was riding in his carriage in the suburbs yesterday morning by firing eight shots, five striking the carriage. He says the President was uninjured and the assailants escaped. The city is quiet, although there was much excitement and indignation at the cowardly attempt.

Minister Barrett to the Secretary of State.

No. 42.]

AMERICAN LEGATION,
Bogotá, February 13, 1906.

SIR: Supplementing my telegram of February 11, confirmed in my unnumbered dispatch of the same date, I have the honor to report in regard to an attempt to assassinate President Reyes on Saturday, February 10.

On the morning of that day the President was taking his customary ride to Chapinero, one of the suburbs of Bogotá, and in the carriage with him was his married daughter, Mrs. Valenzuela. On the box were simply the driver and one of his aids-de-camp. When about half way between Bogotá and Chapinero, three men, well mounted, suddenly rode up to the carriage and fired eight shots in rapid succession. Five of these entered the conveyance, two of them cutting respectively the hat and dress of the President's daughter, but neither of them hitting or wounding either her or the President. The aid-de-camp emptied the contents of his revolver at the assailants, but they succeeded in getting away before the police or others could effect their capture.

The escape of the President and his daughter from death or serious injury would seem almost miraculous. Possibly the fact that the carriage was a closed one prevented the would-be assassin from taking good aim, while they may also have been disturbed in their plans by discovering that his daughter was with him and might be killed in the attack. The bullet holes in the carriage and in the dress and hat of Mrs. Valenzuela show that the weapons used were of heavy caliber and that it was the intention to make sure of the death of the President.

The incident occurred about 11.30 in the morning, and naturally, as soon as the news was spread abroad, great excitement followed, coupled with profound indignation at such a cowardly attempt when the President was accompanied by his daughter. The city was immediately placed under martial law and the entire police force equipped with rifles as a protection against any uprising of which this might have been the beginning. Notices were immediately posted on all the bulletin boards describing the affair and offering a reward on behalf of the Government of \$1,000 gold each for the capture of the assailants. These three men are known, but up to this writing they have not been apprehended.

On Sunday a *te deum* was celebrated in the cathedral by the archbishop in thanks to the Almighty for the preservation of the life of the President. The palace was thronged Saturday night and Sunday with people of all classes extending their congratulations to the President on his escape. I called on him officially, as did my colleagues, as soon as we learned the particulars, and extended on behalf of my Government appropriate expressions of sympathy and felicitation.

In looking for an explanation of this assault I find various reasons ascribed, the principal one being that these men were possibly friends of some of the conspirators against the Government who have recently been exiled or who are now undergoing court-martial. It is also alleged that the inspiration of the attack lay in opposition to some of the policies of the Government, which are not popular with the people, while again it is contended that the assailants were members of a socialistic element in the community that employed this means of doing injury to the head of the nation.

Although it is painful to report an incident of this kind, it must be frankly admitted that political conditions here are far from being in a tranquil state, and that the future is pregnant with many unfortunate possibilities. It is my sincere hope that there may be no further demonstration against President Reyes, because it would seem as if he were the one man of the country who can, even with the troubled conditions that surround his administration, maintain permanent peace and eventually evolve prosperity for the country.

Inclosed is a copy of the announcement published by President Reyes after the attempt was made to assassinate him.

I have, etc.,

JOHN BARRETT.

[Inclosure—Translation.]

URGENT CIRCULAR.

(Governors, military inspectors, prefects, and alcaldes copy this.)

BOGOTA, *February 10, 1906.*

Governors BRIGARD AND AYALA, ZIPAQUIRA AND FACATATIVA:

At 11.30 a. m. to-day three assassins on horseback, near the bridge of Arzobispo, fired 8 revolver shots point-blank at me without wounding me or my daughter, Sophia, who was with me in the carriage. They fled along the high-road toward Chapinero—probably they will go toward Calera, Punte del Connin, Sopo, etc. Take horses from the stables, send the police mounted in pursuit of them, and bring them to this city, and give order by telegraph and post to all the alcaldes to arrest them.

A reward of \$1,000 gold will be paid to those making the arrest of each individual.

Be calm and tranquil, and exert yourselves in giving guaranties to all peaceable citizens. Arrest those who may be suspected of complicity in the attempt, put them in jail, and send them to this city.

The affair is simply a frustrated assassination and can be considered as the dying agony of anarchy and revolution in our unfortunate country.

(Signed) REYES.

Work in unison and take great pains to preserve the peace.

(Signed) REYES.

The Secretary of State to Minister Barrett.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 19, 1906.

(Mr. Barrett is directed to convey congratulations on President's fortunate escape.)

RELATIONS OF THE UNITED STATES WITH COLOMBIA.

The Colombian Minister to the Secretary of State.

[Translation.]

LEGATION OF COLOMBIA,
Washington, D. C., October 21, 1905.

SIR: The undersigned, representative of the weak Republic of Colombia, deems this an opportune moment to turn to you, as representative of the most powerful republic of modern times, with the request for a just, equitable, and complete diplomatic adjustment of the differences which have arisen between the two nations; or, if this should not be practicable, or if, once brought about, it should fail to produce satisfactory results for both or either of the parties, the undersigned would request that a convention be signed which should submit such differences to some form of arbitration honorable for both countries. The undersigned has all the more reason to hope for a favorable response to his proposition because the questions pending between Colombia and the United States are of exactly the same nature as those to which the numerous arbitration treaties relate which have been concluded by your Government with many other nations, both great and small, within less than a year. These said treaties, as you know very well, were submitted by the President to the Senate on December 14, 1904, and, with slight amendments which do not affect in the least the propositions of the undersigned, were all ratified almost unanimously by the Senate of the United States; so that the branches of your Government which have the authority to conclude treaties were in happy accord concerning the suitability of settling by arbitration the controversies mentioned in those treaties. The text of these treaties embraces "the differences of a legal nature which may arise, or which relate to the interpretation of the treaties existing between the contracting parties, and which it has been impossible to settle through diplomacy;" the only exceptions are those

which may "affect the vital interests, the independence, or the honor of the nation, or which may compromise the rights of third parties."

The request which the undersigned hereby makes for the conclusion of an arbitration convention between your country and his—in case the proposed diplomatic adjustment should fail—is exactly comprised within the provisions cited. The differences which have arisen, as he will have the honor to explain further on, are of a legal character; refer to the interpretation of a treaty in force between the two contracting parties; do not in anywise affect the vital interests, the independence, or the honor of the United States, and do not compromise the interests of third parties. Inasmuch as all the reclamations against the United States which the Republic of Colombia desires to have submitted to an impartial court of arbitration for settlement are differences of a legal nature between the two countries, involving, on the one hand, the correct meaning of the law of nations, and, on the other, the exact interpretation of the treaty of 1846 existing between the two countries, it can not be claimed on any grounds that they affect the vital interests, or the independence, or the honor of the United States, and much less can it be claimed that they impair the rights of third parties.

The request of the undersigned being clearly and precisely within the very course of the international policy of the United States, both as regards direct diplomatic adjustments, of which several cases could be cited, and as regards arbitration, which latter is palpably demonstrated in the various treaties presented recently by the President of the Senate (December 14, 1904), and in these respects ratified by that body, the undersigned can not bring himself to believe that it is really necessary to adduce any more arguments in asking you to accede to his proposition. If other reasons were necessary, they could be found in the long and honorable history of the United States, which has so persistently advocated and fostered the peaceful and honorable adjustment of difficulties through direct diplomacy and arbitration as the best means of deciding controversies between nations. The upholding of this great and noble cause originated, in fact, as you know, with the creation of the Government of your country and found its most recent confirmation in the treaties submitted to the Senate last year, and to which reference has already been made. The undersigned takes the liberty, nevertheless, of calling to your attention the following memorable words of President Roosevelt in his inaugural address:

Much has been conceded to us, and much, therefore, is justly expected of us. We have duties to fulfill toward others, as well as toward ourselves, and we can not neglect either. We have come to be a great nation, obliged from the very fact of our greatness to maintain relations with the other nations of the earth, and we must conduct ourselves as becomes a people with such great responsibilities. Toward all other nations, both great and small, our duty must be to cherish cordial and sincere friendship. We must prove, not only by our words but also by our actions, that we are ardently desirous of winning their good will by acting toward them with a spirit of just and generous respect for all their rights. But justice and generosity in nations, just as in individuals, have greater significance when exercised, not by the weak but by the powerful.

A just and generous respect for her right to have the questions pending between Colombia and the United States equitably adjusted

by diplomatic means, or, failing the latter, submitted to the decision of an impartial court, is exactly what Colombia, the weak State, demands to-day of the United States, the powerful nation; and, cherishing the assurance that such a diplomatic arrangement or such arbitration will be granted, the undersigned takes the liberty of setting forth, as clearly and succinctly as possible, the nature of the differences between the two nations. The undersigned feels no need of stating that his words will be guided by a spirit of the greatest moderation.

The general treaty of peace, amity, navigation, and commerce of 1846 between New Granada, now the Republic of Colombia, and the United States established the rights and the obligations of the two contracting parties. The undersigned will not tire you now with an analysis of the principal stipulations of the treaty, but will confine himself to saying that certain concessions which were then considered of great value to your nation were granted in exchange for what was deemed valuable protection for Colombia. This protection, for the purposes of this note, may be said to be comprised in article 35 of the treaty, and especially in the following clause: "And in order to secure to themselves the tranquil and constant enjoyment of these advantages and as an especial compensation for the said advantages and for the favors they have acquired by the fourth, fifth, and sixth articles of this treaty, the United States guarantee positively and efficaciously to New Granada"—now the Republic of Colombia—"by the present stipulation, the perfect neutrality of the beforementioned isthmus, with a view that the free transit from the one to the other sea, may not be interrupted or embarrassed in any future time while this treaty exists; and in consequence the United States also guarantee in the same manner the rights of sovereignty and property which New Granada"—now the Republic of Colombia—"has and possesses over said territory."

During the full vigor of this treaty between the United States and Colombia the following facts occurred, as Colombia believes, although you may refute them or view them in a different light:

1. In September and October, 1903, the Government of the United States promised certain interests located on the Isthmus of Panama, as well as persons interested in the French Canal Company, that the United States would prevent the Republic of Colombia from combating any disturbance which might arise on the Isthmus.

2. In fulfillment of these promises, war vessels of the United States were sent both to Panama and to Colon in October and during the first days of November, 1903.

3. On November 2, 1903, the commanders of said war vessels received the following telegrams, sent by the Department of State through the Navy Department, as is believed:

(a) Keep the transit free and uninterrupted. Should there be a threat of interruption by armed force, occupy the railroad line; prevent the landing of any armed force having hostile intentions, whether of the Government or insurgent, at Colon, Portobelo, or any other point. Prevent landing if in your judgment it might precipitate a conflict.

(b) In case of doubt regarding the intentions of any armed force, occupy Ancon Hill and fortify it with artillery.

4. At 3.40 p. m. of November 3, 1903, Mr. Loomis, Assistant Secretary of State, acting, sent the following telegram to the person in

charge of the United States consulate in Panama: "We are informed that there has been an uprising on the Isthmus; keep this department informed of everything without delay." The consul of the United States answered on the same day: "The uprising has not occurred yet; it is announced that it will take place this evening. The situation is critical."

5. At 8.45 p. m. of the same day, November 3, 1903, the following telegram, signed "Loomis, Acting," was delivered to the person in charge of the United States consulate in Panama: "The troops which landed from Cartagena must not continue to Panama;" and by virtue of this telegram, the officer commanding the American war ship *Nashville* gave orders to the Panama Railroad Company not to transport troops of the Colombian Government to the city of Panama.

6. At 10.30 p. m. of the same day, November 3, 1903, another telegraphic dispatch from the State Department was sent to the American consul in Panama, reading as follows: "If the cablegram to the *Nashville*"—one of the said war vessels—"has not been delivered, inform her captain immediately that he must prevent the Government troops from continuing on to Panama or from assuming an attitude which might result in bloodshed, and that he must make every effort to maintain order on the Isthmus."

7. On the same day, November 3, 1903, the following telegram was transmitted from Colon to the Secretary of the Navy by the commander of one of the aforementioned war vessels stationed there: "I acknowledge the receipt of your telegram of November 2. Before receiving it, there were landed here this morning by the Colombian Government about four hundred men from Cartagena. There is no revolution on the Isthmus, nor any disturbance. The railroad company has refused to transport these troops unless the governor of Panama requires it. The demand has not been made. It is possible that the movement to proclaim independence may take place in Panama this evening. * * * "

8. At 9.50 p. m. of the same date, November 3, 1903, the Department of State received from the vice-consul of the United States in Panama the following telegram: "The revolt took place this evening at 6; there has been no bloodshed. The officers of the army and navy have been reduced to prison. The government will be organized this evening, and will be composed of three consuls and a cabinet. The soldiers have been exchanged. It is believed that a similar movement will take place in Colon. Up to the present order has prevailed. The situation is serious. Four hundred soldiers landed in Colon to-day from Barranquilla."

On the same day, November 3, 1903, General Tovar arrived at Colon with the battalion of sharpshooters of the Colombian army, a force more than sufficient to repress the aforementioned uprising.

9. At 11.18 p. m. of the same day, November 3, 1903, Mr. Loomis, Assistant Secretary of State, acting, telegraphed to the vice-consul of the United States in Panama: "The telegraphic dispatch sent to the *Nashville* at Colon may not have been delivered. See, therefore, that the following dispatch is transmitted to the *Nashville* immediately: '*Nashville*, Colon: In the interests of peace make every effort in order to prevent the troops of the Government at Colon from contin-

uing to Panama. Transit on the Isthmus must be kept open and order maintained. Acknowledge receipt. (Signed) Darling, Acting. Obtain a special train if it should be necessary. Act with speed."

10. On the following day, November 4, 1903, Hubbard, commander of one of the war vessels stationed at the time at Colon, addressed the Secretary of the Navy as follows: "Government troops now at Colon. I have prohibited the movement of troops in either direction. There has been no interruption of transit yet. I shall make every effort to preserve peace and order."

11. On the same day, November 4, 1903, the American consul in Panama received the following communication: "We have the honor to inform you, for your own knowledge and that of the government which you represent, that on this very date there has taken place a movement by which the old Department of Panama has separated from the Republic of Colombia, with the object of constituting a new State by the name of 'Republic of Panama;' and that the undersigned have had the honor of being designated to form the committee of the provisional government of the Republic."

12. Two days later—that is, November 6, 1903—the Secretary of State telegraphed to the vice-consul in Panama in the following terms: "The people of Panama by an apparently unanimous movement, have severed their political bonds with the Republic of Colombia and have resumed their independence. As soon as you are convinced that a de facto government, republican in form and without substantial opposition on the part of its own people, has been established on the Isthmus of Panama, you will enter into relations with it as the responsible government of the territory, and you will address to it a request that it take the measures necessary for the protection of the persons and the property of citizens of the United States, and that it keep open the transit on the Isthmus in accordance with the obligations of the existing treaties which govern the relations of the United States with that territory."

13. On the same date, November 6, 1903, the commander of one of the war vessels communicated as follows to the Secretary of the Navy: "I arrived yesterday afternoon; I landed forces. The situation is as follows: A little before landing, the Colombian troops had departed on the steamer *Orinoco* for Cartagena. The independent party is in possession of Colon, of Panama, and of the railroad line. The *Nashville* withdrew her forces."

14. On the following day, November 7, 1903, the vice-consul of the United States sent the following note to the so-called committee which represented the would-be revolution: "Inasmuch as the people of Panama, by a unanimous movement, have broken their political bonds with the Republic of Colombia and resumed their independence, and as there is no opposition to the provisional government in the State of Panama, I hereby inform you that the provisional government will be held responsible for the protection of the persons and property of the citizens of the United States, as well as for the maintenance of free transit on the Isthmus, in accordance with the stipulations of the treaties in force regarding the territory of the said Isthmus."

15. On the following day, November 8, 1903, a telegram was sent to the Secretary of the Navy by the commander of one of the American

war vessels, as follows: "Everything quiet; traffic uninterrupted; the telegram in which I was ordered to interfere was received." On that same day the vice-consul of the United States in Panama stated, in a telegram to the Secretary of State, as follows: "The Colombian troops were reembarked for Cartagena by the *Royal Mail*. It is believed that the *Bogáto* is at Buenaventura. Peace reigns."

16. Four days later, on November 11, 1903, the minister of the United States in Bogota informed the Colombian Republic that the Government of the United States had entered into relations with the so-called new Republic of Panama.

17. Two days afterwards, on November 13, 1903, the Government of the United States officially received Mr. Bunau-Varilla, a French citizen interested in the French Canal Company, as minister plenipotentiary of Panama.

18. On the following day, November 14, 1903, the minister of the United States in Bogota notified the Colombian Republic as follows: "I have just received instructions from my Government by cable to notify you that it does not deem it suitable to permit Colombian troops to land on the Isthmus, because this would precipitate civil war and would indefinitely interrupt the free transit which my Government is obligated to protect."

19. General Reyes, commander at that time of the Colombian forces sent to repress the so-called rebellion on the Isthmus—which troops were more than sufficient for the purpose—had announced to Vice-Admiral Coghlan, commander of one of the United States war vessels, his intention to embark his troops and to proceed to Panama in order to restore order there; and the vice-admiral, in reply, notified him that his orders were to prevent the landing of troops with hostile designs within the limits of the State of Panama.

20. On November 18, 1903, the Secretary of State of the United States and the said Bunau-Varilla signed a treaty the purpose of which was to arrange a compact between the United States and the so-called Republic of Panama. By article 1 of this treaty the United States expressly and positively guarantee and obligate themselves to uphold the independence of the so-called Republic of Panama.

The foregoing recital, taken principally from the official records as they were transmitted by the President to the Senate when the treaty between the United States and the so-called Republic of Panama was being discussed in that body, amply justifies, in the opinion of the undersigned, the following conclusions, in which you may not perhaps agree with him:

(a) The well-known favorable attitude of the United States toward a rebellious uprising in the Department of Panama was the determining cause of the revolt, and to this extent it was a violation of the express stipulations of the treaty of 1846.

(b) The United States, by means of their armed forces, prevented the Republic of Colombia from repressing the aforesaid rebellion and so preserving the integrity of her national territory, this being also in violation of the positive stipulations of the treaty.

(c) The United States recognized with undue haste the so-called Republic of Panama, to the detriment of the rights and interests of the Republic of Colombia, and this recognition annulled the express

stipulations of the treaty of 1846 and disregarded the principles established by the law of nations.

(d) The United States guaranteed to maintain by force the separation of Panama from the Republic of Colombia, not only against the explicit stipulations of the treaty of 1846, but also, and in view of the time at which this obligation was contracted, in violation of the duties of neutrals under the law of nations.

I therefore take the liberty of again calling your attention to the fact that each of these injuries which Colombia maintains was inflicted on her by the United States assumes the character of a controversy of a legal nature, or of a difference regarding the correct interpretation of the treaty existing between the two contracting parties. In the opinion of the Government of the undersigned, these acts of the United States were the sole and only cause of the dismemberment of the Republic of Colombia, of the loss to her of the valuable and important department of Panama, and of the loss of her rights in contracts, one referring to the Isthmian Canal, in course of construction, and the other to the Panama Railroad, already constructed across that department.

The undersigned does not flatter himself that you will be disposed to admit the justice of these reclamations. On the contrary, he supposes that they will be denied by you. If this should be the case, it appears to be clear that the only practicable means of adjustment, honorable for both countries, would be to submit them to the decision of an impartial court of arbitration. On the other hand, if your Government were disposed to admit the justice of Colombia's reclamations [complaints], a path would be happily opened toward a prompt and satisfactory adjustment by direct diplomacy.

The undersigned is aware that it is not his place to point out the manner in which this court should be constituted before knowing your views on the matter; however, as a mere hint at the facility with which it might be formed, he ventures to respectfully suggest that each country should without delay appoint a distinguished jurist of its own nationality to represent it, and that the selection of the umpire be made by the chief magistrate of an absolutely disinterested nation.

It does not appear necessary to remind you that if such a court is constituted and the United States have committed no injury against the Republic of Colombia, their conduct will be fully vindicated. At all events, the worst that could happen to the United States would be a decision that they had inflicted an injury on a weak sister Republic while seeking what they thought to be of universal benefit and the exaction from the United States of the appropriate indemnity. In either case the result would be a settlement of all controversies between the two Republics and a resumption of the cordial and friendly relations which always existed between them before the occurrences on the Isthmus above enumerated.

To conclude, the refusal of so great and powerful a nation as the United States to consent to enter into negotiations, of one nature or another, with a weak nation unable to obtain reparation by arms would, as its only result, convince the weaker nation that the United States do not wish to give her the justice due her or to submit their conduct to a judicial investigation and to arbitration. This refusal

would certainly have only the most unfortunate influence on the citizens of the weak nation, denied justice because too weak to have any hope of sustaining its claim by force; and, inversely, if your Government maintains its uninterrupted tradition of doing justice to others, regardless of their lack of strength, as your Chief Magistrate so emphatically expressed it recently in the following terms: "We must be scrupulous in our respect for the rights of the weak," then the consequences will undoubtedly be highly salutary, not only as an efficacious means of allaying all resentment in the Colombian mind, but of removing all apprehension in the minds of the weak peoples who inhabit the Western Hemisphere.

For all of the reasons hereinbefore set forth, the undersigned earnestly entreats you to consider favorably the petition he makes to you for a direct adjustment or for the constitution of a court of arbitration to decide the differences between the two countries, and in either manner you will add one more to the illustrious cases in which your great nation has favored the cause of justice and of international arbitration.

The undersigned embraces this opportunity to express to the Honorable Mr. Elihu Root, Secretary of State, the assurances of his highest consideration.

DIEGO MENDOZA.

The Secretary of State to the Colombian Minister.

No. 10.]

DEPARTMENT OF STATE,

Washington, February 10, 1906.

SIR: I had the honor to receive, by personal delivery, the note which you addressed to me under date of the 21st of October last, proposing that the United States shall join with Colombia, in the event of diplomatic adjustment failing, in submitting to international arbitration the questions presented by your Government growing out of the separation of Panama from the Republic of Colombia.

The nature of this proposition, which has been made and answered before, and the allegations and arguments now put forward in its support, have demanded renewed careful and protracted consideration on the part of the President and his constitutional advisers, in order that the reply should conform to the spirit of perfect amity which has ever controlled and should control the relationship of the United States to the Republic of Colombia.

Your note renews the proposal of arbitration as an alternative resort if a prompt and satisfactory adjustment by direct diplomacy be not attainable; but I do not find therein any clear indication of the nature of the contemplated diplomatic settlement. You present an elaborate recital of the grievances which Colombia believes to have been inflicted upon her by the alleged conduct and acts of the United States in regard to Isthmian affairs, and you sum up the twenty enumerated specifications of injuries under four conclusions, without suggesting the diplomatic remedy which, in the judgment of your Government, would be appropriate. You merely intimate that if the Government of the United States were disposed to admit the justice of your complaints, a path would be happily opened toward a

prompt and satisfactory settlement by diplomacy—and in the same breath you assume that their justice will be denied, in which event you declare that it appears to be clear that the only practicable means of adjustment, honorable for both countries, would be to submit their differences to the decision of an impartial court of arbitration. It may not have been your intention to exclude legitimate discussion touching the merits of the alleged complaints; but the language and tenor of your note seem to require either the complete admission of their justice as a condition to seeking a diplomatic adjustment, or the appearance of the United States as a defendant before the bar of an arbitral court to meet the grave charges formulated by Colombia.

It gives me pleasure to assure you of my entire agreement with the sentiments which you express so eloquently in favor of the settlement of international disputes by arbitration. I hope the time will never come—I do not believe that it will ever come—when the United States is not in accord with these sentiments and does not respond to them in its action. Beyond the very able expression of these views, however, I find in your note no statement of grievance or of reasons why there should now be an arbitration between Colombia and the United States which were not in substance and with great ability presented by General Reyes in his letters of December 23, 1903,^a January 6, 1904,^a and January 11, 1904,^a and finally and conclusively answered by Mr. Hay on the 5th,^a 9th,^a and 13th^a days of January, 1904. Upon the most painstaking review of the facts and of the positions then taken by my predecessor, I find no just ground for departing from the conclusions which he reached. It is needless to repeat the views then expressed.

There is one consideration, however, which Mr. Hay was not at liberty to present at that time because the treaty between the United States and Panama had not then received the approval of the Senate of the United States and had not been ratified, although it had been signed by the plenipotentiaries of the two Governments. That treaty has since been ratified by the consent of the Senate, and both houses of Congress have concurred in appropriating the money necessary to give the treaty effect; upon its ratification, the force of the treaty related back to the 18th of the preceding November, when it was signed. The executive and legislative branches of our Government have thus united to create, in the most solemn and binding form, a guaranty by the people of the United States of the independence of the people of Panama.

The real gravamen of your complaint is this espousal of the cause of Panama by the people of the United States. No arbitration could deal with the real rights and wrongs of the parties concerned unless it were to pass upon the question whether the cause thus espoused was just—whether the people of Panama were exercising their just rights in declaring and maintaining their independence of Colombian rule. We assert and maintain the affirmative upon that question. We assert that the ancient State of Panama, independent in its origin and by nature and history a separate political community, was confederated with the other States of Colombia upon terms which preserved and continued its separate sovereignty; that it never surrendered that sovereignty; that in the year 1885 the compact which

^a Printed in Senate Document No. 95, Fifty-eighth Congress, second session.

bound it to the other States of Colombia was broken and terminated by Colombia, and the Isthmus was subjugated by force; that it was held under foreign domination to which it had never consented; and that it was justly entitled to assert its sovereignty and demand its independence from a rule which was unlawful, oppressive, and tyrannical. We can not ask the people of Panama to consent that this right of theirs, which is vital to their political existence, shall be submitted to the decision of any arbitrator. Nor are we willing to permit any arbitrator to determine the political policy of the United States in following its sense of right and justice by espousing the cause of this weak people against the stronger Government of Colombia, which had so long held them in unlawful subjection.

There is one other subject contained in your note which I can not permit to pass without notice. You repeat the charge that the Government of the United States took a collusive part in fomenting or inciting the uprising upon the Isthmus of Panama which ultimately resulted in the revolution. I regret that you should see fit to thus renew an aspersion upon the honor and good faith of the United States in the face of the positive and final denial of the fact contained in Mr. Hay's letter of January 5, 1904. You must be well aware that the universally recognized limitations upon the subjects proper for arbitration forbid that the United States should submit such a question to arbitration. In view of your own recognition of this established limitation, I have been unable to discover any justification for the renewal of this unfounded assertion.

Accept, Mr. Minister, the renewed assurances of my highest consideration.

ELIHU ROOT.

The Colombian Minister to the Secretary of State.

THE ROCHAMBEAU,
Washington, April 6, 1906.

SIR: Both your favor of the 10th of last February and the note of the 12th, correcting mistakes as to dates made in the former and signed by Mr. Adee, were received at this legation in due time.

The nature and importance of the matter dealt with in this correspondence compel me once again to draw your kind attention, and through you that of the President and his advisers, to the pending difficulty between my country and the United States. I do so the more gladly because your communication contains new points which seem to open the way for an honorable settlement of my country's claim. I dare to hope, therefore, that my present communication will accomplish this happy result, following, as it does, the line of your suggestion, and removing, as I feel confident, certain misconceptions which apparently still exist, notwithstanding the "careful and protracted consideration" which you inform me was given to my former one by the President and his constitutional advisers, and by yourself.

At the outset, allow me to say I am sorry to learn that the President and his advisers have concluded from my note that I meant to cast aspersions upon the honor and good faith of the United States. An

honorable settlement of a controversy, such as I suggested, can not with reason be proposed to one considered as lacking in honor and good faith. My purpose was to state—and I thought I had made it perfectly plain—that the honor and good faith of the United States could not possibly be impaired by accepting either of the propositions suggested by me.

It is my purpose to consider in this communication only facts about which there is no question, and to leave out of thought entirely all matters about which there may be an erroneous opinion, either in the United States or in Colombia. There can in this case be no possible ground for supposing that I mean to cast aspersions upon the honor of the United States.

The particular claim of Colombia has been stated several times in the various communications from my country, but not so definitely perhaps as might be desired. The very nature of the claim itself prevents this. I am availing myself, however, of the wise suggestion contained in your communication, and before proceeding to a consideration of the facts on which the claim of Colombia is based, and of the possible methods of its adjustment in a way honorable to both our countries, I will now make as definite and distinct a statement of Colombia's claim as the nature of the damage inflicted on her will permit.

As a result of certain acts admitted to have been done by the United States, and which have heretofore been made a part of the public records of the United States, one of Colombia's members—the Department of Panama—has been cut off or severed from her body and erected into what the United States calls and has recognized as an independent nation. The circumstances under which this was done, in view of the treaty of 1846 between the United States and Colombia, and in view of certain principles of international law to which the United States has assented, obligate the United States to compensate Colombia for this loss, in so far as money can compensate for such a loss.

To facilitate our arriving at an agreement as to the justice of this my country's claim, I wish to review with the President and his constitutional advisers the events leading up thereto—events which are well known, but which must be carefully and connectedly considered in order that we may see clearly what justice demands.

As has been well said in the correspondence issuing from the Department of State of the United States, Providence seems to have designed the Isthmus of Panama as a highway for mankind between the two great oceans which lave the eastern and western shores of our continent.

During the great upheaval which freed the American continents from the political errors which had fastened themselves on Europe, the people of the United States introduced into human government the true political principles. Almost immediately thereafter Colombia founded her nationality, and the territory of Panama became a part of Colombia's body. It was but natural that Colombia and the United States should desire to carry out the designs of Providence as respects Panama, and that an agreement should be concluded between them, with a view (1) to insure the use of the Isthmus of Panama as a highway, open at all times to the people of the United States, and

(2) to preserve and maintain forever the possession of this Isthmus by Colombia.

This having been accomplished by the treaty of 1846, various efforts were made by Colombia to improve the method of transit across the Isthmus, such as granting to an American company a franchise for the construction of the Panama Railroad. When this communication was deemed insufficient, Colombia negotiated several contracts for the construction of the Panama Canal, and later granted extensions of time to the concessionaries of the work. Among these efforts to improve the transit across the Isthmus must be mentioned the negotiations which Colombia entered into with the United States in 1869 for the conclusion of a treaty under which the United States should construct there a ship canal. The Senate of the United States failed and refused to ratify this treaty, signed by the Presidents of Colombia and of the United States, and duly ratified by the Colombian Congress.

The hope of my country, and indeed of the whole world, was thus disappointed by the act of the United States Senate; but this hope was by no means destroyed. It was inevitable that in the course of time the Isthmus of Panama should be devoted "to the use for which Providence seemed to have designed it," and in the presence of difficulties encountered by the French company in completing this work negotiations were renewed with a view to placing the United States in a position to carry out the great enterprise. After much effort the treaty of the 22d January, 1903, known as the Herran-Hay treaty, was agreed upon by the Presidents of the two countries, and then ratified by the United States Senate; but it failed to obtain the approval of the Colombian Congress, thus meeting with the same fate which befell the treaty of 1869, with a reversal of the situation, however, in that the Colombian Congress, instead of the United States, caused the failure at this time.

It is necessary that I should allude here to some of the causes which contributed to the failure or defeat of the treaty of January 22, 1903.

The United States, by an act commonly called the "Spooner Act," greatly increased the difficulties inherent in the negotiation of treaties by governments whose constitutions require legislative approval of every treaty negotiated by the executive department. This Spooner Act instructed the President of the United States to proceed with the construction of an isthmian canal by the Nicaragua route unless he could secure from Colombia within defined time the right to construct the canal through the Isthmus of Panama upon terms satisfactory to the United States.

Perhaps it is not proper for me to inquire into the underlying reasons of this act, so I only say incidentally that after its passage the United States received from the Panama Canal Company, at the price of \$40,000,000, property for which that company had previously demanded \$150,000,000. But whatever its motives, this act necessitated the approval of the Herran-Hay treaty by the Colombian Congress without the least amendment and within a specified time or this new attempt to provide for the construction of the canal by the United States would be abortive, unless, indeed, the Spooner Act should be amended or repealed by the United States.

The minister of the United States resident at Bogota was not unmindful of this effect of the Spooner Act, for he notifies the Gov-

ernment of Colombia that the Herran-Hay treaty had to be approved by the Colombian Congress immediately and without the least amendment. If the Spooner Act had not been on the statute books of the United States, the minister of the United States at Bogota would have had no ground on which to stand while making this declaration, even had it been made in the most friendly and judicious manner, because the constitution of Colombia, as well as that of the United States, contemplates the amendment, by the legislative branch of the Government, of any treaty previously negotiated by the executive department before it can become operative, in case an amendment seems desirable in the judgment of the legislature. While it is true that the Spooner Act did not, and could not, abrogate the constitution of Colombia in any particular, still, in its practical operation, this act of the United States prevented the proper exercise of the constitutional right and duty of every member of the Colombian Congress to propose any amendment which might seem to him advisable, in order that the interests and welfare of Colombia might be perfectly protected in the treaty granting this important concession. This arose from the fact that the date fixed by the Spooner Act for proceeding to construct the canal by the way of Nicaragua was so near at hand when the Herran-Hay treaty came up for discussion in the Colombian Congress that there was no possibility of bringing the United States Senate and the Colombian Congress into agreement upon any amendment to that treaty which might be suggested by the Colombian Congress, even if the Presidents of Colombia and of the United States should have given assent to the same.

It is manifest, therefore, that the Spooner Act greatly increased the difficulties necessarily involved in the negotiation of a treaty between governments constituted as are those of Colombia and the United States, in a matter of such magnitude, large even for so great a nation as the United States.

Here, then, was the situation in August, 1903. After half a century of desire by Colombia that there should be a canal through the Isthmus of Panama, constructed by the United States under a concession from Colombia, the United States was still without authority to accomplish this great work.

First, because the constitution of Colombia and that of the United States alike require legislative approval of treaties negotiated by the executive departments of the Government. But for this difficulty the efforts of our two countries would before now have resulted in the construction of the canal through Panama by the United States under a concession from Colombia.

Second, because of the refusal of the United States Senate to ratify the treaty of 1869.

Third, because the Colombian Congress did not ratify the Herran-Hay treaty, under conditions whose difficulties were increased by the act of the United States necessitating ratification of this treaty without the least amendment as soon as it came before the Colombian Congress.

The adjournment of the Colombian Congress, after its refusal to ratify the Herran-Hay treaty, brought the Executive of the United States face to face with the Spooner Act, and seemed to necessitate the construction of the canal through Nicaragua, which was con-

sidered the wrong route, or else the securing of an amendment to this act in order that the United States might continue negotiations with Colombia.

Confronted by this situation, the President of the United States was formulating in a message to Congress the thought that there did or should exist some means whereby the United States could dedicate the Isthmus of Panama to the use most necessary for the general welfare of the people of all nations; that is, for an interoceanic canal—a sort of international eminent domain, perhaps.

Colombia does not profess this doctrine, and does not see how it can be practiced in international affairs prior to the establishment of an authority superior to the sovereign nations in whose name it could be invoked. The mere fact, however, that the President of the United States was formulating the thought of finding some way to dedicate the Isthmus to canal purposes, other than by agreement upon the terms and price of concession with the sovereign having title to the same, seems to call for a pause, in this recital of events, long enough to remark that what subsequently happened was very like a concrete application of this doctrine to Colombia, but without compensation for the territory taken, a so-called "new nation," which was preserved from the day of its birth, and guaranteed permanently in its life by the powerful arm of the United States, serving as the means, in the absence of an international body having proper authority.

While the President of the United States was at work upon this thought of some means of "dedicating the Isthmus of Panama to the use for which Providence seems to have designed it," other than by treaty with Colombia, the independence of Panama was declared. The executive department of the United States Government immediately issued orders to the United States Navy to prevent the landing of any Colombian troops in Panama—Colombia's own territory—with a view to the reduction of Panama to submission. The United States Navy obeyed the instructions thus given by the executive department of the United States Government. The only possible way for a Colombian army to reach Panama was by water, owing to the topography of Panama. All the waterway between Colombia and Panama was occupied by war ships of the United States Navy. It was impossible, therefore, for Colombia to reach Panama with an armed force, because of the presence and action of the war vessels of the United States. Consequently the effect of this lifting up of the powerful hand of the United States was to prevent Colombia from maintaining her sovereignty over Panama, and thus Panama was severed from the body of Colombia.

The action which brought about this result was taken by the executive department of the United States Government, on the supposition that it was not in violation of any principles of international law by which the United States had bound itself to act, and was not contrary to the provisions of the treaty of 1846, then in force between Colombia and the United States. On the contrary, it was asserted by the United States that this action was lawful and necessary for the faithful performance of the duties imposed upon the United States by the treaty of 1846, and, indeed, was demanded in order to promote the general welfare not only of the people of both North and South America, but of all civilized nations.

Colombia does not for a moment lose sight of the fact that during a long period the United States has shared with her in the desire to see a canal constructed through Panama for the promotion of the general welfare of all nations, nor does she overlook the fact that there were special reasons why it would be of particular value to the United States to have this canal constructed and operated by the United States. Disregarding the particular interests of the United States for constructing and operating the canal, and looking solely to the promotion of the general welfare of all nations by the timely construction of the canal at the proper place and in the proper way, it is apparent that the rights of Colombia—the sovereign of Panama—should be carefully respected in securing the concession for the canal; for only in this way could the canal be constructed so as to promote the general interest of all nations without doing an injury to any nation. Without in any way reflecting upon the motives of the United States in the course which was pursued when the independence of Panama was declared, it is proper to inquire whether the executive department of the United States Government was correct in its belief that it had a right to take the action which it is admitted was taken after the declaration of the independence of Panama, and which prevented Colombia from maintaining her sovereignty over the Isthmus; also whether the acts performed by the United States were contrary to the obligations which the United States was under by reason of the provisions in the treaty of 1846, or by reason of certain principles of international law which the United States has declared as binding upon nations and to the observation of which it has held other nations.

When the independence of Panama was declared the treaty of 1846 between Colombia and the United States was in full force, and our two countries are and ever have been in perfect accord upon this point, namely: That this treaty bound the United States to preserve Colombia's sovereignty over Panama against menace or destruction from foreign nations.

Upon the declaration of independence of Panama a grave question arose, namely: Did the treaty of 1846 bind the United States to preserve Colombia's sovereignty over Panama against menace from every danger whatsoever, regardless of its origin, even from internal violence, rebellion, or revolution, or at least to take no action that would hinder Colombia in such case? Colombia, in the face of the Panama crisis, called upon the United States, as an obligation imposed by the treaty of 1846, to take no steps that would embarrass her suppressing the rebellion and maintaining her sovereignty over the Isthmus. The United States, on the other hand, without an exchange of one word with Colombia on this subject, announced an interpretation of the treaty of 1846 not theretofore formulated—that is, that Colombia, in whose behalf the protection clause in this treaty was inserted, had granted to the United States the right to take steps which would prevent Colombia from suppressing within her own territory a rebellion which, if successful, would destroy her sovereignty over the Isthmus of Panama.

Colombia declares that the United States has in this respect misinterpreted the treaty of 1846.

It is an admitted fact that, under this construction of the treaty of 1846, the United States has so acted as to cause the loss of Panama to

Colombia. Thus, by the admitted acts of the United States, Colombia has been deprived of that very member of her body which the United States had agreed to preserve to her forever.

If the acts of the United States were lawful and right, this loss must fall upon Colombia. If, on the other hand, this loss was wrongfully occasioned by acts of the United States done in violation of the provisions of the treaty by which the United States has obligated itself, or in violation of principles of international law to which the United States has assented, then the United States is lawfully bound to compensate Colombia for the damage thus done to her.

The United States formulated the construction of the treaty of 1846, by which this loss was occasioned to Colombia in the face of a great emergency, when it appeared to the United States that any other course would cause the permanent loss of all hope of locating the Isthmian Canal at the proper place, and would "frustrate forever" the policy in regard to the Isthmus of Panama to which both of our countries had long adhered, and which was for the welfare of the people of all nations. Without emphasizing the fact, I desire to state in passing that the Government of the United States took too gloomy a view of the situation. There is higher authority than Abraham Lincoln, one of the great Presidents of the United States, for believing that "nothing is settled till it is settled right," and therefore both Colombia and the United States could have rested in the conviction that a firm adherence to the principles involved in due time would have brought our Governments into agreement upon the terms of a treaty for the construction of a canal through Panama, despite any appearance to the contrary. The very secession of Panama altered the conditions in Colombia to such an extent that the United States would have received the canal concession from Colombia if the United States had only remained inactive while Colombia was reducing Panama to submission. But leaving this entirely out of view, as not being a matter of accomplished fact, the condition to-day is this: The canal concession has been secured by the United States, and that member of my country's body which the United States had agreed to preserve to Colombia forever has been lost, and this by the act of the United States, done under a construction of the treaty of 1846 not heretofore announced, and formulated by the United States in the face of this emergency. In the clear light of the present day, and freed from fear of losing the canal concession, the United States can be expected to see that the people and the Government of Colombia never agreed by the treaty of 1846 that the United States, while complying with its terms, might lawfully cause the loss to Colombia of the very thing for which Colombia entered into that treaty.

The treaty could not possibly give the United States any such right unless the mind of Colombia and of the United States came into agreement upon that point. Is it possible to believe that any national entity would ever enter into an agreement with another for the preservation of a member of its own body, and by the very terms of the agreement authorize the severance of that member by the act of the party that was binding itself to preserve said member?

Certainly the United States, on reconsideration of this matter in the light of these facts, can see that Colombia never agreed by the treaty of 1846 that the United States might lawfully commit such

acts, under the provisions of that treaty, as to cause the loss to Colombia of her sovereignty over the Isthmus of Panama. When the United States does see this, it will recognize its duty to compensate Colombia for the loss occasioned by its admitted acts done under a misconception of the rights supposed—in an emergency—to have arisen from the treaty of 1846.

The damage done to Colombia by admitted and published acts of the United States is the value of the Department of Panama. The amount of damage thus caused to Colombia and for which the United States is lawfully responsible has not been stated in exact figures, for the reason that the exact amount can not easily be stated. The lost member was very valuable, being the strategic point of the whole Western Hemisphere. Liability for this loss being conceded by the United States, the estimation of the amount of damage could be either by direct negotiation or by a committee of experts appointed by our two Governments.

If the United States desires, I can submit an amount as approximating the value of the lost member of Colombia, upon the payment of which my country would feel compensated, in so far as money can compensate for such a loss. Or we can now proceed to the appointment of a joint commission, charged with the duty of determining in justice and in equity the amount of compensation to which Colombia is entitled from the United States by virtue of this loss; that is to say, the value of Panama, including not only the value of territory but that of the railroad, of the contract with the French company, and so forth.

Though the acts of the United States which severed Panama from the body of Colombia were done by the executive department of the United States Government, the Senate of the United States, as you inform me, subsequently ratified a treaty which the President and the Department of State had negotiated with Panama, whereby the independence of Panama was guaranteed by the United States, and whereby the United States received from Panama a concession to construct a canal through Panama; and, still later, the House of Representatives of the United States joined with the Senate of the United States in making an appropriation of money to be expended in Panama under a canal concession granted to the United States by Panama as an independent nation. By the act of the Senate the severance of Panama from Colombia is made permanent, to the extent that the United States can by its act accomplish this, and the state of things thus created has been accepted by joint action of the Senate and House of Representatives of the United States. The Panama incident may seem, therefore, to be closed, but this is not true, at least so far as Colombia is concerned, and can not be closed until Colombia is compensated or has an opportunity to plead her cause before an impartial court of arbitration.

Having acted in an emergency, when it appeared to the United States that a work most necessary for the general welfare of the whole world was in jeopardy, and in such a way as to insure the execution of this work without delay and at a place and upon terms entirely satisfactory to the Government of the United States, it is but natural that the executive department of the United States Government and all the members of the Congress of the United States who were called

upon to take part in this action should consider carefully, in the light of all the facts which bear upon the history of the relations of our two Governments in regard to Panama, whether in this emergency any damage was done which the United States ought to repair, according to the highest sense of justice and right.

As the question of impairing the honor of the United States has been brought into discussion, I may be permitted to remark that the honor of every act is coeval with the act itself. It is, therefore, impossible for the honor of an individual or of a nation to be tarnished by an agreement to do what is eventually recognized to be right, independently of the question as to whether an act previously done was either right or wrong. Indeed, the enlightened opinion of the whole world is agreed upon this, that even when a wrong action has been taken, consciously or unconsciously, that which will most redound to the honor of any party thereto is to correct the same. Therefore, whether the acts of the United States done in the Panama emergency were right or wrong, whether they were in accordance with the provisions of the treaty of 1846 and of recognized principles of international law or contrary thereto, the honor of the United States would be enhanced by consenting to arbitrate the claim of Colombia, in the event that the United States can not see, in the light of the facts set forth in this communication, that it is in duty bound to compensate Colombia.

In this connection, I feel sure that the United States will not forget that the Government of Great Britain refused at first to arbitrate the claim of the United States for damages done by the *Alabama*, asserting that to arbitrate that claim would impair the honor of the British Government. Throughout the whole world, and particularly in the United States, it is now recognized that the arbitration of the *Alabama* claims by Great Britain and the United States set the tide of the past century in favor of the arbitration of disputes between nations and that the reconsideration of this decision by the Government of Great Britain and the reference of the *Alabama* claims to arbitration is one of the greatest honors achieved by the British Government, although the decision of the arbitrators was against Great Britain. A similar honor can now be achieved by the consent of the United States to arbitrate the claim of my Government during that administration of the United States under which this claim arose.

And, in order to facilitate so happy a decision by the Government of the United States, in case it can not yet see that it is lawfully bound to compensate Colombia, I propose on behalf of Colombia that the United States and Colombia forthwith enter into a convention for the purpose of securing an impartial judgment upon the following strictly legal questions:

1. Did the treaty of 1846 obligate the United States to maintain the sovereignty of Colombia over the Isthmus of Panama against menace or attack from any foreign power and against internal disturbances that might jeopardize said sovereignty?

2. Did the treaty of 1846 obligate the United States to refrain from taking steps which would hinder Colombia in maintaining her sovereignty over Panama by suppressing rebellion, revolution, secession, or internal disorder?

3. Did the treaty of 1846 grant to the United States the right to take those steps which it is admitted were taken by the United States to prevent the landing of troops in Panama and the suppression of the rebellion?

4. Did the treaty of 1846 leave the United States free lawfully to take the steps which it is admitted by the United States were taken as regards Panama?

5. Did these acts of the United States, which it is admitted were taken, prevent Colombia from taking the steps necessary to suppress the rebellion and maintain her sovereignty over the Isthmus?

6. Were the admitted acts of the United States in respect to Panama in violation of principles of international law which have been recognized by the United States as binding upon nations in their dealings with each other?

7. What damage, if any, has been occasioned to Colombia by acts of the United States which are admitted by the United States, and which may be adjudged as having been in violation of obligations imposed upon the United States by the treaty of 1846 or by principles of international law to which the United States has assented?

The foregoing questions are all of a purely legal character, arising upon the proper interpretation of a treaty and the proper application to undisputed facts of well-recognized principles of international law. They are therefore identical in kind with the questions included in the treaties recently negotiated by the United States with nine governments and almost unanimously ratified by the Senate of the United States as to said questions which are recognized the world over as eminently suitable for judicial determination. Nevertheless, to provide against all possible misconception of the scope of the arbitration proposed, Colombia will gladly add to the convention, if the United States so desires, a clause providing that the jurisdiction of the arbitrators shall not be construed as extending to the point of passing upon the political policy of the United States, further than to determine whether the policy pursued by the United States as respects Panama was outside of the limits within which the United States had bound itself to remain, either by the treaty of 1846 or by principles of international law to which the United States has assented.

I am led to suggest this because it appears from your communication that my proposition was supposed to imply the reference of the political policy of the United States to the judgment of arbitrators, for you say: "Nor are we willing to permit any arbitrator to determine the political policy of the United States in following its sense of right and justice by espousing the cause of this weak people (Panama) against the stronger Government of Colombia, which has so long held them in unlawful subjection."

The erroneous supposition that I propose permitting an arbitrator to determine the political policy of the United States has been removed by my suggestion that the Arbitral Convention expressly forbids this by limiting the jurisdiction of the arbitrators to deciding whether the acts of the United States in 1903 were contrary to provisions of the treaty concluded in 1846 or contrary to principles of international law, for violation of which the United States has held other nations accountable.

I need make no further allusion, therefore, to the question of the public policy of the United States; but I am compelled to reply to the charge contained in this paragraph of your communication, and to another clause where you say: "That the ancient State of Panama, independent in its origin, and by nature and history a separate political community, was confederated with the other States of Colombia upon terms which preserved and continued its separate sovereignty; that in the year 1885 the compact which bound it to the other States of Colombia was broken and terminated by Colombia, and the Isthmus was subjugated by force; that it was held under foreign domination to which it had never consented, and that it was justly entitled to assert its sovereignty and demand its independence from a rule which was unlawful, oppressive, and tyrannical."

I must say in reply that the question between Colombia and the United States is not whether Panama was justly entitled to assert independence, but whether the United States was under obligation, by treaty or by principles of international law, not to do the things which it is admitted were done by the United States after the declaration of Panama's independence was made.

Permit me to say further that these allegations come as a surprise to my country, in view of certain public records of the United States, which I must now recall to your attention on account of these allegations.

In regard to the alleged "separate sovereignty" of Panama, it seems to me that you can hardly mean what the language would seem to imply, remembering that in 1846 the United States bound itself to preserve the sovereignty of Colombia over the Isthmus of Panama forever, and in view of the further facts that in 1869, and again in 1903, the United States negotiated with Colombia, as sovereign of Panama, for valuable concessions, in order to construct an isthmian canal through Panama.

These acts could not have occurred if Panama had been a separate sovereignty, or had been so regarded by the United States.

As for the allegation of oppressive or tyrannical conduct toward Panama by the Government of Colombia, permit me to call to your attention the fact that not once since the United States bound itself to maintain forever the sovereignty of Colombia over Panama has the United States intimated to Colombia that her rule in Panama was oppressive, tyrannical, or unlawful; nor has the United States or any other government ever made representations to Colombia on account of injuries to its interests, or the interests of its citizens in Panama, caused by unlawful, oppressive, or tyrannical conduct toward Panama by the Government of Colombia.

Were it proper for us to disclose the political relation between Colombia and Panama prior to the 2d of November, 1903, or the internal affairs of Colombia, I could set forth many facts, capable of easy proof, which would show that the allegations into which you have been led are contrary to the facts of the history of my country.

In addition to the foregoing allusion to facts of record in the United States I may say that, owing to the nature of republican institutions, under which Colombia has lived ever since she achieved her independence, through her own efforts, Colombia has been governed by the vote of the people. There has been no disparity in the rights enjoyed by any of the several members of Colombia's body.

All the States or Departments constituting the nation have always had equal rights. It is true that political struggles have occurred in Colombia which resulted in civil strife, even as in all other nations with whose history Colombia is acquainted; but never has Panama or any other State or Department of Colombia endeavored to sever its relations with the rest of Colombia, or even protested against any act of the Government as being against its welfare and designed for the special interest of other parts of the national body. Such civil wars as have occurred in Colombia came from struggles between parties having representatives in all parts of the nation. The sacrifices imposed upon the nation by these struggles and the efforts made to work our way through them have been undergone and shared alike by all parts of the nation.

The citizens of Colombia in Panama took part in the struggles on both sides, and in the outcome Panama shared equally in the benefits with all the other parts of the nation, but, in several particulars of an economical, political, and vital character, was burdened less with the evil consequences than were the others. For instance, Colombia generally had to suffer the evils of a paper currency whereas the people of Panama, throughout the whole crisis and afterwards, continued by the act of Colombia, to enjoy the benefit of specie currency, though paper currency was made, by the act of the Colombian Congress, the only lawful currency in all other parts of the Republic.

Taking the most unfavorable view possible of the refusal of the Colombian Congress to sanction the Herran-Hay treaty, it was only a repetition of the act done in 1869 by the United States Senate. During almost every session of every double-chambered national legislature measures most necessary to the national welfare fail for want of agreement by the two bodies whose assent must be secured, and consequently go over until unity of action can be obtained. The thing which so imperiled the vital interests of the people of Panama was not the refusal of the Colombian Congress to ratify the Herran-Hay treaty without amendment, but the existence of the Spooner Act of the United States, which operated to prevent free and full discussion of and final agreement upon a treaty for the construction of the canal, after the exercise of their constitutional rights by all parties charged by law with a responsibility in regard thereto. But for this act the people of Panama could have counted upon the conclusion of a treaty during subsequent sessions of the Congresses of the two countries. Otherwise, republican government must be admitted to be a failure. Moreover, what was there to prevent the United States from amending or repealing this act if actual conditions called for this, in the interest of the United States, of Panama, of Colombia, and of other nations?

I can not escape, however, from the feeling that consideration of the internal government of Colombia and of the relation of Panama to Colombia prior to the 2d of November, 1903, can only serve to confuse the issue, for the arbitrators in the case which Colombia proposes to submit could not inquire into the internal government or the foreign policy of either Colombia or the United States, but only into the questions submitted, questions which are purely of law, upon acts all of which are admitted. The accuracy or the inaccuracy of the statements made by us, in this discussion of the history of Colom-

bia, could not be passed upon in the arbitration which I propose and does not have to be decided by us in making a direct settlement, for the sole question is: Did the United States act contrary to the treaty of 1846 or to principles of international law assented to by the United States?

I beg of you, therefore, to assure the President and his constitutional advisers that I have not intended to propose that the United States submit its public policy to the decision of any arbitrator, and that you will put out of mind all matters which do not affect the claim which is made by my country or the method proposed for its honorable settlement, either by compensation of Colombia or the arbitration of her claim.

Having endeavored to confine myself in this communication to facts about which there is no dispute and which must be considered first by ourselves in arriving at a direct settlement of Colombia's claim, and then by any court of arbitration to which this claim may be referred, if a direct settlement is not made, I trust that you will assist me to clear away all other questions and to bring to the attention of the President and his constitutional advisers only such questions as will promote an honorable settlement of this unhappy contention at the earliest possible moment.

In former communications received from the Department of State of the United States, it was stated that the actions of the United States sprang from motives of the friendliest kind toward Colombia, and were taken in order faithfully to perform the duties imposed upon the United States by the treaty of 1846.

I note the fact that in your communication it is stated for the first time, on behalf of your Government, that the United States espoused the cause of Panama, the language being:

Nor are we willing to permit any arbitrator to determine the political policy of the United States in following its sense of right and justice by espousing the cause of this weak people against the stronger Government of Colombia, which had so long held them in unlawful subjection?

As my country must suffer a continuous injury until the United States determines either to compensate Colombia or to arbitrate this claim, and as a considerable time has already elapsed since the events complained of, I take the liberty of expressing the hope that the President and his constitutional advisers will give the earliest possible reconsideration to my country's claim, in the light of the facts and arguments thereon set forth in this communication, and will submit the same to the Senate and to the House of Representatives of the United States in order that the members of these two honorable bodies may determine the course which it is proper for them to take under existing conditions.

After the most painstaking review of the situation I find myself convinced that considerations not only of absolute but of practical justice, as well as of honor and of the general welfare of our two countries, our two continents, and, indeed, of the whole world, call for the compensation of Colombia for her loss or the arbitration of her claim, and I feel confident that the Government of the United States will be glad to accede to one or the other of these honorable proposals, now that all question of casting aspersions upon the honor of the United States has been removed from this correspondence.

If the United States does not feel called upon to compensate Colombia without recourse to arbitration, I propose that the questions herein stated be referred to an impartial court of arbitration constituted in accordance with the provisions of the treaty of The Hague, adopted by the United States and by 25 other nations after most careful consideration. But if for any reason the United States would prefer a court of arbitration constituted in any other way, Colombia will consent to any method suggested by the United States which will assure the selection of competent and impartial arbitrators to determine this unhappy contention.

With assurances of high personal regard and of liveliest hopes for the success of our mutual efforts for a settlement of this controversy which will be honorable to all parties, I beg to remain,

Your Excellency's obedient servant,

DIEGO MENDOZA.

Minister Barrett to the Secretary of State.

[Telegram.—Extract.]

AMERICAN LEGATION,
Bogota, May 26, 1906.

The President of Colombia, inviting me in a private conference, submitted the following, recognizing impracticability any further discussion of arbitration and indemnity over the Panama question, and desiring to take practical steps to settle differences. He proposes * * *

[Here follow suggestions which are still, December, 1906, the subject of pending negotiations.]

The Secretary of State to Minister Barrett.

[Telegram.—Extract.]

DEPARTMENT OF STATE,
Washington, June 2, 1906.

Say to President Reyes that I am most favorably impressed by his proposals and shall be glad to undertake negotiation on general lines suggested by him.

ROOT.

Minister Barrett to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Bogota, June 7, 1906.

The President of Colombia in a private conference says the following:

"First, he is much pleased with your answer and says that now begins a new era in friendly relations.

"Second, to-day has telegraphed to minister of Colombia at Washington, 'return at once ostensibly on leave of absence, and will send, on your return, a new minister in sympathy with proposed negotiations.'

“Third, Valencia, Pan-American delegate, on arriving at New York will be instructed to call upon and confer with you.

“Fourth, desires to know what date do you expect [to] arrive at Panama en route home.”

BARRETT.

Minister Barrett to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Bogota, June 30, 1906.

(Mr. Barrett transmits a request of the President of Colombia that public announcement be made in the United States of the preliminary negotiations initiated in Colombia, and of the contemplated appointment of Señor Enrique Cortes as minister of Colombia on Secretary Root's return from his visit to South American Republics.)

Minister Barrett to the Acting Secretary of State.

No. 119.]

AMERICAN LEGATION,
Bogota, July 13, 1906.

SIR: I have the honor to report a most important and definite action just taken by a prominent group in the National Commercial Congress, which is now holding its sessions in Bogota, in favor of arranging all pending questions between Colombia on the one hand and the United States and Panama on the other along the lines of negotiations begun by President Reyes and myself.

Yesterday, in a full session of this congress, which is representative of the entire Republic, the following delegates, representing the Pacific and Atlantic coast departments of Narino, Cauca, Antioquia, Bolivar, Atlantico, and Magdalena, Messrs. C. Pineres, Oscar A. Noguera, Luciano Herrera, Ricardo Restrepo C., Leonardo Tascon, and J. Gnecco Laborde, submitted the following proposition, which was adopted unanimously by the conference:

We, the undersigned, commissioners of commerce, agriculture, and industry from the departments of Narino, Cauca, Antioquia, Bolivar, Atlantico, and Magdalena, which are the departments that have their littorals, some on the Pacific and some on the Atlantic, hereby make known to the Government the necessity of promptly settling in a manner honorable and convenient to Colombia all questions pending with the United States and with Panama, and we ask that this resolution, which has been approved by the minister of foreign affairs, will be therefore considered by the conference.

To-day this remarkable action is the subject of general conversation, and is considered as one of the strongest steps that has yet been taken toward framing public sentiment in favor of new treaties. The minister of foreign affairs and myself regard it of such importance that I am cabling you the purport of this action. In the debate over its consideration most kindly references were made to the policies of this legation and to its efforts to promote friendly relations between Colombia and the United States and Panama.

I have, etc.,

JOHN BARRETT.

Mr. Koppel to the Secretary of State.

No. 1.]

AMERICAN LEGATION,
Bogota, 20 August, 1906.

SIR: I have the honor to inclose herewith printed copy of a circular dated 11 August, 1906, informing the governors of the departments about a resolution passed by the council of ministers with regard to a printed letter signed by the Colombian ex-minister at Washington, Señor Diego Mendoza Perez, published in New York and bearing date of 2 July, 1906.

According to this resolution, Señor Mendoza Perez has been declared traitor to his country; and by Resolution 64 of 17 August, 1906, copy of which I also inclose, he has been summoned to appear before the Colombian Government in this city to answer the charges that have caused him to be declared traitor to the country, otherwise his extradition is to be requested.

Owing to pressure of time I am unable to send a translation of these articles, and I will not delay them, as they may be of importance to the Department of State.

I have, etc.,

SAM B. KOPPEL,
In charge.

[Inclosure 1.—Translation.]

URGENT CIRCULAR.

WAR DEPARTMENT,
Bogota, August 11, 1906.

Governor of _____

Prefects of Cali, Buga, Cucuta, Ocaña, Palmira, Santander, (Cauca), Velez, Sogamoso, Honda, Magangue, Riohacha, Buenaventura, Tumaco, Pereira, Giradot, Mompos, Corozal, Quibdo Marinilla, Sonson. Alcaldes Peurto Berfo, Gamarra, Calamar.

I transcribe the following declaration of the cabinet of ministers, unanimously approved in full meeting August 10, 1906:

The cabinet of ministers in view of the statement which His Excellency the President of the Republic has just presented to you and the letter printed in New York, dated July 2, 1906, signed by the ex-minister of Colombia in Washington, Señor Diego Mendoza Perez, and considering that by the numerous documents which are in the archives of the presidency of the Republic these things have been confirmed:

1. That about the middle of last year the head of the Government had complete knowledge through repeated warnings that he was to be assassinated, a design which he had reason to believe was conceived by individuals whose interests were being injured by the Government actively following up the falsification of notes, the smuggling of emeralds, licentious acts, and other deeds highly prejudicial to public morality and social order, about all which His Excellency the President opportunely made a private report to the judges of the supreme court of justice and to the attorney general of the nation.

2. That these treasonable designs continued to develop in the succeeding months up to the 19th of December of last year, when the Government, by means of the judicious vigilance which it had exercised, was able to break up with rapidity and without disturbance the conspiracy which was being hatched to overthrow it.

3. That after the frustration of that crime the assassination of the President was again insisted on, and this was carried so far that a band of malefactors was organized to carry it out, as it did on February 10 of the present year, an attempt which put in imminent danger the life of His Excellency the President of the Republic and that of his daughter.

4. That after the conspirators and the authors of the homicidal offense had been delivered to justice and punished for their respective crimes in conformity with the sentences pronounced by competent courts, tranquillity was restored and the Government continued to occupy itself actively with the economic and political reconstruction of the country, destroyed and discredited by the three years' war just over.

5. That things being in this condition the Government had certain information that two or three disloyal sons of Colombia, without considering the opinion of the people, were trying to start a separatist movement, like that of Panama, which if successful would involve the total dissolution of Colombia, for which the traitors were soliciting the support of some foreign power and of Panama. In order to avert such great evils the Government took excessive measures involving energy and prudence both within and without the country, and succeeded in averting the very great danger which was threatening it, without neglecting internal matters of vital importance for the development of the nation. To-day that grave danger has entirely disappeared, owing to the attitude which the Government of the United States has assumed.

6. That the settlement of the questions pending with the United States and Panama being urgent, in order to avoid greater ills, the Government decided to send a special mission to the American Government to negotiate it, and which at the same time that it saved the national honor, omitting pecuniary profits, would put an end to the difficulties of the country, and especially of those districts on the coast of the Atlantic and the Pacific which had arisen from the separation of Panama. That mission was faithfully confided to the citizen who was retiring as minister of foreign affairs, Don Enrique Cortes, who found himself obliged to resign his post, and to Señor Diego Mendoza Perez, in whose loyalty and enlightenment the President of the Republic trusted.

7. That the Government having had certain information that its representative in Washington, Señor Mendoza Perez, through lack of judgment and discretion was not carrying out the instructions received, decided to recall him to this capital and again to entrust Señor Cortes with the diplomatic negotiations, being convinced of his learning and efficiency, who accepted that mission.

8. That this proceeding, adopted by the Government according to the right given by the laws and in the endeavor to avert the great ills which were threatening the country, led Dr. Diego Mendoza Perez, instead of conforming to the instructions which had been given him by the minister of foreign affairs to return to this city, as he was ordered, to abuse his diplomatic character by making public in a foreign country and with injury to the interests of Colombia, acts, by their nature confidential in accordance with the practice of public international law, and slanderous charges.

9. That in accordance with ordinal 4 of article 20 of the Colombian penal code "diplomatic agents of Colombia who commit any crime in a foreign country, and any other employees of the Government in a foreign country who commit any act of disobedience or disloyalty to the same government, or any crime during the exercise of their functions, shall be punished according to this code.

10. That in accordance with article 159 of the said code, acts, counsels, or machinations contributing to cause any injury to the nation shall be qualified as treason to the country.

11. That in the publication previously mentioned, which has circulated widely throughout the country, not only is rebellion instigated, but even the assassination of the President of the Republic.

The Cabinet of Ministers declares that in its opinion Señor Diego Mendoza Perez, ex-diplomatic minister of Colombia in the United States, by making the publication as a letter of what has before been mentioned, has been included in the denomination of traitor to the country, described by article 159 of the penal code.

That in its opinion both Señor Diego Mendoza and the other persons who appear answerable as accomplices in the grave crime which has been committed, are punishable in accordance with ordinal 4 of article 20 of the penal code.

That ex-Minister Señor Mendoza has expressly violated sentence 11 of article 8 of law 23 of 1866, which says literally: "To preserve secrecy in negotiations and to publish nothing without the authorization of the Government;" and article 13 of decree 1039 of 1901, by which the diplomatic service of Colombia is regulated, which binds diplomatic agents, even after they have retired from a post, not to publish, nor to permit the publication, of anything without the previous authorization of the Government, under which Señor Mendoza Perez was found

answerable through the gravity of the oath which he took on taking possession of his office.

That consequently the Government, in accordance with the laws, orders that those who are found to be responsible for the crime mentioned—viz, treason to the country—shall be brought to justice, for which it shall be reported to the competent authority in order to further the matter.

The President,

R. REYES.

Minister of the interior, Dionisio Arango; minister of foreign affairs, A. Vasquez Cobo; minister of the treasury, Tobias Valenzuela; minister of war, Manuel M. Sanclemente; minister of public instruction, J. M. Rivas Groot; minister of public works, F. de P. Manotas.

Secretary of the cabinet,

CAMILO TORRES ELICECHEA.

As the publication of Señor Mendoza Perez, which the declaration of the cabinet of ministers discusses, is subversive of order, and as the cabinet decided that the laws on public order shall be applied to the accomplices of Señor Mendoza Perez, you will ascertain if there are any accomplices in that locality who have received the publication mentioned and who are distributing it.

The whole country is perfectly calm, and in order to give greater stability to the peacefulness it is necessary to be extremely zealous in avoiding and suppressing everything which might disturb it.

The minister of war,

SANCLEMENTE.

[Inclosure 2—Translation.]

[Resolution No. 64.]

REPUBLIC OF COLOMBIA—WAR DEPARTMENT.

The minister of war, in compliance with the laws on police and preservation of public order, and considering—

1. That the Government, in accordance with the declaration of the cabinet of ministers of the 10th instant, referring to Señor Diego Mendoza Perez, ex-minister of Colombia at Washington, has ordered that a case of treason to the country be brought against that individual, and that he be summoned to voluntarily present himself to answer the charges made against him, or to request his extradition if he should refuse to obey the call which is to be made.

2. That they have proofs that the agents and accomplices of Señor Diego Mendoza Perez have reproduced in the press of a foreign country the letter of this gentleman which is the cause of the present resolution, adding comments to it which dishonor the country.

3. That in this city slanderous anonymous letters are sent to peaceful and honest citizens and to public employees in which they are threatened with death, and although the authors of such anonymous letters are professional agitators and slanderers, insignificant in number and without any social or political standing, it is necessary to prevent their continuing to disturb society.

4. That the governors of the departments must prevent the slanderers and agitators by all the means in their power from doing the mischief in the territory of their respective jurisdictions which they propose to do in this capital, spreading the story that they have supporters in their campaign of defamation and threats against the life and honor of the citizens and public employees, and which may produce civil war.

5. That peace and tranquillity existing, as they do exist, in the whole Republic, with the exception of a few persons only in this capital who are trying to keep its inhabitants agitated and alarmed, it is indispensable that this unpatriotic work be prevented from continuing and the evil from extending beyond the capital.

It is resolved:

1. To summon Señor Diego Mendoza Perez, ex-minister of Colombia in Washington, to appear before the Government in this city to answer to the charges which have been made, by which he is declared a traitor to the country, it being understood that if he does not voluntarily present himself within a period of sixty days his extradition shall be requested through the department of foreign affairs.

2. To solicit the attorney-general of the nation to indict Señor Diego Mendoza Perez for treason to the country through the judicial division of the national police, taking the depositions of those persons who appear to be accomplices of Mendoza Perez or his agents for developing the destructive design advised in his letter of July 2, of the present year, published in New York, which has been extensively distributed in Colombia and the other Spanish-American countries. The indictment shall be prepared under the supervision of the attorney-general of the nation, and when found it shall be decided what court shall try Señor Mendoza Perez and his accomplices.

3. To specially charge the governor of the capital district and those of the departments, the chief of the garrison at Bogota, the gendarmerie, and the national police:

(a) To ascertain through their subordinate agents who the few persons are that are occupied in directing the anonymous circulars mentioned and in keeping the city disturbed, and who are the accomplices of Señor Diego Mendoza Perez or his agents in the furtherance of the anarchistic and destructive design counseled by him in his letter before mentioned. To this end the governor of the capital district shall specially make use of the alcaldes of the barrio (wards).

(b) That on the discovery of the person or persons previously referred to, notice shall immediately be sent to the war department in order to try them according to the law of the high national police, and to confine them at a military post where they shall be educated, by means of work, in the cause of peace and order, and to be useful both to themselves and to society.

4. To charge the governors to proceed with great zeal and energy to carry out this resolution, and in case it is abused owing to personal grudges, the decree referring to those who make accusations falsely or through anger shall be applied to the responsible parties.

5. To charge Colombian ministers and consuls abroad to ascertain who the accomplices or agents of Señor Mendoza Perez are, and to immediately advise this department what they may learn in this connection.

6. To rouse all citizens and especially public employees in order that they shall aid the police and the national gendarmes to carry out this resolution, whose principal object is to protect the honor and the tranquillity of the citizens and to finally put an end to false alarms, professional agitators and slanderers, and also to those who make accusations falsely or through anger. All public employees must be reminded that although they do not belong to the police, the gendarmes, or the army, their duty is to aid them to preserve order as well as to make known to their superiors whether there is in the public administration any incorrect act to be corrected.

Let it be published on posters and communicated by telegraph to the governors, in order that they may make it known to all inhabitants of the department under their control.

Issued at Bogota, August 16, 1906.

The minister of war.

MANUEL M. SANCLEMENTE.

VISIT OF SECRETARY ROOT.

Minister Barrett to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Bogotá, June 17, 1906.

(Mr. Barrett asks if Secretary Root will accept invitation of Colombia to stop a day at Cartagena en route Panama-New York. The minister of foreign affairs will be sent to meet the Secretary on his arrival.)

The Secretary of State to Minister Barrett.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 21, 1906.

(Secretary Root states that he expects to sail from Panama on or about 24th September. He will call at Cartagena and hopes to see minister for foreign affairs and Mr. Barrett. Will give further information later.)

Minister Barrett to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Bogotá, June 24, 1906.

(Mr. Barrett reports that the President of Colombia is much pleased with Secretary Root's willingness to stop at Cartagena.)

Minister Barrett to the Acting Secretary of State.

No. 129.]

AMERICAN LEGATION,
Bogotá, August 1, 1906.

SIR: I have the honor to report that all arrangements are now completed for my departure from Bogota August 3 for my overland trip to Guayaquil, Ecuador, where I am to meet the Secretary of State, Mr. Root, and accompany him to Panama and thence to Cartagena, Colombia.

I shall go first directly to Medellin, the capital of Antioquia; thence to Manizales, the capital of Caldas; thence to Cali, the principal city of Cauca; thence to Popayan, the capital of Cauca, and thence via Pasto, Ipiales Tulcan, Ibarra, to Quifo, where I should arrive about September 12, and then to Guayaquil.

President Reyes has taken much interest in this journey, which he says will, through my reports, be of great benefit not only to the development of Colombia and Ecuador, but to the commercial opportunities and foreign financial investments of the United States. It will entail considerable hardship and discomfort, requiring nearly forty-five days' traveling on mule back over a distance, with its variations, of 1,000 miles, but I look forward to it with interest as affording me an opportunity to study carefully an important section of South America now little known to the outside world.

I have the honor to be, etc.

JOHN BARRETT.

*Vice-Consul MacMaster to the Secretary of State.*AMERICAN CONSULATE,
Cartagena, Colombia, September 26, 1906.

SIR: I have the honor of inclosing herewith two copies of El Porvenir, the semiofficial paper of this city, of September 25 and 26, relative to the visit made to this city by the honorable Secretary of

State on the 24th instant. In the last-mentioned paper appears the speech made by our honorable Secretary, in English and in Spanish. The whole country appears to be most pleased, and the relations between the Americans resident here and the Colombians have improved greatly. With sentiments of the highest consideration.

I have, etc.

M. B. MACMASTER,
American Vice-Consul.

[Inclosure No. 1.]

Speech of His Excellency Vasquez-Cobo, Minister for Foreign Affairs, at a breakfast, given to Mr. Root, at Cartagena, September 24, 1906.

[Translation from the Spanish.]

MR. SECRETARY: Upon receiving your excellency within the confines of our heroic and glorious Cartagena, I present to you a cordial greeting of welcome, in the name of Colombia, of His Excellency the President of the Republic, and in my own.

You return to your own country to enjoy merited honors and laurels after a long tour, giving a hearty embrace of friendship to our sisters, the Republics of the South, and in breaking your journey upon our burning shores we receive you as the herald of peace, of justice, and of concord with which the great Republic of the North greets the American Continent. I trust to God that these walls, the austere witnesses of our glory, will serve as a monument whereby this visit may be noted in history!

The honorable Minister Barrett, the worthy and estimable representative of your excellency's Government, has just finished journeying through a large part of our vast territory; he, better than any one, will be able to tell your excellency what he has seen in our beautiful and fertile valleys and mountains, in our flourishing cities and fields, and among the five millions of lusty, high-minded, peace-loving, and hard-working inhabitants, who to-day think only of peace and useful and honest toil.

This is the nation that greets you to-day and with loyalty and frankness clasps the hand of her sister of the North.

Mr. Secretary, upon thanking you for the honor of this visit, I fervently pray that a happy outcome may crown your efforts in the great work of American confraternity, and I drink to the prosperity and greatness of the United States, to its President, and especially to your excellency.

[Inclosure No. 2.]

Reply of Mr. Root.

YOUR EXCELLENCY, AND GENTLEMEN: Believe, I beg you, in the sincerity of my appreciation and my thanks for the courtesy with which you have received me, and for the honor which you have shown me. When the suggestion was made that upon my return from a voyage encircling the continent of South America I should stop at Cartagena for an interview with you, sir, before returning to my own country, I accepted with alacrity and with pleasure, because it was most grateful to me to testify by my presence upon your shores to my high respect for your great country, the country of Bolivar; to my sincere desire that all questions which exist between the United States of Colombia and the United States of America may be settled peacefully, in the spirit of friendship, of mutual esteem, and with honor for both countries. Especially, also, I was glad to come to Colombia as an evidence of my esteem and regard for that noble and great man whom it is the privilege of Colombia to call her President to-day—General Reyes. I have had the privilege of personal acquaintance with him, and I look upon his conduct of affairs in the chief magistracy of your Republic with the twofold interest of one who loves his fellow-men and desires the pros-

perity and happiness of the people of Colombia and of a personal regard and friendship for the President himself.

I have been much gratified during my visit to so many of the Republics of South America to find universally the spirit of a new industrial and commercial awakening, to find a new era of enterprise and prosperity dawning in the Southern Continent.

Mr. Minister and gentlemen, it will be the cause of sincere happiness to me if through the present friendly relations, based upon personal knowledge acquired here, I may do something toward helping the Republic of Colombia forward along the pathway of the new development of South America. With your vast agricultural and mineral wealth, with the incalculable richness of your domain, the wealth and prosperity of Colombia are sure to come some time. Let us hope that they will come now while we are living, in order that you may transfer to your children not the possibility but the realization of the increased greatness of your country. Let us hope that some advance of this new era of progress may come from the pleasant friendships formed to-day. While I return my thanks to you for your courtesy let me assure you that there is nothing that could give greater pleasure to the President and to the people of the United States of America than to feel that they may have some part in promoting the prosperity and the happiness of this sister Republic.

I ask you to join me in drinking to the peace, the prosperity, the order, the justice, the liberty of the Republic of Colombia, and long life and a prosperous career in office to its President—General Reyes.

POLITICAL AND BUSINESS CONDITIONS IN COLOMBIA.

Minister Barrett to the Secretary of State.

No. 26.]

AMERICAN LEGATION,
Bogota, January 6, 1906.

SIR: I have the honor to report that, on January 1, the National Assembly of Colombia met in extraordinary session at the call of President Reyes. The principal work before it is to confirm the decrees that he has issued during the past year and approve the budgets of the various ministers of state.

The most interesting feature of the meeting of this assembly is the message of President Reyes. It is a strong document, and reviews carefully the work that has been accomplished by his administration during the past year. It effectively refutes many of the arguments advanced by the opponents and critics of President Reyes that his policies have not been for the good of the country. The progress outlined is encouraging, and gives promise of a general forward movement all along the line in the material prosperity of the Republic.

The discussion of railway building begun and contemplated occupies a prominent place in the message. There are more enterprises under way for the construction of railroads than is generally supposed and many new ones are being planned. Among the principal concessionaires who are planning extensive railroad building are two Americans, respectively, Alfred Bishop Mason and Henry C. Granger, of New York. In another dispatch I will report more in detail on this phase of the message.

In discussing the foreign affairs a brief reference is made to the relations with the United States, of which the following is a rough translation:

We have not yet arrived at an understanding with the Government of the United States of America in regard to the questions of a particular nature which we desire to settle. Our minister plenipotentiary in Washington, Señor Don Diego Mendoza, informed us at the end of last October that he had begun nego-

tiations with the Secretary of State of the United States, but since then we have not received any information to indicate what course these were taking. The instructions communicated by the minister of foreign affairs to our diplomatic representative are sufficiently ample to suit the diverse conditions that may be taken up. We know that the President of the United States has manifested a disposition to arrive at a just understanding, and this has been confirmed by the declarations of Mr. Barrett, recently appointed minister plenipotentiary of that Republic before our Government.

I have, etc.,

JOHN BARRETT.

Minister Barrett to the Secretary of State.

No. 69.]

AMERICAN LEGATION,
Bogota, April 14, 1906.

SIR: I have the honor to report with great satisfaction a steady improvement during the last month of political and business conditions in Colombia. There has been apparently absolute quiet in all lines of political agitation, while there have been indications that foreign capital is feeling a greater sense of security than it has for the last year and a half. If these conditions continue, they will be evidence of the wisdom of the policies pursued by President Reyes in his efforts to bring about permanent peace and prosperity for this wonderfully rich country. The longer I stay here and the more I investigate the resources and possibilities of this Republic the more I am convinced that it possesses a latent capacity of development second only to that of Mexico among all the South American Republics.

In this connection it gives me profound pleasure to emphasize a gradual growth of a new friendly feeling toward the United States. Although there is still much bitterness among a certain element of political leaders and among the masses of the people, yet the courtesy that is shown me on all occasions and at all places, and the more kindly references that are being made in the press to the United States show a great change of feeling. If North American capital will now come to this country, as that of European countries like England, France, and Germany is beginning to do, it will be taken by the people of this Republic as being an indication of the desire of the United States to assist Colombia in its development.

Shortly I shall submit one or two specific reports upon the conditions and resources of this country, which I hope will awaken wider interest throughout the United States in its marvelous possibilities of legitimate exploitation.

I have, etc.,

JOHN BARRETT.

Minister Barrett to the Secretary of State.

[Extract.]

No. 98.]

AMERICAN LEGATION,
Bogota, June 7, 1906.

SIR: I have the honor to inclose in duplicate for publication in the Daily Consular and Trade Bulletin a special report entitled "Colombia, a land of great possibilities."

I have, etc.,

JOHN BARRETT.

COLOMBIA, A LAND OF GREAT POSSIBILITIES.

It is the purpose of this report to awaken wider interest in the great Republic of Colombia. I say "great" advisedly, as will be seen later on in my discussion of her area and resources. Not only should the merchants, manufacturers, exporters, and capitalists of the United States, from selfish reasons, turn their eyes to Colombia, but all men, who are students of international politics or who care to keep informed on remarkable achievement and possibilities beyond the confines of the United States, should watch Colombian progress. Then there is a particular reason, growing out of the recent Panama unpleasantness, why the Government and people of the United States should lend Colombia a helping and sympathetic hand in her efforts to develop a new era of prosperity.

I do not lay any claims to being a prophet, but simply making a calculation for the future, as reasonable as to say that four will be the sum if you can find two and two to add, I desire to go on record as believing that Colombia will presently experience a material development like that of Mexico, which has astonished the world and attracted the investment of six hundred millions gold of United States money. In other words, I hold, after having visited all the Latin-American republics from Mexico to Argentina, that Colombia in proportion to area and population is the richest of all in variety and extent of undeveloped resources and opportunities.

The time to act.

It especially behooves the trade, investment, and political interests of the United States to give heed to Colombia's potentialities without further delay because the corresponding interests of Europe are already aroused to their appreciation and legitimate exploitation. Although Colombia is at our very doors, although it is nearer to all the principal ports of the United States than any other South American country, we are almost in the attitude of sitting idly by and listlessly watching the distant nations of Europe develop her internal resources and control her foreign commerce. How feelingly I write can be realized when I record that only a few days ago (in May, 1906) a great English corporation completely bought out the principal American railway, steamboat, and development company in Colombia, and this followed the sale by another American company of one of the best railroad concessions in the country to a European corporation. Such transfers can not indicate lack of confidence in the future of Colombia, as Europeans study that phase of the situation even more carefully than Americans; they are rather due either to a desire to take immediate profits by selling out, or to lack of familiarity with the ultimate possibilities of the country.

Colombia's strategic location.

I wish first to call attention to a few remarkable geographical facts about Colombia not generally known, but which should serve to awaken special interest in her as one of our near and most important neighbors. Colombia's intimate proximity to the United States is brought out clearly by the following points:

(1) The least distance between Colombia and the United States is only 950 miles.

(2) From Cartagena to Tampa, Fla., is less distance by sea than from New York to St. Louis by land.

(3) From Cartagena to New Orleans is only 1,400 miles, or four days' easy steaming.

(4) From Barranquilla, another Colombian port, to New York is almost a straight line, due north, less than 1,900 miles, and five days' easy steaming.

(5) Colombia is nearer than Panama to the majority of Atlantic and Gulf ports of the United States.

Colombia's strategic position in commerce and international relations is demonstrated by the fact that she is the only South American country bordering on both the Atlantic and Pacific, and therefore having immediate and direct access by the great highway of the sea to the markets of the entire world. The completion of the Panama Canal will, moreover, strengthen this ideal position. She has nearly 500 miles reach of coast, respectively, on the Atlantic and Pacific, and the canal will benefit her even more than it will the United States or Panama.

Her vast extent of area.

Colombia's area entitles her to rank among the larger countries of the world. Comparisons in this case are not odious, but decidedly interesting. Some that will help to picture her extent are the following:

(1) Colombia is larger than Germany, France, Holland, and Belgium combined.

(2) Larger than all the coast States of the United States from Maine to Florida united, with Ohio and West Virginia added.

(3) Larger than Illinois, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kentucky, and Tennessee.

(4) As large as California, Oregon, Washington, Idaho, and Nevada together. These comparisons permit people in different parts of the United States to comprehend readily why I call Colombia "great," and show more plainly her size than if it were simply recorded that her area exceeds 500,000 square miles.

As her population is not more than 4,000,000, with a capacity to support 40,000,000, it can be seen that she is in the very infancy of her development. In speaking of her population let me add that the majority of her inhabitants are hardworking and industrious, and, were it not for the many civil wars that have drained their life blood and exhausted their energies, they would be one of the richest peoples per capita in the world. It is the fervent prayer of all sincere friends of Colombia that President Reyes may be spared in health and life to succeed in his noble efforts to evolve permanent peace and consequent prosperity of his long-suffering land.

The approaches to Colombia.

The foregoing description of Colombia's location and area naturally suggests the question: How is Colombia now approached from the United States, or how are her principal ports and interior points reached by trade and travelers? There are two principal ports on the Atlantic or Caribbean shore, namely, Barranquilla and Cartagena, which are connected with New York by regular steamship lines running frequently, and with Boston, Philadelphia, Baltimore, New Orleans, and Galveston by occasional steamers. Chief among the former are the Hamburg-American (German), which has absorbed the Atlas Line, and the Royal Mail (English). The former touches at Kingston, Jamaica, and Port Limon, Costa Rica, en route, and the latter at Colon (Panama) and Kingston. There is also a line of fast steamers belonging to the United Fruit Company running regularly and often between Santa Marta, near Barranquilla, and New York or New Orleans. There are, therefore, fair facilities for the exchange of trade and travel between Colombia and the United States, but these would be greatly improved if business demanded.

Europe is even better off in steamship communication, except for the heavy handicap of distance and time, as there are large freight and passenger vessels plying regularly between these ports of Colombia and those of England, Germany, France, Spain, and Italy.

On the Pacific side the only port of importance is Buenaventura, which is connected with Panama by regular weekly steamers and smaller coasting vessels. It is not yet a large town, but it is destined to be a city of considerable size when the Panama Canal is opened, and when the railroad now being constructed by two enterprising Americans, Messrs. Alfred Bishop Mason and Edward H. Mason, is completed to Bogota, the capital. It is the gateway to the marvelously rich state of Cauca, which, with an extent equal to that of California, is described by the best authorities as one of the "garden spots" of the world. Shipments and travel to Buenaventura from either San Francisco or New York go now via Panama.

Returning to the Atlantic coast, it is to be noted that the principal interior points, excepting part of these in the Cauca just mentioned, and some points now accessible through Lake Maracaibo, near Venezuela, are reached through Cartagena and Barranquilla and thence by extensive river and overland routes. Colombia is greatly favored with navigable rivers. By means of the mighty Magdalena, flowing almost due north through the heart of Colombia from Ecuador to the Atlantic, and by its tributaries, over half her area has a natural outlet and inlet to and from the sea.

Her remarkable climate.

Perhaps the chief marvel of Colombia is her variety of climate. The average foreigner pictures Colombia as hot as Trophet and steaming like the jungles of Kipling's tales. He looks on the map, and this view is confirmed. But what a mistake! Although all of Colombia is geographically in the Tropics and its southernmost point is only a few miles from the equator, it has sections as large as New England where the climate is as cool and refreshing the year round as Vermont in May and September, and where all the products of the temperate zone grow even better than they do in Maine and Minnesota. It is not merely location on the map but altitude above the sea that determines temperature. When the generous Creator made Colombia He remembered this fact and counterbalanced her equatorial proximity by upheaving vast plateaus in the Andes to such a height that they possess an ideal climate. But He did not spoil His work by monotonous similarity; on the contrary, He interwove with these lofty plains beautiful warm valleys where grow in glorious abundance all the products of the rich Tropics. The average resident of Colombia can have upon his table any day the best food of both zones raised in his immediate neighborhood.

Mingling of plateaus and valleys.

Three magnificent branches of the Andean Cordillera extend right through Colombia and provide her with a mingling of tropical valleys and temperate plateaus unequalled in any other part of the world. There are scores of places in Colombia where one can lie in a hammock under a palm tree eating bananas and yet gaze almost straight up and behold in plain view the everlasting snows of neighboring mountain peaks. In as many other places I have sat wrapped in an overcoat upon the veranda of a hacienda in the "high country" and looked far down into valleys where the only covering of the children playing about was that which God gave them. All this suggests the pertinent inquiry, How can a country fail to be immeasurably rich which has these characteristics? I enlarge upon them, as only in that way I can arouse the real interest of the average man who reads diplomatic and consular reports.

Bogota, Colombia's unique capital.

Let us consider Bogota, the interesting, cultured, and influential capital of Colombia. Here is a city of 120,000 people, only 250 miles from the equator, which glories in a climate which is never as cold as Atlanta and never as hot as Montreal, that is bracing, but never chilling, the entire year, and that would make it one of the world's popular health resorts if it were easily accessible. But that is not all—it is beautifully located on a level plain or savannah, 8,500 feet above the sea that winds in and out throughout the surrounding mountains for nearly 100 miles in length and varies in width from 40 to 5 miles. That this fairy plain was once the bed of a great inland sea there can be no doubt. Its soil is marvelously rich, and it raises cattle, horses, mules, pigs, and goats, as well as wheat, corn, barley, alfalfa, potatoes, and all kinds of vegetables, that would please the most critical farmers of Illinois and Nebraska.

On the other hand, take the railroad train from Bogota to the edge of the plateau, mount a mule, and descend the mountains for a two hours' ride, and you will be in the midst of great coffee haciendas, sugar and banana plantations, and all the luxuries of the real Tropics.

Products of Colombian soil.

The logical sequence of this discussion is a summary of the various Colombian products of the soil. In the so-called "Hot county" we find coffee, sugar, tobacco, cacao, bananas, vanilla, corn, rice, beans, yucca, oranges, lemons, pine-apples, alligator pears, and other tropical fruits growing in splendid abundance. Then in the forests are cedar and mahogany, dyewoods, Peruvian bark, rubber trees, sarsaparilla, cocoa, ipecacuanha, gums, and resins, and rare orchids. Cotton will grow readily in the open, but so far it is little cultivated, while on the warm uplands are the cinchona, wax palms, balsam of tolu, vine of the cross, and the arisa. To describe furthermore the products of the cooler plateaus of Colombia would simply be to name those of northern United States and Europe, but the oddity and advantage of it all to Colombia is that the hot and

cold zones are in such remarkable and accessible proximity. We do not often think of Columbia as a cattle country, but I have seen as fine beef on the hoof in both the hot and cold sections of the Republic as can be raised on our western plains. The day is not remote when Colombia will be supplying the New York market with meat.

Her wealth of minerals.

Now let us turn to the ever fascinating subject of minerals and mines. Colombia would be a rich country if dependent only on its agricultural and forest wealth, but it has a vast supply of minerals and precious stones that alone also would make it a land of immense riches. If coal ever gives out in the United States there is enough in Colombia to supply the world for centuries. Although found in many different parts of the Republic, including the neighborhood of Cali in the Cauca, and near the Atlantic coast, there is so much soft or bituminous coal in the mountains around Bogota that the numerous mines running into the sides here and there remind one of giant gopher holes.

There are also indications of anthracite deposits which may rival those of Pennsylvania. So far these have not been developed because the natives do not understand or like hard coal.

Gold is mined in the States of Antioquia, Tolima, and Santander in richly paying quantities, and experts declare that some day there will be a "boom" here like that of the Klondike and California. Silver is found in Antioquia, Cauca, and Tolima; copper in Boyaca, Antioquia, Cauca, and Tolima; emeralds (the best in the world) in Boyaca; platinum in Choco; petroleum in Tolima; white lime, chalk, marble, asphalt, lead, and quicksilver are found in large deposits in many parts of the country.

At Pradera, not far from Bogota, iron and coal are side by side in such vast amounts that costly iron works have been erected, and it is now proposed to undertake the manufacture of steel by the Bessemer process.

A great development ahead.

While I am not an expert or authority on mines or minerals, I have seen enough of them, especially in the United States and in Mexico, to be convinced from my investigations in Colombia that when this Republic is once opened up with railroads it will experience a mining exploitation and development equal to that of Mexico or our West. I expect and hope to see millions of American money presently invested on a paying basis in Colombia not only in mines but in railroads, industries, agriculture, and commerce. It is an inviting field and the more one studies it, the more he is convinced of its great potentialities. Of course there are prospectors upon prospectors who visit Colombia and return to the United States, condemning and denying its resources, but other countries, like Mexico, have had similar experiences and yet turned out immensely rich.

Material relationship and development.

The United States is Colombia's best market. Not only now does the United States buy more Colombian produce than any other foreign nation, but as time goes on, Colombia is sure to depend more and more on the demands of American consumption. At the same time the United States is able to supply four-fifths of what Colombia now buys abroad, and should in time control by far the major portion of her imports. Thus, both the United States and Colombia, having vital and mutual interests at stake, should certainly study their commercial and political relations in the sincere hope of permanently bettering them. I reflect in no way on the efforts of Great Britain, Germany, France Italy, and Spain to advance their material and trade interests in Colombia; per contra, I admire the efforts their representatives and their subjects are making to add to their commerce and prestige in Colombia. There is abundant room and abundant business for all without unpleasant rivalry, while the more these diverse national interests work in harmony, the more good they can do not only to themselves but to Colombia and Colombians also. It is, however, humiliating to see Europeans, having actually less at stake than Americans, investing in the country and locating here, in the place of Americans of faint heart and temporary stay. There are some gratifying exceptions to this rule, and such Americans are not only liked by the people, but they are sure to reap in time a

worthy reward for their confidence in that country and their perseverance in developing its manifold resources. They are wise in their generation where the majority are foolish.

What Colombia buys and sells.

To-day Colombia is selling to the United States such exports as coffee, hides, alligator and goat skins, gold bars and dust, rubber, tobacco, and balsam of tolu, heron plumes and other feathers, straw hats, bananas, cocoanuts, chocolate, ivory nuts, quina, platinum, dyewoods, cedar and mahogany, orchids, etc. The value of these exports to the United States in 1905 approximated \$6,300,000 gold. This amount will be tripled when Colombia is started on an era of permanent peace, and the productiveness is accordingly increased.

Colombian imports from the United States include flour, kerosene oil, agricultural implements, mining and sugar-refining machinery, railroad and steamboat equipment, novelties of all kinds, shoes, matches, arms, and sporting goods, hardware, dyes and chemicals, toilet articles, some lines of cotton cloth and clothing, paper and printing supplies, etc.; but, excepting the first of these items, the greatest quantities are supplied by Europe. Imports from the United States in 1905 amounted in value only to \$3,700,000, although the grand total of foreign imports amounted to approximately \$12,000,000 to \$15,000,000.

Adverse conditions of trade.

If I were to make any special comment upon conditions working against foreign imports, I would call attention, first, to the excessively high fees charged by the Colombian consulates for certifying to invoices, and, second, to the frequent changes that are made in the Colombian tariff schedules. The sooner the Government lowers the former to reasonable figures and makes the latter more stable, the sooner will it foster foreign trade and increase its revenue. Chambers of commerce of the United States, England, and France have complained to their respective foreign offices, and they, in turn, have instructed their different diplomatic officers at Bogota to make earnest representations on these points, but the handicap still exists. It is to be hoped that President Reyes, with characteristic good judgment, will soon inaugurate the new and necessary conditions.

Packing and transportation.

While discussing commercial embargoes, I wish to remind American exporters that the necessity of strong, careful, and special packing is more apparent in Colombia than in almost any other country. Two peculiar features of the situation must always be borne in mind: First, the tropical atmosphere at all the ports of entry and in the lower sections; second, the mule-back transportation overland from the rivers to the cities and towns of the higher interiors. The dampness and heat of the former will ruin delicate and other shipments not incased in tin or other suitable air and water tight covering, while the limited carrying facilities of the latter require that packages shall not exceed 125 pounds in weight. These rules imply to the great average run of imports. Of course there is special provision for heavy machinery, but its transportation is always expensive, dangerous, and slow. The completion of the new railroads, now being laid down, should solve the problem of weight, but it can not provide against the dampness and heat.

Colombia should interest all classes.

As I wish to interest not only business men, but those of other callings and pursuits, permit me to say a passing word about two or three widely diverse features of my subject. The student of literature, politics, history, social and educational development can find much to attract his thought and attention in Colombia. Ever since Christopher Columbus discovered Cape Gracias á Dios, Colombia has been the scene of important and stirring events. The sway of Spain lasted nearly three centuries and the history thereof is full of romance and excitement. From the establishment of the Republic in 1810 until now, Colombia has been recognized as one of the forceful nations of South America, and she has provided her quota of men eminent in the economic, political, social, and literary life of South America. The national library of 40,000 volumes in Bogota holds abundant evidence of the valuable work of her statesmen, generals, scholars, poets, historical and romantic writers, scientists, and geographers.

A field for the sportsman and scientist.

In contrast the true American who loves sportsmanship and hunting for exercise and rest, or the professional explorer and hunter who seeks new fields and prey, will find in Colombia unrivaled opportunities for pleasure or adventure. In the tropical and semitropical forests roam the jaguar, puma, bear, amardillo, tapir, sloth, deer, opossum, cavy. In the trees can be seen monkeys, and a multitude of bird species, like condors, parrots, cockatoos, turpials, and humming birds. In the rivers are legions of alligators, while along the coast are turtles in abundance. Cranes and storks fly over the damp lowlands and boa constrictors crawl through their rank vegetation. In the high and colder country are deer, foxes, mountain lions, and tigers, and along the lagoons and among the fields, ducks, snipe, and pigeons.

Again, the geologist, mineralogist, botanist, forester, and average scientist can always find abundant lines of study and investigation, respectively, in the geological formation, mineral deposits, flora, and tree growth, and general physical characteristics of Colombia. In this connection it must be remembered that the great Humboldt found this part of South America the most interesting of his travels. The National Museum in the capital contains rare specimens of fauna, flora, mineral, and geological development that interest both the laymen and specialist.

The feeling toward Americans.

The question is continually asked me: What is the attitude of the Colombian Government and people toward Americans and American interests on account of the Panama affair? Without entering upon any political discussion, I wish, in answering this pertinent inquiry, to take advantage of the opportunity to pay a just and frank tribute to Colombia. Speaking in the first place for myself as minister, I can truthfully say that, ever since my arrival here seven months ago, I have been treated with a generous kindness and sincere hospitality that have made a deep impression on me and increased my respect for Colombians in particular and Latin Americans in general. The United States minister has been extended invitations official and personal, and the United States legation in turn has been continually frequented by leading men of all parties, as if nothing had ever happened to mar the entente cordiale of the two countries.

In the granting of concessions and in the hearing of claims the Government has treated Americans with as much consideration as Europeans. During my stay here, and up to this writing, there has not been one complaint lodged by Americans in this legation of unkind treatment by Colombians due to any political or anti-American feeling. In my own travels in various parts of the country, officials and peons alike have everywhere accorded me polite and even gracious attention. To let it be known that I was United States minister has always lead to extra courtesies rather than to any lack of them.

The future full of hope.

I could not, however, have it understood abroad that there is not still strong feeling against the United States. It does exist, but the passing of years, and generous, fair treatment of Colombia and Colombians by the United States and its citizens, in international relations and friendly social and commercial intercourse, can effect its gradual disappearance. Such feeling does not take the attitude of personal enmity toward Americans. The Colombians, high and low, are too polite and sensible for that. It is a feeling in the minds and hearts, based on high political and patriotic grounds, which, however, with commendable philosophy, recognizes the inevitable and now turns to the future to bring blessings that will counterbalance the losses and sorrows of the past. The very courage and nobility of this attitude of Colombia is one of the chief reasons why I predict for her a magnificent future. Already this policy—if I may call it a policy—is bearing fruit in the development of a greater and more friendly and sympathetic interest throughout the United States in Colombia, which is destined to lead to a mutually favorable understanding and settlement of all differences in the near future.

Concluding observations.

Before concluding this report one or two points should be touched upon. Great credit is due Gen. Rafael Reyes, President of this Republic, for his untir-

ing efforts to restore the prosperity of his country to the position it occupied before the last civil war and the loss of Panama. If he succeeds, he will deserve a place in history like that of President Diaz in Mexico. He has so far effectually stopped revolutions, and, if his life and health are spared, Colombia would seem to be assured of peace at least during his administration.

A word of credit should also be given the press of the country for its efforts to promote the welfare of the nation. Such newspapers as the *Cerreo Nacional* and *Nuevo Tiempo* in Bogota, *El Porvenir* in Cartagena, *El Conservador* and *Rigoletto* in Barranquilla, *La Patria* in Medellin, and *Correo Del Cauca* in Cali are enterprising, public spirited and well edited. They are especially to be commended for their fair treatment of the United States and of Americans residing in Colombia.

For the benefit of those desiring further detailed information about Colombia, I would refer them to the International Bureau of the American Republics in Washington, and to the excellent reports of the United States consul-general at Bogota, and consuls at Cartagena and Barranquilla, published in the *Commercial Relations of the United States* and the *Daily Consular and Trade Reports*, issued by the Bureau of Manufactures of the Department of Commerce and Labor. Any questions addressed to me care of the Department of State, Washington, will also be carefully and promptly answered to the best of my ability.

JOHN BARRETT.

UNITED STATES LEGATION,
Bogota, Colombia, June 7, 1906.

INCREASE OF DUTY ON FLOUR.

Minister Barrett to the Secretary of State.

[Extract.]

No. 38.]

AMERICAN LEGATION,
Bogota, February 7, 1906.

SIR: I regret to report that the Colombian Government, by an order of which no previous notice was given, has placed an additional duty of 8 cents gold a kilogram on foreign flour. Heretofore the duty has been 8 cents with 70 per cent added, or an equivalent of \$0.136 per kilogram. The new arrangement makes the total duty approximately 21½ cents a kilogram, or nearly 11 cents per pound.

This tariff is almost prohibitive in its effects, and will make the cost of foreign flour so high that good quality of bread will be practically a luxury and beyond the purchasing capacity of the masses of people. The tax is imposed under the statement that it is for the benefit of the wheat and grain growing interests of Colombia and to develop native industry. This reason seems, however, hardly convincing to foreigners and Colombians with whom I have conversed, because the cost of freight from the United States and other foreign countries to Colombia plus the heavy charges of transportation in the interior is entirely sufficient for the protection of native flour, while, on the other hand, the foreign product does not essentially compete with the native flour, and the former is absolutely required to mix with the latter to make good bread.

The result can not be otherwise than almost to stop the importation of flour from the United States, which is now one of the principal articles shipped to Colombia from our country.

I have, etc.

JOHN BARRETT.

Minister Barrett to the Secretary of State.

No. 41.]

AMERICAN LEGATION,
Bogota, February 13, 1906.

SIR: Referring to my No. 38 of February 7, 1906, in regard to an additional duty on foreign flour, I have the honor to inclose a rough translation of the decree imposing this duty.

While it may be noted that in the terms of the decree imposing this additional duty of 8 cents (making a total of approximately 21½ cents per kilogram) is only placed on foreign flour leaving the Atlantic ports and not upon the same entering the Atlantic ports, it must be borne in mind that the duty on flour leaving these ports amounts practically to the same thing as on flour entering, because the great consumption thereof is in the interior. The amount consumed in Barranquilla, Cartagena, and other places on the Atlantic coast is very small, compared to the total used in the country.

I have thought it best to forward a copy of the decree because flour from the United States is one of the principal imports into this country, and the trade in it was developing into considerable proportions. It must not, however, be construed that the imposing of this duty is intended to be in any way hostile to the interests of the United States. It is prompted purely by local conditions and would have been as quickly ordered if the flour came chiefly from some other country.

I have, etc.,

JOHN BARRETT.

[Inclosure—Translation.]

Decree No. 166 of 1906 (February 5), which places an additional duty on foreign flour.

The President of the Republic exercising his legal powers and considering:

That the importation of flour from abroad threatens to destroy the industrial production of wheat in the interior of the Republic, and

That it is the duty of the Government to aid the national industry without doing any injury to the region where certain crops do not exist, and that it is necessary to favor the importation of some articles,

DECREES:

ART. 1. The foreign flour which leaves the Atlantic ports for those of the Magdalena River from Calamar, inclusive, for those up the river, either for local consumption or for that of other places shall pay an additional duty of 8 cents for each kilogram.

ART. 2. This duty shall be paid in the custom-house and port where the flour for the interior is dispatched, and the collector of customs, on the receipt of the duty, will deliver to the interested party a permit which he must take from a receipt book containing stubs in which must be registered the following: The name of the sender, the name of the receiver, the name of the river port to which it is to be shipped, the number of packages, and their total weight.

ART. 3. The owners of the steamboats that carry freight on the Magdalena River shall not issue bills of lading for foreign flour which has not been duly registered in the prescribed form about which the preceding article treats; and if they should give a bill of lading without the prescribed form having been presented, they shall be considered as smugglers, and they will be prosecuted as such according to the laws relating to smuggling.

ART. 4. The permit must be presented to the administrator of the national hacienda of the port of destination or landing in order that he may countersign and concede with the countersign the right to pass if the flour is for interior towns.

ART. 5. All the flour that is carried without the formalities which this decree imposes will be considered as contraband, and those who bring it, or its owners, will be punished according to the law governing the case.

ART. 6. In the cases of fraud to which the present decree refers the prosecuting officers will be the same as those of which article 78 of decree No. 339 of April 4, 1905, treats, and they shall similarly observe the same measures of proceeding as the decree just referred to and decree No. 72, January 16, 1906, establish.

ART. 7. This decree shall be telegraphed to the custom-houses of the Atlantic, and it shall be put in force from the day it is received by the authorities at these ports, who will immediately publish it by proclamation and in the press.

Given at Bogota, this 5th day of February, 1906.

(Signed)

R. REYES.

The MINISTER OF HACIENDA AND TREASURY.

(Signed)

FELIX SALAZAR J.

Minister Barrett to the Secretary of State.

No. 48.]

AMERICAN LEGATION,
Bogota, February 24, 1906.

SIR: Referring to my No. 38 of February 7, and No. 41 of February 13, 1906, in regard to the additional tax on foreign flour, I am glad to report that, in response to my representations on behalf of American firms or their agents in Cartagena and Barranquilla, the Government of Colombia has seen fit to modify the application of the tax so that it will not prove so severe a hardship as first indicated.

This new tariff as originally imposed applied to all flour leaving Cartagena and Barranquilla coming up the river for the interior, and practically prevented American firms or their agents from disposing of the flour they had on hand, intended for the interior, without great loss. The modification of the decree, made in response to my representations, is not to place this additional tax on foreign flour until it reaches Puerto Berrio, on the Magdalena River, thus allowing the flour to be introduced for consumption in the Departments of the Atlantic and in the important interior provinces of Antioquia and Santander without this additional tax of 8 cents a kilogram. In other words, the change practically limits the new tax to the Departments of Tolima, Cundinamarca, Huila, and Quesada.

As the largest proportion of American flour goes to Antioquia and Santander and the Departments of the Atlantic, it will be seen that the alteration is for the benefit of American trade.

I have, etc.,

JOHN BARRETT.

The Secretary of State to Minister Barrett.

No. 16.]

DEPARTMENT OF STATE,
Washington, March 19, 1906.

SIR: I have to acknowledge the receipt of your No. 41, of the 13th ultimo, in regard to the additional duty of 8 cents (making a total of approximately 21½ per kilogram) imposed on foreign flour.

It would appear that the figures given by you state the duty in Colombian currency. If so, the equivalent in American gold might be stated for greater convenience.

I am, etc.,

E. Root.

Minister Barrett to the Secretary of State.

No. 73.]

AMERICAN LEGATION,
Bogota, April 19, 1906.

SIR: Replying to your No. 16 of March 19 in regard to the additional duty of 8 cents imposed on foreign flour, in which you say, "It would appear that the figures given by you state the duty in Colombian currency. If so, the equivalent in American gold might be stated for greater convenience," I have the honor to observe that this 8 cents is gold valuation and not what might be termed ordinary Colombian currency. In fact all customs duties in Colombia are stated practically in gold.

I have, etc.,

JOHN BARRETT.

CUBA.

INSURRECTION AND INTERVENTION OF THE UNITED STATES IN CUBA.

Chargé Sleeper to the Secretary of State.

No. 157.]

AMERICAN LEGATION,
Habana, Cuba, August 21, 1906.

SIR: I have the honor to report that, as foreshadowed in legation No. 1478, of February 27, 1906,^a an armed uprising against the Government exists in the provinces of Pinar del Rio and Habana.

The strength of the insurrectionists in Pinar del Rio is said to be between 1,000 and 1,500 men, under the command of Col. Pino Guerra, a liberal member of the present Congress and a veteran of the war of independence. In the province of Habana about 250 men are under arms, under the leadership of Gen. Quintin Banderas (colored), who also served in the revolutionary army. Both of these bands are daily receiving new recruits.

The Government relies chiefly upon the rural guard, in which, it must be confessed, there is some disaffection. In one instance a detail of about 30 men sent against the insurrectionists deserted to them. It is commonly reported that this disaffection extends to nearly one-half of the entire guard, and for this reason, as well as on account of the necessity for increasing the armed forces, the President, on the 20th instant, issued a decree, translation inclosed herewith, providing for the immediate recruiting of some 2,000 men, most of whom will be veterans of the last war, who will form a force which may be relied upon.

Up to the present time the insurgents have confined themselves to marauding, the cutting of telephone and telegraph wires, and other petty acts. Several minor encounters have taken place (the outcome of which has not been divulged by the Government), but no serious fighting has as yet been reported. I was yesterday informed by good, but not official, authority that the town of Consolacion del Sur, near Pinar del Rio, the capital of Pinar del Rio Province, has been invested by the insurgents, who compelled the small garrison of rural guards there stationed to entrench themselves in the town church.

The Government has made many arrests and seems to be acting with energy and determination. Among those in custody are Generals Carlos Garcia Velez, ex-minister to Mexico, Demetrio Castillo Duany, José de Jesus Monteagudo, and Mr. Juan Gualberto Gomez; these last three Liberals.

^a Not printed.

Gen. José Miguel Gomez, the central figure in the last uprising, is this morning reported, on good authority, to have taken the field against the Government.

Doctor O'Farrill, now acting secretary of government, informed me yesterday that the Government feels fully able to cope with the situation, and while I believe the outbreak to be more serious than the Government cares to admit, I also believe public opinion throughout the island to be clearly against any disturbance of the public order, and can see no reason why the Government should not crush the revolt with the resources at its disposal.

I confirm on the overleaf my telegrams of yesterday and to-day, and inclose herewith pertinent clippings from the Habana Post and Daily Telegraph of this date.^a

JACOB SLEEPER.

[Inclosure.—Translation.]

DEPARTMENT OF GOVERNMENT.

The Honorable President of the Republic has issued the following decree:

HABANA, August 20, 1906.

In view of the abnormal state of affairs existing at present in some localities, and acting under clause 1 of article 68 of the constitution, which authorizes the President of the Republic to issue such orders and decrees that may be deemed necessary for the government of the state, and circumstances may so demand, and also in accordance with the provisions of paragraph 17 of article 68, authorizing the President to take whatever measures may be necessary for the preservation of public order and safety, on the advice of the secretary of state and justice, ad interim of Government, and after consultation with the Cabinet, I hereby decree:

AUGUST 20, 1906.

ARTICLE 1. To increase the strength of the rural guard to 2,000 more members, their personnel to be appointed by its chief brigadier, and said members shall serve in the various regiments at present constituting the rural guard.

ART. 2. Said personnel shall be provided for from the appropriation made for the rural guard, according to the regulations in force, and said expense and other contingencies necessary for the execution of this decree to be paid out of the national treasury.

ART. 3. The secretary of government shall give the necessary instructions for the execution of this decree, and shall report his action to Congress immediately upon the reconvening thereof.

T. ESTRADA PALMA.

JUAN F. O'FARRILL,
Secretary of State and Justice ad Interim of Government.

Chargé Sleeper to the Secretary of State.

[Telegram—Paraphrase.]

HABANA, August 24, 1906.

(Mr. Sleeper states that the insurgents are in possession of the towns of San Juan y Martinez and San Luis, Province of Pinar Del Rio. He says they have threatened to blow up bridges and burn property of Western Railway (English) if company continues to transport government troops.)

^a Not printed.

Chargé Sleeper to the Secretary of State.

[Telegram—Paraphrase.]

HABANA, August 25, 1906.

(Mr. Sleeper reports that the President has prevailed upon Secretary O'Farrill to retain the portfolio of state and justice; that Montalvo is acting secretary of government until return of Ruis Rivera from Central America, who has been cabled for; and that the insurgents have evacuated San Juan y Martinez and San Luis. Mr. Sleeper states that the general situation is unchanged.)

Chargé Sleeper to the Secretary of State.

No. 160.]

AMERICAN LEGATION,
Habana, August 25, 1906.

SIR: In continuation of legation dispatch relative to the insurrection, I have the honor to advise the department that the situation remains practically unchanged, no serious or important engagements having as yet taken place. Both the Government and the insurrectionists are busily engaged in perfecting their organization. The Government hopes to be in a position to assume the offensive within two weeks, by which time the armament recently ordered from the States will have arrived and the militia, now being recruited, will have been sent to the front.

In interviews yesterday and to-day with the secretary of state and the secretary of the treasury, the latter sharing, with the secretary of public works, the direction of military affairs, I took occasion to urge upon them the necessity of acting with the greatest energy and of making every effort to suppress the outbreak in the shortest possible time, and pointed out that it was essential for the Government to have in the field not only enough men to assume active operations against the insurgents, but enough to garrison the towns, keep open the lines of communication, and to protect foreign interests, particularly American lives and property. They both agreed with me that the situation needed to be dealt with energetically, and assured me that the Government was doing everything in its power to control the situation; that it could and would, if necessary, put 20,000 men in the field, and that it confidently expected to crush the rebellion in two months' time.

Business of the wholesale houses with the interior has fallen off, stocks have gone down, and commerce everywhere has been affected. Many merchants and planters are fearful that present conditions will continue until the beginning of the next grinding season—December—and such continuation would, of course, be exceedingly serious. Confidence is expressed by both the Government and many prominent bankers, however, that the revolt will have been put down before that date.

The President has prevailed upon Mr. O'Farrill to withdraw his resignation as secretary of state and justice, and he will retain that portfolio in the present cabinet. The secretary of public works is to

act as secretary of the interior until the return of Gen. Ruiz Rivera, who has been cabled for from Central America.

I confirm on the overleaf my telegrams of the 24th and 25th, and inclose herewith clippings from the Daily Telegraph of this date.^a

I have, etc.,

JACOB SLEEPER.

Chargé Sleeper to the Secretary of State.

[Telegram.—Paraphrase.]

HABANA, August 28, 1906.

(Mr. Sleeper asks to be advised if the following is satisfactory reply and advice to send to Americans requesting protection of property: "In all cases of damage, destruction, or seizure of property against the will of the owner by agents of the Government or other parties, a complaint stating the facts and containing a list of the property so damaged, destroyed, or seized should be made to the court having jurisdiction, a copy of said complaint being forwarded at the same time to this legation. Wherever possible a statement in case property is damaged or destroyed and a receipt in case property is appropriated, subscribed to by the person or persons responsible for such damage or destruction or making such appropriation should be procured.")

Chargé Sleeper to the Secretary of State.

No. 162.]

AMERICAN LEGATION,

Habana, August 28, 1906.

SIR: In continuation of legation despatch No. 160, of the 25th instant, relative to the insurrection, I have the honor to report that the general situation is somewhat improved. Although Pino Guerra continues active in Pinar del Rio, and a considerable number of insurrectionists are gathered in Santa Clara Province, conditions in the provinces of Mantanzas and Habana are much better and as yet there has been no disturbance in Camaguey and Santiago de Cuba.

Regarding the number of men in the field, it is generally said that Guerra has about 2,000 well mounted and moderately well armed, the government forces opposing him numbering about 1,200 and being daily increased.

It is difficult to say how many insurrectionists there are in Santa Clara. The Government claims that they number about 1,000, but unofficial reports give them several hundred more.

In this connection I beg to inclose copy of decree No. 370, of the 25th instant, providing for the increase of the government forces, and copy in translation of a note from Secretary O'Farrill, No. 680, of the 28th instant, conveying information as to the relative numerical strength of the Government and the insurgents.

Yesterday the President issued a proclamation (translation inclosed) granting amnesty and promising nonmolestation to all insur-

gents who will lay down their arms. The Government believes that many of them are anxious to return to their homes and will avail themselves of this opportunity, but I think it useless as yet to venture an opinion as to the probable effect of the proclamation.

I beg to advise the Department that neither Luis Perez nor Carlos Mendieta, the latter being now under arrest, have ever been actually in arms against the Government, the insurrectionist leader in Santa Clara Province being General Guzman.

In closing I beg to say that I have been reliably informed that Cuban bankers are refusing loans to planters and cattle raisers which, naturally, further complicates the present situation.

I have, etc.,

JACOB SLEEPER,
Chargé d'Affaires ad interim.

[Inclosure 1—Translation of Decree No. 370.]

Considering that it is absolutely necessary for the restoration of peace to the country to amplify my decree of the 20th instant, I hereby order the following:

First. A call is issued to all Cubans allied by their ardent love of country, for its order and peace, who are in condition to do so, to form a temporary national militia, which shall not only cooperate in their respective provinces with the government forces to reestablish the reign of law, but shall be subject to orders to assist wherever their services may be necessary.

Second. This militia will be organized into companies and squadrons, said divisions to consist of 1 officer, 2 sergeants, 4 corporals, and 100 soldiers.

Four companies shall constitute a battalion and four squadrons a regiment, under the command of a superior officer (colonel), who shall have an adjutant under his orders.

While they remain in service, the chiefs of battalions and regiments shall receive \$200 monthly, adjutants \$125, officers \$100, sergeants \$85, corporals \$75, and soldiers \$2 per diem.

Third. All those disabled while in the service of the national militia shall continue to receive the stipulated pay during the time of the disturbance to public order.

Widows and orphans, or where these do not exist, mothers of those who die in service, will receive pay during the same time.

Fourth. These forces shall be under the orders of the brigadier chief of the rural guard.

Fifth. To defray these expenses (organizing militia) and any others that may be incurred to establish normal conditions in the Republic, the necessary money shall be taken from the surplus in the treasury.

The secretaries of government and treasury are charged with the carrying out of the present decree in all that appertains to their departments.

Given at the Palace of the Presidency in Habana, August 25, 1906.

T. ESTRADA PALMA.

RAFAEL MONTALVO,
Secretary of Government ad interim.

[Inclosure 2.]

Secretary of the Department of State and Justice to Chargé Sleeper.

No. 680.]

DEPARTMENT OF STATE AND JUSTICE,
Habana, August 28, 1906.

Mr. CHARGÉ D'AFFAIRES: As I promised you in our interview of yesterday, I transmit to you herewith a statement showing the insurgent forces operating against the Government and the government forces opposing them.

In the Province of Pinar del Rio there are 800 insurrectionists, nearly 300 of whom are armed, divided into several bands, the most important of which, under the command of Pino Guerra, took refuge in the hills after being repulsed in their attack upon the town of Guane.

The Government will institute a vigorous campaign as soon as the arms and ammunition ordered from the United States are received, and it hopes to crush the revolt in a short time.

Pino Guerra occupied and abandoned the towns of San Luis and San Juan y Martinez without damaging or attacking property.

In the Province of Habana the number of insurrectionists at one time reached 400. The active campaign of the government forces, however, the frequent encounters in which the insurgents were always defeated, and the death or capture of the principal leaders have reduced them to such an extent that there is but slight doubt that peace will be a realized fact in a few days. Those remaining in the field are constantly surrendering.

The rebellion in the Province of Matanzas is at an end. It did not reach any alarming proportions, because the factions were neither well led nor numerous. At most the insurgents numbered less than 100 men and were without arms.

In the Province of Santa Clara the revolutionary movement is of importance because Gen. José Miguel Gomez, the leader of the present rebellion, was for seven years governor of the province. The various factions number close to 1,000 men, of whom the greater part are unprovided with arms. Several bloody battles have taken place and have been only so many defeats for the rebels. Several of the leaders have been made prisoners, and already many of the insurgents have surrendered.

Santiago and Camaguey provinces remain quiet. Advices received from them assure us that order will not be disturbed.

The Government has sufficient resources to reestablish order and crush the rebellion in a short time.

There are at present in the field against the insurrectionists 3,500 rural guards, 250 artillery, and 2,000 militia, the numbers of the last being daily increased.

Public sentiment is favorable to the Government, and proofs of loyalty and attachment, and condemnation of the rebellion are daily received from all classes of the Republic.

It will afford me great pleasure to advise your honor of all that occurs of importance.

I reiterate, etc.,

(Signed) JUAN F. O'FARRELL, *Secretary.*

[Inclosure 3—Translation.]

Department of Government to Gen. Alejandro Rodrigues, Chief of the Forces in the Field.

GENERAL: By direction of the President, I communicate to you as follows: Give instructions to the chiefs operating in the provinces of Pinar del Rio, Habana, Matanzas, and Santa Clara, recommending:

First. That they grant to all prisoners or others presenting themselves, repenting of their error, the privilege of returning peacefully to their homes.

To this are excepted those prisoners captured while in command of bands. They shall be detained in the respective camps, until the Government resolves to restore them to liberty, or place them at the disposition of the special instructional judge.

Second. All rebel chiefs who in battle surrender themselves together with the men under them, or who voluntarily lay down the arms of themselves and men, shall likewise be allowed liberty in order that they may peacefully return to their families.

Third. All those so returning shall be assured of no further molestation and may rededicate themselves to their occupations without any fear whatsoever.

RAFAEL MONTALVO,

Secretary of Public Works ad interim of Government.

HABANA, August 27, 1906.

Chargé Sleeper to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Habana, August 29, 1906.

(Mr. Sleeper reports that insurrectionists, under Campos Marquetti, colored member of Congress, yesterday entered town of Cabanas, estate Mercedita Sugar Company, taking horses, saddles, etc., property of company. Mr. Sleeper states he has advised manager along lines of cable yesterday to the department, has presented request protection to Cuban Government, and has acted in like manner, in similar cases elsewhere.)

The Acting Secretary of State to Chargé Sleeper.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 29, 1906.

(Mr. Adee informs the legation that the proposed advice to parties despoiled by insurgents has the department's approval. Action Mercedita case also approved.)

Chargé Sleeper to the Secretary of State.

[Telegram—Paraphrase.]

AUGUST 29, 1906.

(Mr. Sleeper reports that Asbert, the rebel leader, Habana Province, is quoted in La Discussion as threatening to burn foreign properties after 15th proximo, unless Government grants demands of revolutionists.)

Chargé Sleeper to the Secretary of State.

No. 164.]

AMERICAN LEGATION,
Habana, August 30, 1906.

SIR: I have the honor to report to the department that complaint has been made to this legation, through the Cienfuegos consulate, by the following American companies, seeking protection for their rights and property:

The Colonial Sugars Company, (Constancia), Mr. R. B. Childs. The Hormiguero Central Company, of Hormiguero. The Trinidad Plantation, Mr. S. M. Patterson. The Cuba Cattle and Land Company, Trinidad, Mr. H. S. Ismon.

Immediately upon receipt of this complaint, I addressed a note to the foreign office, copy herewith inclosed, requesting the necessary protection.

I have, etc.,

JACOB SLEEPER,
Chargé d'Affaires ad interim.

[Inclosure 1.]

Chargé Sleeper to the Secretary of State and Justice.

AUGUST 28, 1906.

YOUR EXCELLENCY: I have the honor to respectfully request that your excellency's Government immediately take the necessary steps for the protection of the following American interests, in the province of Santa Clara, now jeopardized by acts of the insurgents:

The Colonial Sugar Company (Constancia) Mr. R. B. Childs. The Hormiguero Central Company, of Hormiguero. The Trinidad Plantation, Mr. S. M. Patterson. The Cuba Cattle and Land Company, Trinidad, Mr. H. S. Ismon. Trusting that there may be no delay in complying with my request, I avail myself of this opportunity to renew to your excellency the assurance of my highest consideration.

(Signed) JACOB SLEEPER,
Chargé d'Affaires ad interim.

Chargé Sleeper to the Secretary of State.

No. 165.]

AMERICAN LEGATION,
Habana, August 30, 1906.

SIR: I have the honor to advise the department that the general aspect of the insurrection has not materially changed. The so-called amnesty order, on the subject of which please note inclosure 1, has not yet had the anticipated effect. It has indeed caused a few men to give themselves up, but the small bands roving through the country districts and seizing horses and supplies, keep the spirit of revolt alive and active.

At present Guerra seems to be awaiting for the Government to make the first move; a move which the latter is not yet prepared to make on account of lack of men and arms. It is rumored, nevertheless, that Colonel Avalos with 500 men has been sent by sea to attack the Guerra command some place near the Bay of Cortes, south of San Juan y Martinez, and there establish a base of operations, thus opening a waterway for the Government, in case traffic over the Western Railroad should be interrupted.

In this connection be it noted that Guerra has again notified the general manager of this railroad that he will dynamite his bridges if the transportation of government troops continues.

In the province of Habana, the rebel leader, Asbert, whose interview I cabled on the 29th, continues to harass the Government, but avoids a fight.

From Matanzas and Santa Clara provinces come many conflicting reports. The situation in Matanzas I do not consider threatening, but the state of affairs in Santa Clara is generally considered to be far more serious. I expect to receive reports from our consular officers in these provinces next week, and hope to then be able to more definitely advise the department. Although there are some disquieting rumors from the eastern portion of the island, I have received no official report as to any trouble there.

I have, etc.,

JACOB SLEEPER,
Chargé d'Affaires ad interim.

[Inclosure 1.]

(From the Daily Telegraph, August 29, 1906.)

DECREE, WAR MEASURE, OR WHAT?

Much misconception has been awakened by an incompetent translation published in a bilingual paper of this city, of the order sent by Secretary Montalvo on Monday, directing the chief of the forces in operation to send instructions to the commanders in the provinces of Pinar del Rio, Habana, Matanzas, and Santa Clara, "recommending" them to permit those abandoning the arms they have taken up against the Government peacefully to return to their homes.

The paper referred to translates the opening paragraphs of the order as follows:

General: At the order of the President of the Republic of Cuba I make the following decree:

Give instructions to all the chiefs who are operating in the provinces of Pinar del Rio, Habana, Matanzas, and Santa Clara:

First. Allow all insurrectionists who present themselves and are repentant for what they have done to return quietly to their homes.

In the correct translation of the order, the text of which, printed by us yesterday, will be found reproduced on another page of this morning's issue of the telegraph, there is no use of the word "decree," which would be obviously out of place, and there is the important word "recommending."

This in passing: the most serious question awakened by the order, reading it as it was really worded, is, however, one of its constitutionality.

So far as we know, martial law has not been declared, nor any suspension of the constitution. That the Government does not recognize the existence of a state of war is well exemplified by the fact that the rebels placed under arrest are at once handed over to the instructional judges, who represent the judicial branch of the Government. This being the case, on what ground does the President assume jurisdiction and promise immunity from penalties which it is the prerogative of the judicial branch of the Government to impose, for crimes which it is the court's prerogative and duty to punish? His pardoning power is, of course, unquestionable, but can it be exercised before conviction by the courts? And, moreover, there is a wide difference between the pardoning power and the granting of immunity from prosecution. The executive, the judicial, and the legislative functions are clearly differentiated by the constitution, and each is strictly limited within its own sphere. The cases in which the Executive may supply the shortcomings of the legislature are carefully specified in article 68 of the constitution, but nowhere, except in case he shall suspend by executive decree the constitutional guarantees, is there any provision in the constitution for his infringing upon the judicial prerogative.

Paragraph 17 of article 68 says in its last paragraph:

Whenever there may be danger of invasion, or when any rebellion may gravely menace the public safety, the Congress not being assembled, the President shall convoke it without delay, that it may adopt such measures as the occasion may demand.

Inasmuch as the President has not convoked the Congress, as required in the case of rebellion seriously menacing the country, it is to be added that there exists no such serious menace, and therefore the constitution is in full force.

As the wording shows, the order is not a presidential decree, and, as a state of war has not been declared to exist, it can not be a war measure. Therefore we would ask what it is, and if it has any legal force. We do not do this with intention captiously to criticize the administration, but in the belief that, with the best intentions in the world, a blunder has been committed.

[Inclosure 2.]

(From the Daily Telegraph, August 30, 1906.)

CUBA'S DILEMMA—INTERVENTION OR ECONOMIC RUIN.

The attention of our readers is invited to the editorial from the *Diario de la Marina*, printed on another page under the caption "On Horns of a Dilemma."

Therein is forcibly set forth the fatal consequences inevitably to be entailed upon Cuba by a continuance of the rebellion, but our colleague seems to feel

a delicacy about proposing a way to bring it to an end, saying: "That is something which it is not our duty, nor perhaps our right, to say."

The *Diario* declares that the revolution must, if not quickly ended, bring about one of two results, both equally deplorable, namely, American intervention or the discrediting of the Platt amendment.

One of these will entail the loss of Cuba's independence, the other the ruin of her credit.

That this is true there is not the slightest room for doubting, and it being true it is certainly incumbent upon all having Cuba's welfare at heart to make every effort to end the struggle. How can it be done? We do not know, but we venture to suggest a way which seems to us at least worthy of a trial before confessing that Cuba's attempt at independent self-government is a failure.

Unless American intervention is to come, Cubans must settle the conflict themselves, and settle it quickly. There has been some talk of the leading business men of the country getting together and proposing a basis of arbitration. This, we think, would be impracticable, for the reason that most of the leading business men are foreigners, for the most part Spaniards, with a sprinkling of American citizens. Cuba's independence is presumably dearest and should be safest in the keeping of the best of those who fought for and suffered for and won it. Among these there are a number of general officers who, having performed a patriot's duty and achieved as a patriot's reward their country's independence, have since held aloof from the warping influences of politics, and are capable of acting impartially, impelled by no impulse but their love of country.

If, as many now declare, the Government is powerless to quell at once the insurrection which so fast is hurrying it to either political or economic ruin, would it not be well for it to call to its assistance a few such men as we have suggested—not to go against the rebels with arms in their hands, but to approach them with an offer to arbitrate the difference between them and the Government? Whatever justification or lack thereof may exist for the armed protest of those arrayed against the administration, Cuba is threatened with ruin, and to avert that should absorb the thoughts of all Cubans to the exclusion of every other consideration.

Chargé Sleeper to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Habana, August 30, 1906.

(Mr. Sleeper quotes a telegram received from the Santiago consulate, which says that there is reliable private information that General Rabi and other prominent generals of the liberating army left that morning for Habana at the request of the Government for the purpose of conferring with insurgent leaders with a view to effecting a compromise of existing troubles. He also says that the legation has been privately informed that these generals were requested by the Government to take the field against the revolutionists, and that they offered in lieu thereof to appoint a committee to endeavor to effect amicable settlement.)

The Acting Secretary of State to Chargé Sleeper.

No. 59.]

DEPARTMENT OF STATE,
Washington, August 31, 1906.

SIR: I have to acknowledge the receipt of your No. 160, of the 25th instant, reporting further in regard to the insurrection in Cuba.

The department approves without reservation the energetic activity and wise foresight displayed in your recent communication to the

Cuban Government. The department desires you to call the attention of the Cuban Government to any and every injury to American interests in Cuba and to urge the Government to accord that protection without which American interests must be jeopardized.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Chargé Sleeper to the Secretary of State.

No. 167.]

AMERICAN LEGATION,
Habana, September 1, 1906.

SIR: In continuation of legation dispatch No. 165 of the 30th ultimo, relative to the insurrection, I have the honor to advise the department that the situation at this writing appears more gloomy, and the possibility of an early settlement more remote.

The offer of amnesty made by the Government on the 27th ultimo has not been taken advantage of to the extent hoped for, and the rebels appear to be daily receiving new adhesions, while the appeals of the Government have met with no enthusiastic response on the part of the people. The commercial element generally takes a pessimistic view of the situation, which is undeniably bad, all new operations having been suspended, only absolutely necessary business being transacted, and all loans to tobacco and sugar planters being refused by the banks.

Disquieting rumors were received here yesterday from Santiago and Camaguey provinces, in both of which uprisings are said to have occurred, but I have been as yet unable to verify these reports officially.

If this information is true, it means that the revolt is general throughout the island, and that an exceedingly serious condition of affairs confronts the Government.

In Pinar del Rio, Guerra has carefully avoided a battle, and it appears to be his intention to cross the hills to the north, describe a flanking movement eastward on the other side of the range, and when sufficiently powerful to make a dash for Habana Province.

From verbal information from recent arrivals from Santa Clara Province the situation there has grown worse, the whole central portion between the cities of Santa Clara and Cienfuegos and the latter toward Sagua la Grande, being overrun with insurrectionists. In this province Gen. Juan Bravo, a man of some prominence, has recently risen in revolt.

In the province of Habana, the Government surprised and defeated the insurrectionists under Asbert, inflicting upon him a loss of 20 killed and wounded, the casualties of the Government being very small.

I inclose herewith Asbert's interview in "La Discusion."

In a recent conversation with a Cuban gentleman, who claims to be well informed on the questions of the day, I was told that the Government had requested the veterans of Santiago to take the field in its behalf, and that they had replied—a number of them at least—that they would prefer to appoint a committee to come to Habana

and endeavor to effect a settlement between the two parties. Somewhat later in the day I received Mr. Holaday's telegram confirming this information, and this morning's Daily Telegraph publishes the fact that General Cebreco called at the palace and suggested to the President the appointment of a committee of veterans to discuss peace terms with the rebels.

I confirm on the overleaf my telegram of August 30, and inclose clippings from Daily Telegraph relative to interview.

My informant also told me that the political leaders of the two parties were anxious to avoid the mediation of the aforesaid veterans and desired to come to some understanding, if possible, on the following basis:

1. That the municipalities should be constituted as they were previous to the elections.

2. This Congress should enact an electoral law, guaranteeing a minority representation and that both parties shall have equal representation in the cabinet.

I cite the above merely as an example of one of the many rumors current.

I inclose a translation of Doctor O'Farrill's note to this legation of even date, presenting an optimistic view of the situation.

I beg to inclose herewith various clippings from Habana newspapers touching on the situation.

I have, etc.

JACOB SLEEPER,
Chargé d'Affaires ad interim.

P. S.—I have just received a telegram from the consul at Santiago de Cuba, reading as follows:

Rural Guards surrounded Songo Thursday night and arrested Urbano Sanchez, who it is claimed was endeavoring to get the people Arecus neighborhood to take up arms against the government. He was brought to this city. No disturbances have occurred here in this province, but agitators are working and trouble may be expected unless the insurrection is quelled soon. Holaday.

J. S., *Chargé.*

[Inclosure 1.]

(Translation of an interview had with Col. Ernesto Asbert, and taken from La Discusión, dated August 29, 1906.)

We who are in arms are not in arms for the purpose of waging a capricious warfare. That would be ruinous to our character. The ill-considered attitude of the Government, which is doing all manner of violence and abuse and using the most reprehensible means to keep itself perpetually in power, has forced us to take this position.

The efforts to establish peace that are made by those lovers of our independence who, since the clash of the last electoral struggle did not reach them, may be called neutrals in the present armed contest, is gratifying and we sincerely believe that their rôle as mediators to put an end to the state of affairs that has arisen without further shedding of blood, is highly patriotic and offers perhaps a solution of the present problem that will be to the interest of the Republic. Since all that is sought by the revolution is the reestablishment of the rule of law and the free exercise of suffrage, both desired by the true public will, which we must venerate and respect, we believe that those who are in power can not give a negative response to its demands.

Above all the economic classes, concerned as they must be, since power reigns in the land and follows the life it has begun, can play a brave and important part in the solution of this intricate affair. While this is being done, however,

the revolutionists will maintain their position, accepting with resignation the consequences it may bring.

Asbert also stated to his visitors that they evaded all encounters with the government forces, because they desired to avoid bloodshed by all means, and for that reason would always maintain themselves on the defensive.

Following this plan a change of camp is made every eight hours in order to eliminate the possibility of a surprise that would force them to fight.

The total number of rebels under command of Asbert is over 150, all mounted and armed. They are also provided with medicines and food.

Messrs. Echarte, Herrera, and Garcia visited the entire camp, accompanied by Asbert. Asbert in his remarks stated that he had superior orders to commence on the 15th an active revolutionary campaign, destroying trains and burning property, without regard to foreigners, if the Government did not accede before that time to the demands of the revolutionists.

"We prefer," stated Asbert, "a new American intervention that will guarantee future legal elections."

[Inclosure 2.]

[Newspaper clipping from Daily Telegraph.]

Gen. Agustin Cebreco, who, as reported in the Telegraph, arrived from Santiago, yesterday held a conference with President Palma.

On leaving the palace he informed a Telegraph representative that he was in favor of the appointment of a committee of veterans, who shall hold a parley with the rebels to end the war and prevent further damage.

General Cebreco added that he expects Gen. Mario Menocal to reach Habana within a day or so, to be present at the assembly of veterans to be held soon, at which assembly it will be proposed to name a committee to interview the leaders of the uprising.

[Inclosure 3.]

Secretary of the Department of State and Justice to Chargé Sleeper.

No. 710.]

DEPARTMENT OF STATE AND JUSTICE,
Habana, September 1, 1906.

MR. CHARGÉ D'AFFAIRES: I take pleasure in informing your honor that the government forces have, in the last two days, had encounters with the rebels in Santa Clara and Habana provinces, killing many, taking many prisoners, dispersing their bands, and capturing their horses, arms, and supplies. The accounts of these fights (which I do not insert in this note, as they have been given in the press) show that the rebellion is on the decline; that it is altogether without military organization, without reputable leaders and aims, and that, it can not be doubted, it will soon be dominated.

As fast as the Government receives arms and supplies it is pushing operations against the disturbers of public order. Already, in Pinar del Rio, we have several columns under the command of Colonel Avalos, who is endeavoring to engage the bands of Guerra and Betancourt.

It may be said that the province of Matanzas is quiet.

In Habana and Santa Clara surrenders are frequent and everything indicates the rapid subsidence of the rebellion.

In Camaguey a party of men attempted to enter, but was repulsed and dispersed.

The generals of the war of independence are daily arriving in Habana and offering their services to the President of the Republic.

I confirm to your honor all that I have had the opportunity to say to you since the beginning of the present rebellion relative to the ability of the Government to conquer the insurrectionists and quickly pacify the country.

I reiterate, etc.

(Signed) JUAN F. O'FARRILL,
Secretary.

Chargé Sleeper to the Secretary of State.

No. 172.]

AMERICAN LEGATION,
Habana, September 4, 1906.

SIR: In continuation of legation dispatch No. 167, of the 1st instant, relative to the insurrection, I beg to say that the advisability of its prompt settlement is being agitated by all classes. The President never loses an opportunity to publicly declare that he is in favor of crushing the rebellion by force of arms. His statement of yesterday, however, to the correspondent of the Associated Press, that he would be pleased to have peace brought about through the intervention of private parties or organizations, is of good augury, and I am able to say that in a personal conversation with a gentleman of my acquaintance the President expressed the wish that the trouble might be brought to an end by reaching some understanding with the insurgents.

I understand there is to be a meeting shortly of the Habana Chamber of Commerce and of business men in general to appoint a committee to meet the leaders of the two parties and urge them to come to some amicable arrangement. It is hoped that peace may be brought about by mutual concessions, the moderates to pledge the enactment of new electoral laws, fair elections, and some system of municipal autonomy, as cabled you on the 3d instant. It is rumored that the liberals demand the resignation of all members of Congress chosen at the last election, preparatory to a new partial election.

Regarding the electoral law, President Palma stated to an interviewer that he has already drafted a strong recommendation for a new electoral law and other reforms in his message to the Congress of next November.

The prolongation of the present situation for another month will, as I have previously stated, have a most disastrous effect on the tobacco and sugar crops, upon which the commercial life of Cuba is dependent. It must not be forgotten that the trouble is occurring at one of the most difficult seasons of the year; on the eve of the harvest; should the struggle develop into guerrilla warfare, which is feared, the general consensus of opinion is that it would be impossible for the Government to stamp it out under six months or possibly a year. It is persistently reported that unless some peace arrangement is made before the 15th of this month the rebels will begin burning foreign property.

The military situation in Pinar del Rio has become somewhat worse at this writing owing to the return of Colonel Avalos to San Juan y Martinez, as cabled you on the 3d instant.

In Santa Clara Province the whole central part from the city of Santa Clara to Cienfuegos still appears to be under the control of the insurrectionists. I do not believe the Government can give effective protection to foreign interests in this province. As an instance: The Cuban Railroad Company was requested by the Government to operate an armored train between Santa Clara and Cienfuegos. The company promised compliance with the request and asked for an armed guard to accompany the train. This request was referred to the commanding officer at Santa Clara city, who declared that he could not grant it, as the men could not be spared. The insurgent leader Guzman seized the occasion to threaten to burn the company's

property and blow up its bridges, because it had placed an armored train at the service of the Government.

The property of the Santa Clara Fruit and Cotton Company at Grand Rapids, mentioned in your telegram of the 2d instant, situated at Santo Domingo, would appear to be in the very center of the disturbed district, and I have strong doubts as to the ability of the Government to afford the required protection.

The situation in Habana Province remains about the same. The rebel leader Asbert is reported slightly wounded near Guines. He is being pursued by General Boza with a force of 60 mounted men, as well as the command under Captain Cardenas, but is employing the same evasive tactics which Pino Guerra has been using successfully, and avoids an encounter.

Speculation is rife concerning a rumored plan for the forces of Guerra, Asbert, and Guzman, operating in the provinces of Pinar del Rio, Habana, and Santa Clara, respectively, to ultimately effect a junction and move on Habana.

I have not yet received official confirmation of rebellion in the provinces of Camaguey and Santiago. In this connection I beg to inclose herewith copy of a letter received this day from the consul at Santiago.

I beg to inclose herewith clippings from Habana daily newspapers touching on the situation, and confirm on the overleaf my telegrams of the 1st, 2d, and 3d instant.^a

I have, etc.,

JACOB SLEEPER,
Chargé d'Affaires ad Interim.

[Inclosure 1.]

Consul Holiday to Chargé Sleeper.

AMERICAN CONSULAR SERVICE,
Santiago de Cuba, September 1, 1906.

STR: I have to confirm on overleaf my telegram of to-day in regard to the arrest of Urbano Sanchez and the political condition in my district.

The political situation in this province is unchanged. Quietness prevails throughout the entire district, and I am of the opinion that the majority of the people are disposed to support the Government in maintaining law and order. There are, however, not a few who are bitterly opposed to the Government, and it is believed that should the present insurrection existing in the western portion of the island continue much longer these persons will be able to organize a force that will openly revolt against the Government. I have effected an organization for the purpose of keeping in touch with conditions, and believe I will be able to obtain notice immediately should an uprising occur. If you receive no news from me in regard to the situation, you may know that it is unchanged since my last report.

The authorities here appear to be exercising the greatest diligence, and claim that they are now sufficiently well organized and equipped to suppress immediately any revolt against constituted authority. The city is patrolled nightly by large numbers of policemen and rural guards, and I am informed by the governor that detachments of rural guards have been stationed at those places throughout the province where it is thought any disturbance is likely to occur. The governor has issued a proclamation reassuring the people that

^a Newspaper clippings not printed.

they will not be arrested or molested on account of political affiliations, but that all will be protected alike in their lives and property; that complete tranquillity reigns throughout the province, and that the Government is abundantly able to maintain law and order.

I am, sir, your obedient servant,

(Signed)

R. E. HOLADAY,
American Consul.

Chargé Sleeper to the Secretary of State.

No. 178.]

AMERICAN LEGATION,
Habana, September 6, 1906.

SIR: In continuation of legation dispatch No. 172 of the 4th instant, relative to the insurrection, I beg to report that strenuous efforts are being made by the "Veterans Association" and commercial interests to bring about peace.

Gen. Mario Menocal arrived here Tuesday morning and immediately called on the President, conferring later with the secretary of government. The same evening he presided at a meeting of the veterans at which it was decided to appoint a committee to confer with Dr. Alfredo Zayas, leader of the liberal party, and the revolutionary leaders now in prison. General Menocal expressed himself as satisfied with the attitude of the President and after his interview with Zayas and the others stated that he hoped to be able to bring about some amicable settlement.

Doctor Zayas was called before the veterans yesterday and said, in answer to inquiries that he did not think proposals of basis for peace should emanate from the liberal party, but that he was willing to use his influence to bring about peace, provided it should not be a "peace at any cost" and that it should be lasting. He also stated "that the present insurrection was no more than an "armed protest" against the frauds perpetrated at the last election.

The veterans have sent emissaries to the insurgent leaders in the field to obtain an expression of their views. These leaders will probably express themselves as directed by their leaders here when it is said the revolution is directed. As the revolutionists are not assuming the offensive the veterans hope to induce the Government to suspend active operations for several days to facilitate intercourse between the contending forces. I have been unofficially informed that the Government has privately instructed its commanders not to assume active aggressive operations for the present.

It is rumored that the President has authorized General Menocal to treat with the insurrectionists on the basis of his withdrawal from the moderate party, pledging himself to give an absolutely nonpartisan administration.

The executive committee of the moderate party met yesterday and adopted a resolution supporting the President in his policy as outlined in a recent interview. (See dispatch No. 172.)

In regard to the last part of paragraph 2, page 2, of my dispatch No. 172, I inclose herewith a translation of an open letter which appeared in the *La Lucha* of yesterday.

I inclose herewith clippings from *Habana Post* of even date relative to aggressive attitude of revolutionists which has not at this writing been verified.

The military situation remains practically unchanged as far as active operations are concerned, although the insurgents continue to receive daily additions to their forces.

It is generally feared that if the insurgents fail to reach an agreement with the Government they will make it a pretext for pillaging and robbing and committing other outrages. From letters and eye-witnesses I gather that there are a great number of blacks under arms both in Pinar del Rio and Santa Clara provinces, and if discipline is once relaxed it may prove difficult to restrain them.

In this connection be it stated that in an interview yesterday with the secretary of government, General Montalvo, I again impressed upon him the necessity of giving effective protection to foreign interests and particularly the lives and interests of American citizens.

I also inclose herewith newspaper clippings pertinent to the situation.^a

I have, etc.,

JACOB SLEEPER,
Chargé d'Affaires ad interim.

Chargé Sleeper to the Secretary of State.

[Telegram—Paraphrase.]

HABANA, *September 7, 1906.*

(Mr. Sleeper reports that insurgents have destroyed two culverts of Western Railway between towns of Pinar del Rio and San Luis and interrupted traffic. He also says that emissary left for Pinar del Rio on behalf of veterans to induce Pino Guerra to suspend hostilities pending discussion peace negotiations.)

Chargé Sleeper to the Secretary of State.

[Extract.]

No. 181.]

AMERICAN LEGATION,
Habana, September 8, 1906.

SIR: In continuation of legation dispatch No. 178 of the 6th instant, I have the honor to state that the veterans met on the 6th instant and appointed an executive committee consisting of the following members: Gens. Mario Menocal, Augustin Cebreco, Javier de la Vega, and Enrique Collazo. They also decided to request the Government and the insurrectionists to suspend hostilities pending the peace negotiations. To this the Government practically agreed, and Gen. Gerado Machado and Senator Lazo were dispatched to Santa Clara and Pinar del Rio, respectively, to induce the insurrectionists also to cease fighting. The commissioner to Pinar del Rio reached there while the fighting which I mentioned in my cable of to-day was still in progress, and after the destruction of the bridges of the Western Railway (British), reported in my cablegram of the

^a Newspaper clippings not printed.

7th instant, General Menocal believes that General Guerra, who, it is thought, blew up the bridges because it was reported the Government proposed to send to the front an armored train carrying rapid-fire guns, was not fully advised as to the situation here or he would not have taken this drastic measure. Guerra has also, according to report, taken the offensive and offered battle to the government's forces under Avalos near Pinar del Rio City. If a battle should take place and result favorably for the insurgents it will tend to greatly injure the prestige of the Government and make the rebels more exacting in their demands should they decide to negotiate for peace. Until the 7th prospects for some agreement were bright, but the destruction of the Western Railway's bridges and Guerra's recent activity has complicated the situation and made the outlook less hopeful.

The liberal party apparently favors an amicable arrangement of the present difficulties, but there appears to be some divergence of opinion among its members as to what demands should be made preliminary to the negotiation of peace. The majority, however, ask that Congress be convened, an electoral law be passed, and that new municipal elections be held under the provisions of this law. They also demand the resignation of Senators and Representatives elected in December, 1905, and that new elections be held to fill their places.

These demands, as they stand, will hardly be accepted by the moderate party, and Doctor O'Farrill characterizes them as altogether too onerous. Should it be decided not to accede to these terms, and an understanding with the liberals can not be arrived at, it is thought that the veterans may insist upon Palma's resignation and the appointment of a provisional government.

General Menocal seems prepared to do everything possible to bring about peace, and confidently states that he can count upon the support of the majority of his fellow veterans in any course he may see fit to adopt.

Regarding the safeguarding of American interests, I have to say that, so far as I can ascertain, no effort has been made by the Government to afford the protection which I have from time to time requested through the foreign office. Fortunately, there has been no loss of life or destruction of property thus far, the rebels having confined themselves to the seizure of animals, arms, and equipment. In my No. 172, of the 4th instant, I stated that I did not believe the Government was able to protect American interests in Santa Clara Province, and I now feel that I must make the same statement in regard to the Province of Pinar del Rio, where the rebel strength is now some 3,500 men, more than half of whom are said to be well armed.

With reference to that paragraph of my dispatch No. 178 of the 6th instant ending on page 3 and relating to conditions in Santa Clara Province, I beg to quote from a letter addressed to me by the consular agent at Santa Clara, as follows:

The war appears in one respect to be assuming its most dangerous phase. Parties of the worst class of negroes are rising up under the pretext of being revolutionists, are robbing and sacking shops, and if this lasts much longer will soon be guilty of worse offenses.

The consul adds:

I have just received a letter from the manager of the Cuban Fruit and Sugar Company, of Palmas Altas, near the town of San Marcos. He says "the insurgents are all around us here."

The consul also states that there is a large amount of American property there in urgent need of protection.

The strength of the insurrectionists in Santa Clara is said to be some 2,500 to 3,000 men. I am informed that they have a fair amount of ammunition and are well armed.

In Habana Province the insurrectionists are said, upon good authority, to be about 1,200 strong and to possess both arms and ammunition.

The rebellion in Matanzas is not and never has been of much importance.

Santiago and Camaguey are still quiet. I inclose copies of letters from Consul Holaday, at Santiago, and J. F. Hanson, at Nuevitas, Camaguey, reporting on conditions in their respective districts.

I regret to say that the Government's recent call for volunteers has met with only a weak response and that, on the other hand, defections to the rebels, both of members of the rural guard and militia, are of frequent occurrence. The general situation is unquestionably becoming more serious day by day. I inclose herewith newspaper clippings from the Habana daily papers of the 8th instant, touching on the situation.^a

I have, etc.,

JACOB SLEEPER,
Chargé d'Affaires ad interim.

[Inclosure 1.]

Consul Holaday to Chargé Sleeper.

[Extract.]

AMERICAN CONSULAR SERVICE,
Santiago de Cuba, September 5, 1906.

SIR: In regard to the political situation, I have to say that so far as I am able to learn quietness prevails throughout the entire province. Rumors of disturbances here and there are more or less frequent, but upon investigation are found to be groundless. Different reasons are advanced for the unusual quietness which prevails throughout this province and the one adjoining, Camaguey. Some assert that it is due to the fact that the majority of the people in this portion of the island are in favor of the Government and opposed to the revolutionary movement. Others state that the mass of the people are opposed to the Government and in favor of the revolutionary movement, and are prepared with arms and ammunition for a revolt, but that they lack a leader capable of taking the field against the Government; others that there is an abundance of arms in the hands of persons who are ready and willing to revolt, but they have no ammunition, and still others that the revolutionary forces in this province are perfectly organized, armed, and equipped with all the necessary material for warfare, but that they do not intend to make any demonstration or commit any overt act until the Government forces take a stand against the rebels in the western provinces, when there will be a revolt of some 3,000 to 5,000 men in the provinces of Camaguey and Santiago.

I have heard all these different stories from men of average standing in the community, and it is impossible to say which is the most worthy of credence. One thing, however, is clearly evident, and that is, the apathy of the public in general in regard to the situation, there being practically no interest manifested over the critical condition of affairs outside of Government circles.

I am, sir, etc.,

R. E. HOLADAY,
American Consul.

^a Not printed.

[Inclosure 2.]

*Consular Agent Hanson to Chargé Steeper.*AMERICAN CONSULAR AGENCY,
Nuevitas, Cuba, September 5, 1906.

SIR: In compliance with instructions received from the American vice and deputy consul at Cienfuegos, Cuba, dated the 31st ultimo, I have the honor to submit the following report:

While the masses of this province are practically "Liberal" in sympathy, no disturbances beyond the published following of General Tello Sanchez and Dr. Garcia Cañizares at Arroyo Blanco, reported as numbering 600, have taken place.

Last evening a meeting of "veteranos" was held at the casino at Camaguey, about 200 being present. Speeches were made denouncing as odious the present situation, and declaring as fully as inconsistent any offer of support to the Government as it would be to join the rebel movement, after all their sacrifices in their long and bitter struggle for independence, peace, and prosperity. Resolutions were adopted to name a commission to employ every means to force an early adjustment of the difficulties.

Nuevitas and Camaguey cities appear quiet, although business is practically suspended. It may be added that the extreme quiet reigning here is regarded with suspicion and fear as indicative of a perfect organization of the rebel movement in anticipation of orders for a sudden uprising.

The weak response to the call for volunteers in this section is also commented upon unfavorably, the bulk of the recruits being of recent immigrants from Spain (Gallegos) and individuals physically unfit for service.

I am, etc.,

JOHN I. HANSON,
*American Consular Agent.**Consul-General Steinhart to the Secretary of State.^a*

[Telegram.]

HABANA, September 8, 1906.

The secretary of state of Cuba has requested me, in the name of President Palma, to ask President Roosevelt to send immediately two vessels—one to Habana, other to Cienfuegos. They must come at once. The government forces are unable to quell the rebellion. The Government is unable to protect life and property. President Palma will convene Congress next Friday, and Congress will ask for our forcible intervention. It must be kept secret and confidential that Palma asked for vessels. No one here except President, secretary of state, and myself knows about it. Very anxiously awaiting reply. Send answer to

STEINHART,
*Consul-General.**Consul-General Steinhart to the Secretary of State.*

[Telegram.]

HABANA, September 10, 1906.

President here worried because no reply received my message, and asks war vessels be sent immediately.

STEINHART,
Consul-General.

^a See report of the Secretary of War and Assistant Secretary of State, December 11, 1906, to the President. [Report of War Dept., Vol. 1, Appendix E, p. 444 et seq.]

The Acting Secretary of State to Consul-General Stienhart.

[Telegram.]

DEPARTMENT OF STATE,
September 10, 1906.

Your cable received. Two ships have been sent, due to arrive Wednesday. The President directs me to state that perhaps you do not yourself appreciate the reluctance with which this country would intervene. President Palma should be informed that in the public opinion here it would have a most damaging effect for intervention to be undertaken until the Cuban Government has exhausted every effort in a serious attempt to put down the insurrection and has made this fact evident to the world. At present the impression would certainly be that there was no real popular support of the Cuban Government or else that the Government was hopelessly weak. As conditions are at this moment we are not prepared to say what shape the intervention should take. It is of course a very serious thing to undertake forcible intervention, and before going into it we should have to be absolutely certain of the equities of the case and the needs of the situation. Meanwhile we assume that every effort is being made by the Cuban Government to come to a working agreement which will secure peace with the insurrectos, provided they are unable to hold their own with them in the field. Until such efforts have been made we are not prepared to consider the question of intervention at all.

BACON,
Acting Secretary.

Consul-General Steinhart to the Secretary of State.

[Telegram.]

HABANA, *September 10, 1906.*

Your cable received and directly communicated to the President, who asks ships remain for a considerable time to give security to foreigners in the island of Cuba, and says that he will do as much as possible with his forces to put down insurrection, but if unable to conquer or compromise, Cuban Congress will indicate kind of intervention desirable. I appreciate reluctance on our part to intervene, especially in view of Secretary Root's recent statements. Few, however, understand Cuban situation and a less number are able to appreciate the same. This is, of course, without any reference to superior authority. Palma applied public funds in public works and public education, but not in purchase war material. Insurrectionists for a considerable time prepared for present condition, hence Government's apparent weakness at the commencement. Yesterday's defeat of rebels gives the Government hope. Attempts useless from the start.

STEINHART:

The Acting Secretary of State to Consul-General Steinhart.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 11, 1906.

Your letter of September 5^a has had the careful consideration of the President, who, for your private information, believes actual, immediate intervention to be out of the question. We are considering, however, and would like your opinion, as to whether or not to send a word of emphatic warning as to the certainty that intervention will come in the end unless the people of Cuba, for the sake of their country, find some way to settle their difficulties, irrespective of personalities, cease their contentions, and live in peace. This you may convey confidentially to President Palma, but not for publication. You will urge President Palma to use in the most effective manner all the resources at his command to quell the revolt.

BACON.

Chargé Sleeper to the Secretary of State.

No. 184.]

AMERICAN LEGATION,
September 11, 1906.

SIR: I have the honor to inclose herewith a translation of President Palma's proclamation, dated September 8, 1906, calling for an extra session of Congress, and to be, sir,

Your obedient servant,

JACOB SLEEPER.

[Inclosure—Translation.]

EXECUTIVE OFFICE.

In view of the critical situation existing in the country and the fact that public safety is menaced by the present rebellion, and making use of the power conferred upon me by paragraph 17 of article 78 of the constitution, I convene Congress to meet in special session the 14th day of the present month, so that it may adopt the necessary measures.

Given in the presidential palace, in Habana, September 8, 1906.

T. ESTRADA PALMA.

Consul-General Steinhart to the Secretary of State.

[Telegram.]

HABANA, September 12, 1906.

Your cable 11th received and instructions complied with. My opinion is that a message reading as follows should at once be cabled to our chargé d'affaires here, to be communicated to President Palma, and if possible given at the same time to the press: "The President of

the United States directs me to communicate to you that he regrets present state of affairs in Cuba, and directs me to further say that you must use in the most effective manner all the resources at your command to quell the present revolt, or else in the end intervention on the part of the United States of America will become a necessity, which, for the sake of your country, must be avoided." I have used, as far as possible, your own phraseology, and I believe if so sent will have a favorable result in Cuban Congress next Friday. All reference to make a compromise, or like ideas, must be omitted; it is most important that the dignity of Government is upheld to guarantee its future stability.

STEINHART.

Consul-General Steinhart to Acting Secretary of State.

[Telegram—Paraphrase.]

HABANA, September 12, 1906.

(Mr. Steinhart acknowledges receipt of cable instructions and states that message in question, together with presence of war vessels, will have greatest influence with Cuban Congress and insurgents in the field. It is reported that President Palma consents to appoint a congressional commission composed of men of both parties, who will modify the electoral and municipal laws as demanded by the insurgents.)

Consul-General Steinhart to the Acting Secretary of State.

[Telegram.]

HABANA, September 12, 1906.

The Secretary of State of the Republic of Cuba at 3.40 to-day delivered to me a memorandum, in his own handwriting, a translation of which follows: "The rebellion has increased in the provinces of Santa Clara, Habana, and Pinar del Rio, and the Cuban Government has no elements to contend it, to defend the towns and prevent the rebels from destroying property. President Estrada Palma asks for American intervention, and begs that President Roosevelt send to Habana with rapidity two or three thousand men to avoid any catastrophe in the capital. The intervention asked for should not be made public until the American troops are in Habana. The situation is grave and any delay may produce a massacre of citizens in Habana."

STEINHART, *Consul-General.*

Chargé Sleeper to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION, HABANA, September 12, 1906.

(Mr. Sleeper reports that in a short conversation with the President that afternoon he urged American citizens and interests be fur-

nished all protection possible, and says that many Americans have complained to legation that the protection already requested has not been afforded. In reply to an inquiry as to ability of Government to crush rebellion he replied evasively.)

(Mr. Sleeper announces arrival of the cruiser *Denver*, and asks full instructions.)

Chargé Sleeper to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Habana, September 13, 1906.

(Mr. Sleeper received the following telegram from Santiago de Cuba consulate at 1 p. m.: "Situation here growing more critical hourly. There appears to be no doubt but that opponents of the Government are organizing, and hostilities may be expected to commence at any moment. Three hundred insurgents attacked rural guard yesterday morning at Zaza del Medio. Government loss 18; insurgent loss not known. Government forces retreated to Sancti Spiritus. Apparently well-founded rumor of uprising in Camaguey. The postal service between here and Havana interrupted.")

Chargé Sleeper to the Secretary of State.

[Telegram—Paraphrase.]

HABANA, *September 13, 1906.*

(Mr. Sleeper reports that the British consul called at the legation September 13 and stated that he considers British interests in jeopardy. He says Western Railway [British] bridge at Cabazar, bridges of United Railways [British] at Bejucal and Rincon, all in Habana Province, destroyed by rebels to-day. No traffic on Cuba Central, Western, or United of Habana railways. Buildings Hormiguero, Central Company Constancia plantation, near Cienfuegos, burned to-day by rebels. Governor Santa Clara says city Santa Clara threatened.)

Consul-General Steinhart to the Acting Secretary of State.

[Telegram.]

HABANA,
(Received September 13, 1906.)

President Palma, the Republic of Cuba, through me officially asks for American intervention because he can not prevent rebels from entering cities and burning property.

It is doubtful whether quorum when Congress assembles next Friday, tomorrow. President Palma has irrevocably resolved to resign and to deliver the government of Cuba to the representa-

tive whom the President of the United States will designate as soon as sufficient American troops are landed in Cuba. This act on the part of President Palma to save his country from complete anarchy, and imperative intervention come immediately. It may be necessary to land force of *Denver* to protect American property. Probably 8,000 insurgents outside Habana. Cienfuegos is also at the mercy of rebels. Three sugar plantations destroyed.

Foregoing all resolved in palace. Present: The President, the secretary of state, the secretary of war, and

STEINHART.

The Acting Secretary of State to Chargé Sleeper.^a

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 13, 1906.

(Mr. Bacon acknowledges telegram of 12th, and says that vessels sent to Cuban waters are under orders of the President, who will determine when and how they shall be used for protection of American life and property. Directs that while he may request asylum on board for Americans in case of danger, he will not under any circumstances request landing of marines or any armed force except under orders from the Department of State; also desires him to continue to report promptly all developments or indications in the Cuban situation.)

^a NOTE.—Sent prior to receipt of Mr. Sleeper's telegram of the 13th, but received by Mr. Sleeper after he had sent that telegram.

Chargé Sleeper to the Secretary of State.

[Telegram—Paraphrase.]

HABANA, *September 13, 1906.*

(Mr. Sleeper reports that at an interview that afternoon with the President in the presence of Captain Colwell he called attention to alarming rumors relative to attack in Habana, accompanied with internal disorders, requesting to know if the Government could guarantee adequate protection to lives and property of American citizens in case of such events. The President said no; that he thought it would be a wise precaution, and he would like to have an armed force land to assist in the protection of American interests. He adds that it has, therefore, been decided between Captain Colwell and himself to land a battalion of 100 men, with three field pieces, to occupy a central position near the Plaza de Armas, covering the two main thoroughfares of the city, said force to be used only in case of disorders within the city menacing American citizens' life and property.)

[NOTE.—See Mr. Sleeper's dispatch of September 15, which explains that he sent this telegram before receiving Mr. Bacon's direction not to land troops.]

Chargé Sleeper to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Habana, September 14, 1906.

(Mr. Sleeper says that upon receipt of the cable instructions he immediately requested Captain Colwell, who had already landed force, as per telegram of the 13th, to withdraw it.)

Chargé Sleeper to the Secretary of State.

[Telegram—Paraphrase.]

HABANA, September 14, 1906.

(Mr. Sleeper says that the information conveyed in his telegram 13th referring burnings near Cienfuegos was obtained from secretary of Government; says it should now be modified as follows: Hacuae should read Hatuey; its owner Gaston Rabell, says to-day unburned; Constanca also reported unburned. Following cable was received from Hormiguero Central Company yesterday: "Beg immediate protection; threats of destruction; laborers leaving." United Railways station at Nordazo burned, some traffic resumed; none over Western Railway or Cuban Central Railway south Santa Clara. Senate and House met to-day; latter approved Government's conduct of affairs. President's message reviewed situation; spoke prosperity country before outbreak; said Government unprepared violent action of rebels although it knew Liberals conspiring since last election; asked Senate and House pass necessary measures protection country. Bill authorizing President appropriate public moneys increase rurales 10,000, artillery 2,000, passed both Senate and House. Rebels numerous near Artemisa; said to be Guerra's forces; threaten burn destroy property from to-morrow on. Cable office says no communication south of Habana except via New York, Bermuda, and Santiago.)

Consul-General Steinhart to the Secretary of State.

[Telegram.]

HABANA, September 14, 1906—2.41 p. m.

President Palma has resolved not to continue at the head of the Government, and is ready to present his resignation, even though the present disturbances should cease at once. The vice-president has resolved not to accept the office. Cabinet ministers have declared that they will previously resign. Under these conditions it is impossible that Congress will meet, for the lack of a proper person to convoke same to designate a new president. The consequences will be absence of legal power, and therefore the prevailing state of anarchy will continue unless the United States Government will adopt the measures necessary to avoid this danger.

STEINHART.

The President to Acting Secretary of State Bacon.

THE WHITE HOUSE, WASHINGTON,
Oyster Bay, N. Y., September 14, 1906.

MY DEAR SIR: In view of the cables which have been received, making it evident that President Palma intends to resign at the earliest opportunity, and that the vice-president and cabinet seem resolved to avoid taking upon themselves the responsibilities of government, and in view of the repeated requests of President Palma for the landing of troops and intervention, it is evident that we must act at once in such a way as to protect American interests by fulfilling American obligations to Cuba. Moreover, under the circumstances it is also evident that the ordinary type of diplomatic communication would in this case accomplish no good purpose. The situation in the island seems to be one of impending chaos, with no real responsible head, and the inclosed letter to Minister Quesada, which will be communicated to our chargé d'affaires at Habana for transmission to President Palma and for publication in the Cuban press, seems to offer the best way of communicating, not merely with the supposed governmental authorities, but with the Cuban people.

Sincerely, yours,

THEODORE ROOSEVELT.

The President to the Cuban Minister.

THE WHITE HOUSE, WASHINGTON,
Oyster Bay, N. Y., September 14, 1906.

MY DEAR SEÑOR QUESADA: In this crisis in the affairs of the Republic of Cuba, I write you, not merely because you are the minister of Cuba accredited to this Government, but because you and I were intimately drawn together at the time when the United States intervened in the affairs of Cuba with the result of making her an independent nation. You know how sincere my affectionate admiration and regard for Cuba are. You know that I never have done, and never shall do, anything in reference to Cuba save with such sincere regard for her welfare. You also know the pride I felt because it came to me as President to withdraw the American troops from the island of Cuba and officially to proclaim her independence and to wish her godspeed in her career as a free republic. I desire now through you to say a word of solemn warning to your people, whose earnest wellwisher I am. For seven years Cuba has been in a condition of profound peace and of steadily growing prosperity. For four years this peace and prosperity have obtained under her own independent government. Her peace, prosperity, and independence are now menaced; for of all possible evils that can befall Cuba the worst is the evil of anarchy, into which civil war and revolutionary disturbances will assuredly throw her.

Whoever is responsible for armed revolt and outrage, whoever is responsible in any way for the condition of affairs that now obtains, is an enemy of Cuba; and doubly heavy is the responsibility of the man who, affecting to be the especial champion of Cuban independ-

ence, takes any step which will jeopardize that independence. For there is just one way in which Cuban independence can be jeopardized, and that is for the Cuban people to show their inability to continue in their path of peaceful and orderly progress. This nation asks nothing of Cuba, save that it shall continue to develop as it has developed during these past seven years; that it shall know and practice the orderly liberty which will assuredly bring an ever-increasing measure of peace and prosperity to the beautiful Queen of the Antilles. Our intervention in Cuban affairs will only come if Cuba herself shows that she has fallen into the insurrectionary habit, that she lacks the self-restraint necessary to secure peaceful self-government, and that her contending factions have plunged the country into anarchy.

I solemnly adjure all Cuban patriots to band together, to sink all differences and personal ambitions, and to remember that the only way that they can preserve the independence of their Republic is to prevent the necessity of outside interference, by rescuing it from the anarchy of civil war. I earnestly hope that this word of adjuration of mine, given in the name of the American people, the staunchest friends and well-wishers of Cuba that there are in all the world, will be taken as it is meant, will be seriously considered, and will be acted upon; and if so acted upon Cuba's permanent independence, her permanent success as a Republic, are assured.

Under the treaty with your Government, I, as President of the United States, have a duty in this matter which I can not shirk. The third article of that treaty explicitly confers upon the United States the right to intervene for the maintenance in Cuba of a government adequate for the protection of life, property, and individual liberty. The treaty conferring this right is the supreme law of the land and furnishes me with the right and the means of fulfilling the obligation that I am under to protect American interests. The information at hand shows that the social bonds throughout the island have been so relaxed that life, property, and individual liberty are no longer safe. I have received authentic information of injury to, and destruction of, American property. It is in my judgment imperative for the sake of Cuba that there shall be an immediate cessation of hostilities and some arrangement which will secure the permanent pacification of the island.

I am sending to Habana the Secretary of War, Mr. Taft, and the Assistant Secretary of State, Mr. Bacon, as the special representatives of this Government, who will render such aid as is possible toward these ends. I had hoped that Mr. Root, the Secretary of State, could have stopped in Habana on his return from South America, but the seeming imminence of the crisis forbids further delay.

Through you I desire in this way to communicate with the Cuban Government and with the Cuban people, and accordingly I am sending you a copy of this letter, to be presented to President Palma, and have also directed its immediate publication.

Sincerely, yours,

THEODORE ROOSEVELT.

Chargé Sleeper to the Secretary of State.

[Telegram—Paraphrase.]

HABANA, September 15, 1906.

(Mr. Sleeper reports an encounter the night before between forces rural guard and rebels Habana Province, vicinity Mazzora. Government advises rebels dispersed, although reliable unofficial reports to the contrary. Also encounter near Santo Domingo, Santa Clara Province; result unknown. Guerra said to be moving toward Habana. Two bridges burned between towns of Guanajay and Cabanas, Pinar del Rio Province. U. S. S. *Des Moines* and *Dixie* arrived same day. He says there is a more hopeful tone since publication President's letter; possibility of peace. Business interests greatly relieved. Government sympathizers also friends revolution; all manifest confidence in fairness attitude American Government.)

Chargé Sleeper to the Secretary of State.

No. 188.]

AMERICAN LEGATION,
Habana, September 15, 1906.

SIR: I have the honor to state, concerning the landing of sailors from the U. S. S. *Denver* on the 13th instant, that I acted according to my best judgment in this emergency, convinced that rioting would occur and that American interests and property might be endangered. All reports seem to confirm the President's evident alarm. A perusal of the press dispatches of that date will show that serious trouble was expected, and an insistent rumor that the police was not to be relied upon I felt inclined to believe.

I wish respectfully to call your attention to the moral effect of this landing in the city, and to express the belief that possibly such an act may have had a deterrent effect on any contemplated riotous acts.

In my interview with President Palma (on the afternoon of the 13th) I took occasion to allude to the many alarming rumors of an attack on the capital by the combined rebel forces in the neighborhood to be made simultaneously with an uprising in the city; which information had come to me from the chief of the secret police. I asked him if the Government of Cuba could afford the necessary protection to the lives and interests of American citizens in case such an attack should be made. Mr. Palma appeared exceedingly nervous and disinclined to talk, but finally stated that while he had the greatest confidence that his troops could successfully cope with the rebels in the field he did not feel sure that they could do so in the city, because there were so many liberals and other people here ready to take advantage of the situation to burn and pillage, and that he would have to say no. I then told him that the lives and property of Americans must be protected and that it was my duty to so inform him. The President then remarked he thought it would be a good idea, and that he would like to have, as a wise precaution, an armed force landed to assist in the protection of American interests. In accordance with the President's request, therefore, in view of his avowal that he was unable to guarantee protection to American lives and

property, and considering the immediate serious aspect of affairs, I decided to request Commander Colwell to land an armed party of sailors from the *Denver*, it being expressly understood between us that they were to be used solely for the protection of American lives and property.

Subsequent to the landing of the aforesaid party of sailors, I received your cable instructions of the 13th advising against the landing of any armed force under any circumstances, and I immediately directed Captain Colwell to withdraw his force to the ship, and thereupon advised President Palma of my action, at which he expressed great regret, saying to me, in the presence of Secretary of State O'Farrill that he would cable President Roosevelt in the morning asking that they be allowed to remain.

As I cabled yesterday, Congress met on the 14th, and after listening to the President's message and transacting some business adjourned.

A translation of the President's message is inclosed herewith.

I confirm on the overleaf department telegram of the 14th instant, transmitting a copy of a letter of the President to Señor Quesada,^a and beg to advise you that a copy thereof has been communicated to President Palma through the foreign office.

I have, etc.,

JACOB SLEEPER,
Chargé d'Affaires ad interim.

[Inclosure—Translation.]

MESSAGE OF PRESIDENT TOMAS ESTRADA PALMA TO THE CUBAN CONGRESS.

Special session—September 14, 1906.

To Congress:

Since the inauguration of the Republic this is the first occasion for the convocation of Congress in special session. It is to be regretted that the cause should be the disturbance of public order, as provided for in the constitution, rather than a matter of material advantage to the welfare of the nation.

No one would have imagined that, after four years and some months of our existence as an independent and sovereign government, an armed insurrection would occur, thus placing in doubt the sincerity of our institutions and universally disseminating a certain discredit in our Republic and in our capacity for self-government, endangering the independence of the Patria, for which the blood of thousands of Cubans flowed during long years of cruel hardship. Who would have thought that just when the country was most prosperous, peace and prosperity reigning supreme, millions of surplus money in the treasury—even after paying the army of liberation \$18,663,049.13 and spending \$11,218,069.55 in innumerable public works—who, I repeat, would have suspected that, in face of the flattering condition of the country and the credit which we enjoy abroad, there should be Cubans who would intend armed resistance against the constituted government, substituting force and violence for law, anarchy for order, war for peace? Such, however, is the situation, and it fills our soul with shame and pain.

Since the beginning of the electoral campaign in June of last year a tendency has been noted on the part of many members of the opposition party in certain provinces to win by any available means of force. During the course of the campaign there were scenes of perturbation and disorder and attempts at armed uprisings, culminating in the hideous murder of several rural guards, treacherously surprised at midnight in their quarters at Guanabacoa.

It was to be hoped that once the elections were over and the new constitutional period begun, all intent to upset the country should have ceased, the adversaries of the government party reserving their strength and activity for the

^a Printed on p. 480.

purpose of organizing themselves pacifically and disputing the power in the following elections. This is the example of political parties which have succeeded in impressing upon their followers a true love of country, so as not to sacrifice it to the interests of cliques and personal ambitions; this is what political parties do in countries accustomed to the exercise and enjoyment of liberty.

Unfortunately, this has not happened in Cuba. Those who during the past elections adopted the iniquitous system of threat and violence in order to rise to power at any cost, divested of all sentiment of pity for Cuba, organized a dark plan of conspiracy, in which, without scruple of conscience, entered as legal means of attack, murder, treason, and sedition among the armed forces of the Republic, and everything else, however criminal, conducive to the ends of their dastardly ambitions.

The Government, through sources worthy of credence, knew what was going on, and could have squelched the plot by promptly adopting measures of prevention; but, in obedience to the principles of democracy which it professes, and unwilling to overstep the precepts of our fundamental code, it waited day after day until the occasion should arise for proceeding in accordance with the laws of the Republic and in a manner amply justified. On the other hand, it could not imagine how, in view of the prosperous condition of the island, there should be anyone, with the exception of a few adventurers, that would lend aid to the leaders of the conspiracy.

The armed movement broke out in Pinar del Rio on the 16th of August, with Faustino Guerra, a member of the House of Representatives and of the liberal party, as leader. He was followed in the province of Habana by Ernesto Asbert, a provincial councilman, and in Santa Clara by Eduardo Guzman, both belonging to the same party. These groups were gradually increased in force in the three provinces mentioned, the movement thus acquiring serious importance.

The detective bureau being in possession of sufficient information to denounce to the court those whom public opinion pointed out as the principal instigators of the rebellion and under word to place themselves at the head of the rebel forces, those persons were arrested in Habana, Santiago de Cuba, and Santa Clara. Others, though beyond doubt equally guilty, were not arrested, because, more skillful in their methods, they had left up to that time but meager evidence of their complicity.

The Government from the first moment faced the situation with what little forces it could dispose of. It should be borne in mind, however, that the 3,000 rural guards are scattered throughout the island, and it would be imprudent to leave ungarrisoned provinces which were apparently tranquil. It was also inadvisable to take away from Habana a part of the artillery corps, except, as was done to fortify Pinar del Rio, in case of absolute necessity.

Living as we had been in peace, and I being solicitous since my inauguration in May, 1902, only of the economic development and intellectual progress of our country, no thought was ever given to preparing the nation for war, but, on the contrary, the constant endeavor had been to spend the moneys of the national treasury in works of public utility and in the creation of the greatest possible number of schools in order to extensively sow the seed of education among all classes of our society. Hence the revolutionary movement took us by surprise, without a reserve stock of arms, without ammunition, and without horses, etc. It was necessary to take immediately such steps as were possible under the circumstances, and to order by cable the necessary war material. But while waiting for this material and while organizing a volunteer militia several days must needs pass, of which the leaders of the insurrection took advantage by extending it throughout the provinces in which they had sympathizers, and the natural consequence of the delay in determinedly combating the rebels was a growing feeling of impunity and increase in the numbers of their forces.

The extension of the rebellion renders it impossible for the regular forces at our disposition to prevent the rebel parties, scattered throughout a wide range of territory, from entering towns and villages, uprooting railway tracks, blowing up culverts and bridges, and causing other damage. Indeed, bands of "plateados"^a have appeared in some places, committing violence and pillage.

^aTranslator's note: The word "plateados" means thieves and vagabonds who take advantage of the situation to burn and pillage unprotected places, and who are allied neither to the Government nor its opponents.

The rural guard, as also the artillery, have shown wondrous bravery every time they have had an encounter with the rebels, particularly in the desperate fight sustained by both organizations in Consolacion del Sur with a numerous force under Guerra. The police of Habana, under Gen. Armando Sanchez Agramonte, and the detective bureau, under the orders of its chief, Señor Jose Jerez Varona, have shown great activity and zeal in the fulfillment of their duties.

The assistance of the militia has not been as effective as could be wished, inasmuch as its organization is yet incomplete and there are insufficient rifles to equip the men.

The Government has and continues to make extraordinary efforts to control and put down the insurrection, and it now devolves upon Congress to adopt such measures as it may deem of moment, and, if it sees fit, to approve the presidential decrees that have been issued.

PRESIDENTIAL PALACE, *Habana, September 14, 1906.*

Chargé Sleeper to the Secretary of State.

No. 189.]

AMERICAN LEGATION,
Habana, September 17, 1906.

SIR: I have the honor to transmit to the department herewith inclosed translation of a law approving the President's conduct of affairs during the present rebellion and providing for a permanent increase in the military force of the Republic, passed by the Cuban Congress at its special session of September 14, 1906, and also translation of a notice of the adjournment of Congress on the 15th instant.

I have, etc.,

JACOB SLEEPER,
Chargé d'Affaires ad interim.

[Inclosure 1—Translation.]

EXECUTIVE OFFICES, DEPARTMENT OF GOVERNMENT.

I, Tomas Estrada Palma, constitutional President of the Republic of Cuba, make known that Congress has enacted and I have approved the following law:

ARTICLE 1. All decrees, orders, and regulations issued by the Chief Executive from the 20th day of August last until this date are hereby approved and considered as law, and they shall continue in force during the time of the existing disturbance of order unless revoked by the President of the Republic after consideration with the cabinet.

ART. 2. The Chief Executive is hereby empowered during the existing disturbance of order to raise and maintain forces in the form and manner he may deem conducive to that end, to assist in the restoration of public peace, reporting thereon to Congress at its next session.

ART. 3. In order to defray all attendant expenses occasioned by the present disturbance of order, the President of the Republic is empowered to use the funds of the treasury, suspending all appropriations he deems necessary, whether provided for by special legislation or already specified in the budget, reporting thereon to Congress, when normal conditions are reestablished so that it (Congress) may make such provision as is deemed expedient.

ART. 4. The rural guard shall be increased to 10,000 men and the artillery to 2,000. The chief of the rural guard shall be chief of all the armed forces of the Republic with the rank of major-general, and the executive shall provisionally organize these forces by means of decrees, with power to freely name, discharge, and promote the chiefs, officers, soldiers, or guards thereof until such time as Congress may provide for its definite organization.

ART. 5. This law shall be in force from and after its publication in the Official Gazette of the Republic.

Given at the presidential palace in Habana, the 15th day of September, 1906.

TOMAS ESTRADA PALMA.

RAFAEL MONTALVO,

Secretary of Public Works ad interim of Government.

[Inclosure 2—Translation.]

OFFICE OF THE PRESIDENCY.

The president of the house of representatives informs the President of the Republic that in session had on the 14th instant it approved the resolution adopted by the senate adjourning the extraordinary session called for that day.

Which, by order of the President, is published for the information of the public.

JORGE A. BELT,

Secretary to the President.

HABANA, September 15, 1906.

Chargé Sleeper to the Secretary of State.

No. 190.]

AMERICAN LEGATION,

Habana, September 17, 1906.

SIR: I have the honor to inclose herewith a translation of presidential decree No. 383, of the 17th instant, directing the government forces to suspend all operations in the field and to remain on the defensive.

I have, etc.,

JACOB SLEEPER,

Chargé d'Affaires ad interim.

[Inclosure—Translation.]

Decree No. 383.

EXECUTIVE OFFICES, DEPARTMENT OF GOVERNMENT.

At the instance of the secretary of public works ad interim of government, I hereby decree the following:

ARTICLE 1. All campaign operations in the field are hereby suspended, and in consequence thereof the government forces shall place themselves on the defensive throughout the territory of the Republic.

ART. 2. The secretary of government is charged with the immediate compliance of this decree, issuing all orders that may be necessary for its execution.

T. ESTRADA PALMA,

The President.

HABANA, September 17, 1906.

RAFAEL MONTALVO,

Secretary of Public Works, ad interim of Government.

The Cuban Chargé to Acting Secretary of State Adee.

[Translation.]

No. 321.]

LEGATION OF CUBA,

Washington, September 17, 1906.

EXCELLENCY: In confirmation of the notice I had the honor to transmit orally to your excellency last evening, I advise you that on yesterday I received a cable message from my Government stating

that it had issued a decree for the suspension of hostilities in the island on the part of the loyal forces, in the expectation that the revolutionists would do likewise, and directing me at the same time so to inform the Government of the United States.

I avail myself, etc.,

ARTURO PADRÓ Y ALMEIDA,
Chargé d'Affaires ad interim.

[NOTE.—Secretary of War Taft and Assistant Secretary of State Bacon proceeded to Cuba by direction of the President.]

The Secretary of State to the Cuban Minister.

DEPARTMENT OF STATE,
Washington, October 1, 1906.

MY DEAR MR. QUESADA: A dispatch from Mr. Bacon, in Habana, has been received to-day at the Department of State as follows:

The Secretary of War instructs me to ask you to say to Quesada that the Secretary hopes he will not think of resigning; that his services will be of the greatest value to Cuba and to the United States in this great crisis, and that he relies upon the assistance which he feels sure that Minister Quesada will be willing to render with self-sacrifice for the restoration of his country to her constitutional government.

I wish to add my own personal request to that of Secretary Taft. It seems to me that your service was never more needed by your country than now, and that it would be a misfortune if you were to lay aside that official position which may enable you to make your service effective. I am much distressed by the events which have occurred since we left the United States to attend the conference at Rio, but I do not think there is just reason for the friends of Cuba to despair of her liberty, her independence, or her success in self-government. You will recall that the provision of the Cuban constitution and the treaty, under which the United States is now acting, provides the right "to intervene for the preservation of Cuban independence," and you will perceive in the terms of Secretary Taft's proclamation that such is the purpose of the Government of the United States.

To secure the successful accomplishment of this purpose as speedily as possible, all friends of Cuba ought to unite their earnest efforts. With hopeful courage and determination on the part of Cuba's real friends all this wretched business will soon be over, and we shall look back upon it as merely a hard lesson in the course of Cuba's development in the art of self-government.

Always faithfully yours,

ELIHU ROOT.

The Cuban Minister to the Secretary of State.

LEGACION DE CUBA,
Washington, October 3, 1906.

MY DEAR MR. ROOT: I am in receipt of your letter of October the first, transmitting the dispatch sent from Habana to the State Department by Mr. Bacon, in which the honorable Secretary of War of

the United States, provisional governor of Cuba, hopes that I will not resign my position of minister of the Republic of Cuba in Washington; states that my services will be of value to Cuba in this great crisis, and feels sure that I will be willing to render assistance in the restoration of my country to her constitutional government; in which letter you add your own personal and eloquent request for me to contribute to the accomplishment of the preservation of Cuban independence.

Those kind and lofty words have the same inspiring ring of Americanism and fair play as the generous and historical message written to me by that true American—and Cuban by our love—President Roosevelt, on the 14th of last month, wherein he adjured the Cuban patriots to band together and sink their differences, thus assuring the permanent success of Cuba as a republic. Such declarations can not fail to sustain my hopeful courage and to confirm my belief in the future of my country, in her liberty, her independence, and her capacity for self-government, and in the right of her heroic sons to all those blessings, supported by such staunch and real friends and well-wishers as the American people, and the earnest efforts of men like the President and yourself, who helped Cuba when in need and created her a sovereign nation.

I never doubted for an instant, as you have so timely said, that under the Cuban constitution and under the treaty by virtue of which the United States is now acting, you intervene but for the "preservation of Cuban independence." I am convinced that the American people are not covetous of us; only feel sympathetic concern in our sufferings and are not anxious for our downfall. I, as well as my people, trust the American administration in this sad hour of Cuba's history. I am convinced that the United States will do what is right by Cuba.

Your American patriotism has appealed to my Cuban patriotism, and, confident as I am that Cuba will come out of this severe trial stronger and the United States with still greater glory by her just and unselfish guidance and aid, I shall remain in my post while I can serve Cuba and while I can assist in promoting her relations of confidence and mutual trust with her sponsor before the world—the United States of America.

For myself, Mr. Secretary, and for the people of Cuba, I thank you for your cordial letter; it is the honest voice, the noble pledge, of the great American nation.

Faithfully, yours,

GONZALO DE QUESADA.

The Secretary of State to the Provisional Governor of Cuba.

DEPARTMENT OF STATE,
Washington, October 6, 1906.

SIR: I have the honor to inclose for your information copy of a note from Mr. Quesada, the Cuban minister at this capital, expressing his confidence in the right intentions of the American Government and people in the matter of their intervention in Cuba, and stating that he will remain at his post while he can serve Cuba and aid in promoting relations of confidence and trust between the two Governments.

I have, etc.,

E. Root.

Minister Morgan to the Secretary of State.

No. 217.]

AMERICAN LEGATION,

Habana, October 13, 1906.

SIR: I have the honor to transmit as a record for the department's archives, the inclosed epitome of the events which have occurred in the political history of Cuba since the arrival at Habana of the Hon. William H. Taft, Secretary of War, and the Hon. Robert Bacon, the Assistant Secretary of State, on September 19, with duplicate copies of the more important proclamations and orders which the Secretary of War has issued since he assumed the rôle of provisional governor.

Information relating to the general situation which the legation has obtained since his arrival on the island has been transmitted directly to the provisional governor for embodiment in his report to the President.

Unless otherwise instructed upon the assumption to-day of the duties of the provisional governor by the Hon. Charles E. Magoon, the legation will resume its political correspondence with the department and its reports upon Cuban affairs without reference to those which the provisional governor may furnish the insular bureau of the War Department. Governor Magoon advises this course, as he desires that the Washington Government shall have at its disposal a large variety of material coming from different sources bearing upon the condition which prevails here.

I have, etc.,

EDWIN V. MORGAN.

[Inclosure 1.]

EPITOME OF EVENTS ATTENDANT UPON ESTABLISHMENT OF THE PROVISIONAL GOVERNMENT IN CUBA.

The commissioners appointed by President Roosevelt to investigate the conditions arising from the late revolution and the general situation in Cuba, Mr. Wm. H. Taft and Mr. Robert Bacon, respectively Secretary of War and First Assistant Secretary of State of the United States, arrived in Habana on the morning of September 19 last, aboard the U. S. S. *Des Moines*, during the cessation of hostilities brought about by Mr. Roosevelt's public letter to Mr. Quesada, the Cuban minister at Washington, in which he defined the attitude of the United States toward Cuba, and asked that warfare cease until the envoys appointed by him could arrive and look into the situation.

The commissioners began their work at once. At 9 o'clock on the morning of their arrival the secretary of state of Cuba, Dr. Juan F. O'Farrill, was received on board the *Des Moines*. At 10 o'clock the commissioners were received in audience by President Palma at the palace, at the conclusion of which they proceeded to Quinta Hidalgo, the residence of the American minister in Marianao, where they established their offices. The selection of Quinta Hidalgo as headquarters was particularly fortunate because it is situated about 10 miles out of Habana and was about midway between the seat of government and the insurgent camp. Both parties thus had free access to the commissioners, and all possibility of friction was avoided.

On the afternoon of the 19th Alfredo Zayas, the leader of the liberal party and self-styled representative of the rebel forces in the field, and Domingo Mendez Capote, the head of the moderate or government party, were called before the commission and each made a statement, the former concerning the aims of the liberals and rebels, the latter relative to the conduct of the Government.

After securing the statements of these men the commissioners went systematically to work to procure the views of social bodies, organizations, and various

classes of men on the island; officials, politicians, property owners, business men, planters, and many others were interrogated in an endeavor to find the radical cause for the present troubled conditions and a remedy for them. It was earnestly hoped that some agreement might be arrived at which would serve as a basis for a settlement of difficulties, the bringing together of the warring factions, and the establishment of a lasting peace, and this under the Cuban Government. General Menocal, who had made strenuous efforts to bring his countrymen together before the arrival of the commissioners, was frequently consulted by them.

After a week of interviewing the commissioners drew up a compromise which they hoped would be acceptable to both sides. Its central idea was the continuity of the existing government, and it provided for the continuance of Mr. Palma as president, a coalition cabinet, and new elections of members of Congress. To these provisions the liberals agreed. The moderates, however, indignantly refused to consider them and would have nothing whatever to do with them.

Mr. Palma reiterated his determination to resign from the presidency and called Congress to convene on September 28. In his message he recited briefly the existing conditions in the island and tendered his resignation as well as the resignations of the members of his cabinet to the Congress. His action left the Republic without an executive head, and a committee was accordingly appointed from among the Congressmen present to visit Mr. Palma and prevail upon him if possible to withdraw his resignation. It could not induce him to rescind his decision, which he declared irrevocable.

Under these circumstances the American commissioners felt obliged to assume control of the Cuban Republic until such time as it might be able to elect another executive and give adequate assurance of stable government. On Saturday, September 29, 1906, a provisional government exercising Cuban sovereignty under the authority of the President of the United States was established, and a proclamation was issued to the Cuban people setting forth the causes for this action and defining the position of the United States toward Cuba.

Since the American commissioners understand that the Republic of Cuba is continuous and that they are only the ad interim executives, the various departments continue to function as before with the assistant secretaries as acting heads, the only officials discharged being those taken on to meet the exigencies of the revolution.

At the time the commissioners assumed control there were many political prisoners in the jails throughout the island. These, of whom several were prominent liberals who had several times been consulted by the commissioners while on parole, were immediately set at liberty.

The disbanding and disarming of the rebel forces and, incidentally, the government militia, enlisted specially for the revolution, has been the chief concern of the provisional government from its establishment until now. It was carried out by a commission of American and Cuban military officers of which Gen. Frederick Funston was head, and has been practically completed. Many reports exist, however, that the insurgents are surrendering only old and useless guns which have seen service in former wars and which were secured by bribery from the old fortresses in the island where they have been stored, and that the newer guns are being kept and secreted.

According to agreement, the men under arms are to be transported to their homes at government expense; they must give up their guns, but are entitled to the horses in their possession until they are identified by the original owners. A court of claims is being established to provide for the settlement of all claims growing out of the war, and especially in the matter of horses.

On the 10th instant Provisional Governor Taft issued a general amnesty proclamation to the people of Cuba, thus indicating that quiet and peace have been restored. Save for sporadic local disturbances, the entire country is tranquil.

On Tuesday, the 9th instant, Governor Magoon, who has succeeded Mr. Taft as provisional governor, and General Bell, who is to take command of the military forces of the United States in the island, reached Habana, and on Saturday, the 13th, Governor Taft issued a proclamation transferring the provisional governorship to Governor Magoon.

Accompanying this epitome are copies of all the papers pertinent to the events set forth and of all the decrees issued by the provisional government to date.

[Inclosure 2.]

PROCLAMATION.

To the people of Cuba:

The failure of Congress to act on the irrevocable resignation of the President of the Republic of Cuba, or to elect a successor, leaves this country without a government at a time when great disorder prevails, and requires that pursuant to a request of President Palma, the necessary steps be taken in the name and by the authority of the President of the United States to restore order, protect life and property in the island of Cuba and islands and keys adjacent thereto, and for this purpose, to establish therein a provisional government.

The provisional government hereby established by direction and in the name of the President of the United States will be maintained only long enough to restore order and peace and public confidence, and then to hold such elections as may be necessary to determine those persons upon whom the permanent government of the Republic should be devolved.

In so far as is consistent with the nature of a provisional government established under authority of the United States, this will be a Cuban government conforming, as far as may be, to the constitution of Cuba. The Cuban flag will be hoisted as usual over the government buildings of the island. All the executive departments and the provincial and municipal governments, including that of the city of Habana, will continue to be administered as under the Cuban Republic. The courts will continue to administer justice, and all laws not in their nature inapplicable by reason of the temporary and emergent character of the Government will be in force.

President Roosevelt has been most anxious to bring about peace under the constitutional government of Cuba, and has made every endeavor to avoid the present step. Longer delay, however, would be dangerous.

In view of the resignation of the cabinet, until further notice the heads of all departments of the central government will report to me for instructions, including Maj. Gen. Alejandro Rodriguez, in command of the rural guard and other regular government forces, and Gen. Carlos Roloff, treasurer of Cuba.

Until further notice, the civil governors and alcaldes will also report to me for instructions.

I ask all citizens and residents of Cuba to assist in the work of restoring order, tranquillity, and public confidence.

Habana, September 29, 1906.

WM. H. TAFT,
*Secretary of War of the United States,
Provisional Governor of Cuba.*

Official:

F. R. McCoy,
Captain Third Cavalry, Aide.

[Inclosure 3.]

Decree No. 5.

HABANA, October 3, 1906.

In compliance with instructions received from the President of the United States and in accordance with my proclamation of the 29th of September, I have resolved:

First. The diplomatic representatives of the Republic of Cuba in foreign countries are confirmed in their respective positions and they shall continue in the discharge of their duties in representation of the Republic of Cuba under the provisional administration of the United States.

Second. The provisional government recognizes the foreign diplomatic representatives accredited to the Government of the Republic of Cuba, without necessity of the formalities or any other steps for the change, and shall continue to maintain with the same, through the Department of State, the diplomatic relations.

Third. Cuban consuls in foreign countries shall continue in the performance of their duties, and foreign consuls residing in Cuba are also recognized by the provisional government.

WM. H. TAFT,
Provisional Governor.

PEDRO F. DIAGO,
Chief Clerk in charge of the Department.

[Inclosure 4.]

AMNESTY PROCLAMATION.

HABANA, October 10, 1906.

* *By the provisional governor, a decree:*

Whereas it appears that the organized forces which, until recently, have been engaged in armed insurrection against the Government of Cuba have disbanded as such, with the result that active organized hostilities have ceased throughout the island; and

Whereas it accords with the purpose of the provisional government established by the United States in Cuba to promote, by prudent measures within its authority, to an early reestablishment of Cuban self-government in accordance with the proclamation establishing this Government.

Now, therefore, be it known that I, William H. Taft, provisional governor of Cuba, by virtue of the power and authority vested in me by the President of the United States, do hereby proclaim and declare, without reservation or condition, except as hereinafter provided, a full and complete amnesty and pardon to all persons who have directly or indirectly participated in the recent insurrection in Cuba, or who have given aid and comfort to persons participating therein, for offenses political in their nature, committed in the course of said insurrection and prior to disbandment.

The amnesty and pardon here granted shall be considered and construed as covering the offenses of rebellion, sedition, or conspiracy to commit the same, and other related offenses, and as giving immunity from prosecution and punishment for seizures and appropriation of property for military use by the insurrectionary forces.

Judges of examination before whom prosecutions are pending for offenses covered by the amnesty and pardon here granted shall immediately discontinue such prosecutions and transmit the records of their proceedings to the fiscals of their respective audiencias, which audiencias shall have the duty of entering in these causes, and in all other causes of the same character already in their possession, orders in accordance with the terms of this proclamation. Fiscals of audiencias shall likewise take the necessary steps to have this proclamation applied to causes in which judgment has already been rendered by the audiencias and to those in which sentence is now being served.

The procedure last above outlined will likewise be followed in prosecutions pending in the courts of the Habana Province on account of the assault made on the rural guards at Guanabacoa, of that province, in February last, and in the proceedings known as "La Suiza," pending in the audiencia of the province of Santa Clara, all these proceedings having arisen out of the disturbances, political in their character, related in the causes which culminated in the recent insurrection; to all offenders in these two disturbances full and complete pardon is granted.

The action directed in the preceding paragraph is not to be construed as in the slightest degree justifying or palliating the guilt of persons engaged in the commission of the offenses at Guanabacoa or involved in the proceedings known as "La Suiza," for both were most deplorable, and under ordinary conditions the interest of the public would demand the strictest prosecution of such offenses, but the present high state of political excitement, the danger of public disturbance growing out of the emotions excited in the public trial of the offenses, and in either the conviction or acquittal of the accused, make it vitally important in the public interest, and to secure the greatest good to the greatest number, that the prosecutions should be quashed and oblivion follow. It is hoped that thus can the peace which is essential to this country be secured.

Ordinary crimes are not comprised within the terms of amnesty and pardon here granted, but those punishable under existing law by correctional or light penalties, committed prior to disarmament and disbandment by members of the insurrectionary forces who have complied in good faith with the agreement of disarmament and disbandment, may be made the subject of special application for pardon to be forwarded to the department of state and justice for the consideration of the provisional governor. Where prosecutions have been instituted in the class of cases here referred to, all proceedings therein will be suspended upon receipt of notice, to be communicated by the department of state and justice to the proper court, that an application for pardon is pending before the provisional governor, and until the decision of the provisional governor thereon has been duly promulgated.

Individuals or bands who, after the date of this proclamation, are found in arms or disturbing the public order or otherwise violating the laws of the Cuban Republic will be denied all benefits of the preceding paragraph and will, furthermore, be arrested and proceeded against for such new violations of law as under normal conditions.

WM. H. TAFT,
Provisional Governor.

PEDRO F. DIAGO,
Acting Secretary of State and Justice.

[Inclosure 5.]

Decree No. 11.

HABANA, *October 12, 1906.*

In accordance with my proclamation of September 29, 1906, I, William H. Taft, provisional governor of Cuba, hereby resolve:

I. That the Congress of the Republic of Cuba remain in recess during the continuance of the provisional administration of the United States.

II. The rights of members of Congress to compensation as such during said recess is under consideration and will later be made subject of a special resolution, pending the issue of which salaries will not be paid.

III. The employees attached to the service of the "Diario de Sesiones" and the "cóncerjes" of both chambers will be retained in their present employments until further orders and shall be under the direct orders of the provisional governor; and the stenographers of both chambers shall continue in discharge of their duties until the last day of October, 1906.

W. H. TAFT,
Provisional Governor.

PEDRO F. DIAGO,
Acting Secretary of State and Justice.

[Inclosure 6.]

Decree No. 12.

HABANA, *October 11, 1906.*

With reference to the papers on file in the department of government, relating to a purchase of arms from C. Hempel, from which it appears that under date of September 10 last there were ordered through said gentleman 1,200 cavalry Mauser repeating rifles, at the price of \$19.76 each, delivered cost, freight, and insurance, and half million cartridges for said rifles, at the price of \$35.82 per thousand, with a commission to Hempel of 5 per cent, payment to be made for such goods upon their receipt in this port; and that such goods have not as yet reached this capital:

Whereas the extraordinary conditions which gave rise to the preceding order have ceased to exist, and the said merchandise is now not needed by the Government of Cuba;

Whereas it is "within the discretionary power of the administration to declare the rescission of contracts involving public services, provided such rescission be considered in favor of the interests of the state, with the obligation of indemnity" (royal decree of September 20, 1875; Gazette of November 26), I resolve:

First. To declare the rescission of the contract entered into by the ex-secretary of public works, acting secretary of government, Sr. Rafael Montalvo, by means of correspondence, with Mr. Hempel, for the purchase by the Cuban State of the goods above referred to.

Second. To reserve to Mr. Hempel the right of claiming from the State such indemnity as might be due him by virtue of this rescission.

Third. To reserve to the Cuban State the right of bringing such action against the contractor in due time as may lie for the delay in delivering the goods ordered, or for any other faults chargeable to him.

WM. H. TAFT,
Provisional Governor.

GASTÓN MORA,
In charge of the Department of Government.

[Inclosure 7.]

PROCLAMATION.

HABANA, *October 13, 1906.*

By the direction and with the authority of the President of the United States, I hereby lay down the office of provisional governor of Cuba, assumed by me September 29, 1906, and turn the same over to Charles E. Magoon as my successor.

WM. H. TAFT.

[Inclosure 8.]

PROCLAMATION.

To the People of Cuba:

Acting under the authority conferred upon him by the appendix to the constitution of Cuba, by the treaty between the United States and Cuba ratified July 1, 1904, and by the act of Congress of the United States approved March 2, 1901, the President of the United States has appointed me provisional governor of Cuba, to succeed the Hon. Wm. H. Taft, and I hereby assume that office.

The policy declared and the assurances given by my predecessor, Secretary Taft, will be strictly adhered to and carried out.

As provisional governor I shall exercise the powers and perform the duties contemplated and provided for by the third article of the appendix to the constitution of Cuba, for the preservation of Cuban independence and for the protection of life, property, and individual liberty.

As soon as it shall prove to be consistent with the attainment of these ends I shall seek to bring about the restoration of the ordinary agencies and methods of government under the other and general provisions of the Cuban constitution.

All provisions of the constitution and laws the application of which for the time being would be inconsistent with the exercise of the powers provided for by the third article of the appendix must be deemed to be in abeyance. All other provisions of the constitution and laws continue in full force and effect.

CHARLES E. MAGOON,
Provisional Governor.

October 13, 1906, 12 o'clock noon.

EXECUTIVE ORDER.

It is hereby ordered that the temporary administration of the government of the Republic of Cuba in virtue of the requirements of article 3 of the treaty of May 22, 1903, shall be conducted in Habana by the provisional governor, subject to the supervision of the Secretary of War; and all business in relation thereto in this country will be transacted in the Bureau of Insular Affairs of the War Department, where it will be made a matter of official record.

THEODORE ROOSEVELT.

THE WHITE HOUSE,
October 23, 1906.

TRADE-MARK REGISTRATION LAW OF CUBA.

Minister Squiers to the Secretary of State.

No. 1321.]

AMERICAN LEGATION,
Habana, September 1, 1905.

SIR: I have the honor to acknowledge receipt of department's instructions No. 519^a of July 14, and No. 529^a of July 29, with

reference to the Cuban trade-mark registration law, and in reply to advise you that the matter was duly brought to the attention of the Cuban Government with a view to correcting the abuses complained of.

The Secretary of State has replied to my representations suggesting that the United States join in the "treaty on patents of invention, industrial drawings, and models and trade-marks," a treaty that was considered during the second conference which took place in Mexico in 1902, and to which President Palma proposes Cuba shall subscribe.

In inclosing a translation of this note I beg to say that I shall make no further representations, awaiting your instructions.

I have, etc.,

H. G. SQUIERS.

[Inclosure.]

The Secretary of State and Justice of the Republic of Cuba to Minister Squiers.

DEPARTMENT OF STATE AND JUSTICE,
DIVISION OF STATE,
August 26, 1905.

MR. MINISTER: I have the honor to acknowledge receipt of your excellency's note No. 745 of the 22d instant, inviting my attention to the statements made by the National Association of Manufacturers of America to the Department of State of the United States relative to the pirating of unregistered trade-marks in Cuba and requesting my views on the subject or any suggestion which will put a stop to the abuses complained of.

Complying with your excellency's wish, I beg to state that I have read with care the aforesaid statements and gather therefrom that the legislation regarding the matter is entirely different in our two countries to the extent that to make them alike, even on the point raised by the National Association of Manufacturers, reforms would have to be made on our side by the legislative power; but in lieu of an early innovation in this sense permit me to suggest that the United States adhere to the convention on trade-marks signed by the delegates of the American Republics during the second conference which took place in Mexico in 1902, for the President of the Republic has just proposed to the senate the adhesion of Cuba, and both nations adhering thereto, trade-marks registered in either of them would be duly protected.

I take, etc.,

JUAN F. O'FARRILL.

The Secretary of State to Minister Squiers.

No. 556.]

DEPARTMENT OF STATE,
Washington, October 30, 1905.

SIR: Referring to your dispatch No. 1321, of the 1st ultimo, in regard to the suggestion made by the President of Cuba that the United States join in the "Treaty on patents of invention, industrial drawings, and models and trade-marks," drafted at the second Pan-American conference in 1902, I inclose herewith a copy of a letter from the Secretary of the Interior, by which he informs the department that the Commissioner of Patents recommends that this country shall not join in such a treaty and that he concurs in the commissioner's conclusion.

I am, etc.,

ELIHU ROOT.

[Inclosure.]

*The Secretary of the Interior to the Secretary of State.*DEPARTMENT OF THE INTERIOR,
Washington, October 24, 1905.

SIR: Your letter of the 9th ultimo has been received, inclosing a copy of a dispatch from our minister at Habana in regard to the suggestion made to him by the President of Cuba that this country join in the "Treaty on patents of invention, industrial drawings and models, and trade-marks," drafted at the second Pan-American congress in 1902.

In response thereto, I have the honor to advise you that the Commissioner of Patents, to whom the matter was referred, reports that the treaty contains many provisions contrary to the requirements of the laws of this country, and would therefore make necessary a revision of our laws for the purpose of giving it effect. He further states that in several respects the amendments necessary would be contrary to the fundamental principles upon which the patent system of this country is based.

He adds that for the reasons set forth it would be unwise to make the changes in the existing law of this country which would be necessary to give effect to the treaty, and accordingly recommends that this country shall not join in such treaty. I concur in his conclusions.

Very respectfully,

E. A. HITCHCOCK.

Chargé Sleeper to the Secretary of State.

No. 1453.]

AMERICAN LEGATION,
Habana, February 1, 1906.

SIR: Referring to legation dispatch No. 1321, of September 1 last, and department's reply No. 556, of October 30, 1905, and for the information of such American firms as have trade-marks registered in Cuba and desire their protection in all countries adhering to the convention of Berne, I beg to transmit to the department translation of a ruling issued by the department of agriculture, industry, and commerce defining the steps necessary to be taken to secure protection of trade-marks in those countries subscribing to that convention.

The ruling reaffirms the Madrid arrangement of April 14, 1891, which effected the adherence of the Spanish Government to the Berne convention.

I have, etc.,

JACOB SLEEPER.

[Inclosure—Translation.]

DEPARTMENT OF AGRICULTURE, INDUSTRY, AND COMMERCE.

Ruling.—For the enforcement of the Madrid arrangement of April 14, 1891, relative to the international registration of trade-marks:

I. Any private or legal person in lawful possession of a trade-mark duly registered in his name in the proper office of the department of agriculture, industry, and commerce may, as provided for in the arrangement of April 14, 1891, concerning the international registration of trade-marks, promulgated in the Official Gazette of December 27, 1904, obtain protection for such trade-mark in the subscribing States and in any State that may in future subscribe to the said arrangement by the compliance with the formalities called for in this ruling.

II. Parties concerned shall make written application, over their own signature or that of a properly authorized person, to the secretary of agriculture, industry, and commerce, in which shall be detailed the name and surname of the applicant, his nationality, the place where he has his establishment, the number and date of his certificate of registration in Cuba, of the mark or marks for

which international registration is sought, and the product or article that each mark is for.

III. Said application must be accompanied by:

(a) An engraving or typographical cut of each mark, so that it may be printed in black in the official periodical of the international office. These cuts must exactly reproduce the mark just as it was when granted and in such manner that all details will be visible. It should not be less than 15 millimeters nor more than 10 centimeters in either length or breadth. The exact thickness of the cut should be 24 millimeters, the same as the height of printing type.

(b) Three sample typographical reproductions on white paper of the cut demanded in the preceding paragraph.

(c) When it is urged that the distinguishing feature of a mark is its color, the applicant shall be obliged to so declare, accompanying his application with a description in which the color is mentioned, and inclosing 42 samples of the said mark in color.

(d) A postal money order or check for 100 francs in the case of a single mark and of 50 francs additional for each additional mark whose registration is sought at the same time by the same owner, the order or check to be in favor of the "International Bureau of Industrial Property, Berne."

(e) An authorized power of attorney when the application is made by proxy.

(f) The official receipt showing that the government tax of \$5 official money, provided for by Article VIII of the arrangement of April 14, above mentioned, has been paid in the collector's office of the proper fiscal zone.

IV. Requests for registration sent to the international office will be placed in the respective files of the archives of national marks, and in turn, the international registration having been effected, given the number of such registration.

V. Trespass on trade-mark property and any alteration trade-marks may suffer shall be communicated officially by those in charge of the national files to the official in charge of international marks and by him in turn to the international office at Berne, as provided for and according to the said arrangement and this ruling.

VI. The department of agriculture, industry, and commerce shall immediately transmit to interested parties all news received by the international office relating to their marks, and will also inform them of the refusal of any of the subscribing nations to protect their marks.

VII. Six months before the expiration of the term of protection in this Republic the secretary of agriculture, industry, and commerce will advise the owners of internationally registered Cuban marks that in order to continue the international registration in force, as provided by Article VI of the arrangement of April 14, 1891, they must take steps to again register their national marks.

VIII. The terms of the foregoing article in no wise affect the dispositions of Articles VI and VII of the said arrangement so far as they concern the duration of the international registration, which shall remain in force during the entire time that the national registration of the mark is effective.

IX. To renew the international registration at the expiration of its twenty-year term, the same formalities must be observed as if a mark were being so registered for the first time, excepting the cut, which it will be unnecessary to furnish.

X. In order to give publicity to international marks an album of internationally registered marks may be consulted by the public in the department of agriculture, industry, and commerce during office hours.

T. ESTRADA PALMA.

GABRIEL CASUSO,

Secretary of Agriculture, Industry, and Commerce.

HABANA, October 28, 1905.

Which, by order of the secretary, shall be published in the Official Gazette, so that it may be generally known, and shall be enforced from the tenth day after its publication.

FRANCISCO I. DE VILDOSOLA,
Assistant Secretary.

HABANA, January 15, 1906.

The Acting Secretary of State to Minister Morgan.

[Extracts.]

No. 29.]

DEPARTMENT OF STATE,
Washington, May 19, 1906.

SIR: The department incloses herewith for your information, and for use in the preparation of representations to be made by your legation to the Cuban Government on behalf of the Merchants' Association of New York, copy of a communication relating to the confiscation by citizens of Cuba of valuable trade-marks which have been established by American citizens by years of use and advertising, copy of a letter on the subject addressed to that association by Mr. F. Steinhart, consul-general of the United States at Habana, and also copies of a letter, dated the 9th instant, from the association, and of nine accompanying communications received by it from various American firms which have suffered from the unjust appropriation of their trade-marks by Cuban citizens.^a

From the contents of the inclosures it will appear that, while Cuban owners are amply protected in the United States by both statute and common law in their enjoyment of trade-marks sanctioned by prior use, American owners enjoy under the administration of existing Cuban laws no corresponding or adequate protection for their trade-marks, and are, in fact, placed at the mercy of Cuban registrants, irrespective of prior use by legitimate owners.

If the conditions respecting the use of trade-marks in the respective countries were reversed, the character and magnitude of the injustice suffered would be quickly and keenly appreciated by Cuban exporters to this country, and justly protested against as being intolerable, especially if applied, for instance, to brands of costly Cuban cigars and other tobaccos.

The need of mutual fair dealing in this regard is evident; and if you find upon investigation that the existing conditions have been presented with substantial correctness by the complainants, you will make earnest representations to the Cuban Government with a view to securing the relief needed for this important American interest, employing for the purpose such further facts and arguments afforded by the inclosures as may in your judgment be useful.

The relief sought from the Cuban Government should include the restoration in Cuba of their trade-mark rights to those American citizens who have been already deprived of them.^a

I am, etc.,

ROBERT BACON.

Minister Morgan to the Secretary of State.

No. 98.]

AMERICAN LEGATION,
Habana, June 15, 1906.

SIR: In reference to the department's instruction No. 29, of May 19, regarding representations to the Cuban Government with the object of securing in Cuba to American citizens trade-mark rights

^a Inclosures not printed.

which they have previously acquired in the United States, I have the honor to report that I have not only addressed the Cuban secretary of state in writing on this subject, but have also personally conferred with him, with the result that he assures me that his Government is prepared to afford protection to American owners of registered trade-marks, and will take steps to grant them relief from the injustice under which they at present suffer.

In order to remedy, in part at least, the existing evil, the Habana chamber of commerce has proposed to the secretary of agriculture, industry, and commerce, whose department has charge of the registration of trade-marks, that all applications for registration addressed to him shall be referred to a committee of the chamber, in order that this committee may investigate and report as to whether or not the trade-mark for which registration is requested has already been registered abroad. The chamber suggests also that trade-marks should be referred for a like report to the Commissioner of Patents at Washington when suspected of having been previously registered in the United States.

It would appear that, either by this means or by others which may be devised, the present injustice suffered by the proprietors of American trade-marks in Cuba is likely to be removed.

I have, etc.,

EDWIN V. MORGAN.

Chargé Sleeper to the Secretary of State.

No. 156.]

AMERICAN LEGATION,
Habana, August 20, 1906.

SIR: I have the honor to acknowledge receipt of department instruction No. 29, of May 19, 1906, relative to the unjust confiscation of American trade-marks by Cuban citizens.

In reply I beg to inclose herewith a copy of Minister Morgan's note on the subject to the Secretary of State, dated June 15, 1906, together with translation of Secretary O'Farrill's reply of the 15th instant, accompanied by a translation of a note from the secretary of agriculture, industry, and commerce, setting forth the reasons which make compliance with the request of the Merchants' Association impossible under the regulations which now govern trade-mark registration in Cuba.

I have, etc.,

JACOB SLEEPER.

[Inclosure 1.]

Minister Morgan to the Secretary of State and Justice of the Republic of Cuba.

June 15, 1906.

YOUR EXCELLENCY: Acting under particular instructions from my Government and in continuation of our conversation of recent date upon the subject on which I have now the honor to address you, in behalf of the Merchants' Association of New York, I beg to call your excellency's attention to the prevalent and unjust confiscation by Cuban citizens of valuable trade-marks which American citizens have established by years of use and advertising, and to request that either through new regulations or a more exact interpretation

and enforcement of those which at present exist, the department of agriculture, industry, and commerce may find it possible to afford relief to the large number of American firms whose complaint the Merchants' Association voices, which have suffered from the appropriation of their trade-marks by citizens of the Republic.

While Cuban owners are amply protected in the United States by both statute and common law in their enjoyment of this form of property, American owners enjoy under the administration of the existing Cuban law no corresponding or adequate protection for theirs, and are placed at the mercy of Cuban registrants irrespective of prior use by legitimate owners. Were the conditions reversed in the respective countries, the character and magnitude of the injustice suffered would be quickly and keenly appreciated by Cuban exporters to the United States. Especially would this be true if applied to rare and costly brands of Cuban tobacco and cigars.

The need of mutual fair dealing in the matter of trade-mark registration is evident and relief should be afforded which should include the restoration in Cuba of their rights to those Americans who have been deprived of them already.

I commend to your excellency's attention the inclosed memorandum based upon a series of facts supplied to the Merchants' Association by a large number of American exporters who have suffered under the existing unsatisfactory condition, entertaining every expectation that it will meet with your sympathy and approval and will coincide with the beliefs which you already hold in regard to the necessity of amending and revising the regulations which govern trade-mark registration in the Republic.

I avail, etc.,

EDWIN V. MORGAN.

[Inclosure 2—Translation.]

The Secretary of State and Justice of the Republic of Cuba to Chargé Sleeper.

DEPARTMENT OF STATE AND JUSTICE,
STATE DEPARTMENT,
Habana, August 9, 1906.

MR. CHARGÉ D'AFFAIRES: Referring to the legation's polite note No. 43 of June 15 last, by which, at the instance of the Merchants' Association of New York, attention is called to the laws of this Republic governing the registration of trade-marks, and its hardships said to be occasioned thereby to a large number of American houses, attached I have the honor to transmit herewith a copy of the reply sent by the secretary of agriculture, industry, and commerce relative thereto.

I reiterate, etc.,

JUAN F. O'FARRILL.

[Inclosure 3—Translation.]

Secretary Casuso to the Secretary of State and Justice of the Republic of Cuba.

REPUBLIC OF CUBA,
DEPARTMENT OF AGRICULTURE, INDUSTRY, AND COMMERCE,
Habana, July 27, 1906.

SIR: Together with your polite communication dated June 22 last, there was received in this department copy of note No. 43 from the minister of the United States of America, in which, at the instance of the Merchants' Association of New York, attention is called to the laws established in Cuba governing the registration of trade-marks and the hardships said to be occasioned thereby to a large number of American houses.

This is not the first time that our department has given attention to the matters referred to in the attached note of the minister of the United States of America.

Then, as now, this department understands that in the consideration and granting of applications for registry of trade-marks in the Republic, for native as well as foreign, the strictest compliance with the provisions of existing trade-mark legislation has been and is being exacted and followed.

The manufacturers and merchants of the United States asked that Cuba recognize the same customary practice and procedure which, they say, is observed

in that country relative to trade-marks, under which adoption or use of same, independent of its registry, shall be respected. They also invoke, in reciprocity, the assurance of the same observed protection accorded to Cuban trade-marks in that country.

According to our trade-mark law, which is fundamentally taken from the royal decree of August 11, 1884, manufacturers, merchants, farmers, etc., fulfilling all legal requisites, applying for trade-marks to distinguish their products or goods, have a right to the registry of same, except in cases where a trade-mark has already been applied for by another, or there has already been registered an identical or similar trade-mark to protect the same products, goods, etc. (clauses 5 and 6 of article 5 of the said royal decree), article 8 of said royal decree providing as follows: That "when two or more apply for the same trade-mark, the right of possession will be allowed to the one who first presented his application, according to the day and hour in which filed." Therefore, if by chance, at such time, there appears no registry in this department of any trade-mark, equal or similar to the one sought to be registered for the same product, either native or foreign, this department could not, without breaking the law, deny the registration of one found to be in due form, simply because there may be in circulation in the country another one equal or similar of a foreign origin, which is not registered in Cuba, with the exception of those known by a single commercial name, and these need no previous registration for their protection.

For governing registration of United States trade-marks and patents, there were issued by the Division of Customs and Insular Affairs of the War Department at Washington, circulars Nos. 12 and 21, of April 11 and June 1, 1899, respectively, and order No. 160 of the government of intervention, series of 1901, according to which it was made an indispensable condition, in order to obtain right of protection for same in this Republic, that there must be previously filed with this Government a certified copy of the patent or of the registration of the trade-mark issued by the United States Patent Office.

From this it is evident, first, that the procedure followed up to the present time relating to American trade-marks, is founded on provisions, clear and conclusive, that date not from the establishment of this Republic, as erroneously stated in the attached memorandum, but from the time of the government of intervention in Cuba; and, second, that if such cases as those referred to in said memorandum have arisen, wherein Cuban industries or manufacturers have asked and obtained the registration from this department of native trade-marks, identical with some of theirs, the fault lies solely and exclusively with the owners of same, who, manifesting indifference to the provisions of the laws cited, have, in order to avail themselves of the advantage of their protection in Cuba, neglected the indispensable compliance therewith, notwithstanding the official publications published for that purpose and the facilities accorded them during the epoch of the government of intervention, which did not even require the translation into Spanish of documents filed, and reducing the charge for registry of the said trade-marks to \$1 currency, as compared with \$12.50 which is charged for all others, native as well as foreign.

On the other hand, this department, inspired by a sentiment of justice, perhaps not in fairness to our legislation, but to prevent possible usurpation of foreign trade-marks by native manufacturers or merchants, has accorded to those asking it the necessary time to present legal documentary proofs of the registration of the trade-marks in the country of origin, in order that they may register them here in due form of law.

What the merchants of the United States on the whole desire is, as said before, that the Government of our Republic consider the fact that any American trade-mark being in circulation or use in this or that country, although it is not registered here, as sufficient for recognition of the right of possession as lying in the holder, and denying in consequence the right to register same to any other industry or manufactory that makes application subject to the provisions of existing legislation in the premises, in reciprocity to that which, according to said merchants is the custom in force in their country.

This might be, perhaps, very convenient, notwithstanding that in the convention of March 20, 1883, and in the order concerning the registration of international trade-marks of manufacture and commerce, dated April 14, 1891, and subsequent trade-mark laws, it was made an indispensable requisite for a trade-mark, in order to receive protection from the country in which same was sought, to be previously filed therein. But it is not for this department to discuss the point, as in fairness to all concerned it will be necessary to continue the application with strict compliance thereto of the laws governing

in each case. Therefore foreign trade-marks, including American, can only be considered as valid and in force, in this department, when they are found to have been duly filed therein, laying aside, consequently, all those that are not, whatever may be the conditions in the country of origin, as has been done heretofore, without injury to those who believing their interests damaged by the concession of any Cuban trade-mark, through fraud or infringement (usurpation) of title, by the party receiving the concession, may carry their demands before the tribunals of justice for a settlement by civil process.

In view of what has been stated, the writer has the honor to propose to you that you answer in the terms above expressed to the information asked for in the note and memorandum that accompany your communication of June 22, believing it opportune at the same time if you deem it proper that in order to avoid as much as possible the recurrence of the facts that caused the complaint treated of during the existence of the present trade-mark legislation, that public notice be given in the form deemed most convenient, whether by means of the Official Gazette or through our minister plenipotentiary in Washington, or both together, that holders of American trade-marks registered in the United States Patent Office must register them in this Republic in conformity with the prescribed existing laws, if same has not already been done, as the only means whereby they will be duly protected herein against any fraud which the department could not otherwise prevent through lack of proper jurisdiction thereover, from an administrative view in accordance with the prescribed rules.

All of which I have the honor to submit in reply to your aforesaid letter of June 22 last.

Very respectfully,

(Signed)

GABRIEL CASUSO.

Minister Morgan to the Secretary of State.

No. 259.]

AMERICAN LEGATION,
Habana, Cuba, November 9, 1906.

SIR: Referring to previous correspondence between the department and this legation regarding the confiscation by Cuban citizens of American registered trade-marks, concerning which representations have been made to the department on several occasions by the Merchants' Association of New York, I have the honor to inclose, in duplicate, for your information, an article from the Havana Post of to-day's date, regarding a recent decision of the supreme court of Cuba, by which the owner of a foreign patent is confirmed in the enjoyment of his patent rights in Cuba.

It is not known whether this decision by implication may be interpreted as protecting foreign trade-marks as well as patent rights.

I have, etc.,

EDWIN V. MORGAN.

[Inclosure.]

[The Havana Post, November 9, 1906.]

COURT ACTS ON PATENT FRAUDS.—DECIDES THAT FOREIGN PATENTEES DO NOT LOSE OUT IN CUBA BECAUSE OTHERS HAD REGISTERED THEIR PATENTS.

The supreme court of the island of Cuba has just rendered a decision of the greatest importance to importers of every kind of patented goods. The decision will mean the preventing in the future of many frauds which have discouraged those interests in this branch of commerce in Cuba.

For years importers of patented articles have been prevented from importing certain classes of machinery and many useful things because some one on the island had stolen the patent. The way the fraud was committed was by obtain-

ing the patented article from the United States, or other countries, and delivering it to the bureau of patents here as their own. In this way they effectually controlled the sale of the article in this market while the real patentees were powerless to help themselves.

The company succeeding in beating this fraud is Gomez & Co., of Santa Clara street, manufacturers and importers of hat bands. Some months ago this company imported a patented hat band and were doing a large business with it when a man by the name of José Vidal y Alvarez obtained in Cuba a patent for the same thing. Then the house of Gomez was compelled to either forego the use of the patent or buy only from Vidal.

The Gomez house took the case to court, and after the usual long wait the trial was held and the decision rendered in favor of the plaintiff. Vidal, however, appealed the case, and it went to a higher court. In the latter Vidal won. Gomez & Co. succeeded finally in appealing the case to the supreme court, where it has been for months.

The case was called for trial four days ago and the decision rendered yesterday in favor of the plaintiff, thus settling once and for all a contention that has not only caused honest importers in Cuba a great deal of trouble, but has also given the island of Cuba a black name with manufacturing interests in several foreign countries.

ANOTHER SIMILAR EVIL.

It is not known as yet whether the decision of the supreme court will have any effect on another similar evil or not. The other evil, or rather, fraud, is the stealing, not of patents, but of trade-marks. Some men in Cuba upon seeing a shoe or a soap or some drink that happened to be well advertised in the United States or elsewhere have registered the trade-mark here. The result has been that when the real manufacturer arrived on the scene he found that he would either have to change the name of his product or pay a species of blackmail before he could sell his goods under their own name.

As the fraud is so similar to the one of the patents, some of the best legal authorities in the city declare that the first case of the kind carried to the supreme court will be settled in the same way.

The Acting Secretary of State to Minister Morgan.

No. 91.]

DEPARTMENT OF STATE,
Washington, November 23, 1906.

SIR: I have to acknowledge the receipt of your No. 259, of the 9th instant, reporting that, according to a recent decision of the supreme court of Cuba, the rights of the owner of a foreign patent are not impaired by registration of it in Cuba by another person.

Copies of your dispatch have been forwarded to the Interior Department and the Merchants' Association of New York, and it has been suggested to the latter body that steps might be taken to bring a test case of piracy of a trade-mark before the supreme court of Cuba.

I am, sir, etc.,

ROBERT BACON.

SANITATION OF CUBAN CITIES.

[Continued from Foreign Relations, 1905, pp. 265 *et seq.*]

Chargé Sleeper to the Secretary of State.

No. 1438.]

AMERICAN LEGATION,
Habana, January 13, 1906.

SIR: I have the honor to acknowledge receipt of department instructions No. 569, of December 21, 1905,^a relative to the sanitation of

^a Printed in Foreign Relations for 1905, p. 275.

the cities of the island of Cuba, and beg to advise you that the matter was at once brought to the attention of the secretary of state and justice, as per legation note No. 800, of January 1, 1906, copy herewith inclosed, which closely follows the above-mentioned instructions. I presented this note in person to Mr. O'Farrill, and in our subsequent conversation endeavored to impress upon him that it was the earnest wish of President Roosevelt and yourself that there be no further delay on the part of Cuba in fulfilling her obligations. Señor O'Farrill replied that the Cuban Government, and particularly Mr. Palma, is most anxious that there shall be no further delay, but added that the President, in the instance of Habana, is strongly opposed to a municipal loan and desires time in which to devise other ways and means that will be acceptable to all parties concerned, saying in conclusion that he, the President, entertains strong hopes that Congress will take the matter up shortly, and thereby materially aid in the solution of the problem.

Despite my reiterated request that he state a given time in the near future for carrying out the existing engagements in the premises, the Secretary refused to commit himself, answering vaguely that he hoped the matter would be settled within the next four months or so.

I consider Mr. O'Farrill's reply to my note, dated January 10, 1906, copy and translation of which are inclosed herewith, most unsatisfactory in that no promise or assurance of prompt action is given, the Secretary confining himself to the mere repetition of his verbal statement to me, viz, that the President confidently hopes that the matter will be shortly taken up and efficaciously acted upon by Congress.

I am, etc.,

JACOB SLEEPER,
Chargé d'Affaires ad interim.

[Inclosure 1.]

Chargé Sleeper to Secretary of State and Justice.

JANUARY 1, 1906.

YOUR EXCELLENCY: In continuation of Mr. Squier's note of March 31, 1905, and acting under particular instructions, I have the honor to communicate to you further views of my Government with reference to the carrying out of the engagement contained in the appendix to the Cuban constitution and affirmed in the fifth article of the treaty of May 22, 1903, between the United States and the Republic of Cuba, for the maintenance and, so far as necessary, the extension of the plans then already devised or other plans mutually to be agreed upon for the sanitation of the cities of the Island of Cuba.

The secretary of state especially refers to your excellency's reply (April 18, 1905) to Mr. Squier's note and to the message communicated to the Cuban Congress by the President on April 28 last. The last paper in particular shows the extreme importance attached by the Cuban executive to the faithful execution of the existing engagements in the premises.

Legislation has since been proposed in the Cuban Congress looking to the adoption of extensive measures of sanitation throughout the island, the matters especially brought to the attention of that body by President Palma's message of April 28 do not appear to have been acted upon. That this inaction is not due to any misconception of the importance or urgency of the matter is evident from the first "considerando" of the bill introduced in the House of Representatives on September 29 last, which reads:

"Considering that the Cuban State could not in any case elude the responsibility that would fall upon it if, for lack of attention or vigilance in sanitary matters, the American Government should demand the fulfillment of the agreement between us on the subject of hygiene, and that, in view of the fact that international duties directly affect the central authority, it is not possible to delegate them to any other organization, either provincial or municipal." as well as from the concluding paragraph of Article I of the said bill, which reads:

"The city of Habana shall continue with its present organization in this respect, using the amounts set down in the general budget for services already established, and the legislative credits appropriated for special works under way."

While the needful measures for improving the sanitary conditions of other cities of the island, devised and set on foot by the military authorities of the United States, were to some extent incomplete owing to the magnitude of the task and the briefness of the term of American occupation, those adopted with regard to the capital city were matured with care and applied with success, so that the health of Habana was bettered to a notable degree. Conditions were established and improvements set under way which have continued up to a recent date to maintain the salubrity of Habana, and which have demonstrated by their results the practical wisdom of their choice. What shortcomings may now be apparent are obviously attributable, not to the defects in the devised scheme, but to its ineffective completion in all its parts.

The present conditions in the island naturally attract attention in my country. The great and growing intercourse between the United States and the Republic is mainly carried on through the capital and in large part through the populous provincial cities, in all of which effective sanitation is an imperative need and the consummation of adequate measures to that end a public duty.

It appears to the President to be a timely, and at the same time a truly friendly, act to call the attention of the Cuban Government anew to the question of public sanitation and, in view of the very prosperous condition of the finances of the Republic, of the importance of allowing no hindrance to check the increasing commerce of Cuba, and of the occasion which now seems to call for earnest effort to maintain and perfect the good work of the past few years, to urge that there be no further delay in the execution of the unfinished part of the comprehensive plan heretofore set under way, particularly in regard to the paving and draining of the city of Habana.

I take this opportunity to reiterate, etc.,

(Signed)

JACOB SLEEPER,

Chargé d'Affaires ad interim.

[Inclosure.—Translation.]

The Secretary of State and Justice of the Republic of Cuba to Chargé Sleeper.

DEPARTMENT OF STATE AND JUSTICE,
DIVISION OF STATE,
Habana, January 10, 1906.

Mr. CHARGÉ D'AFFAIRES: I have the honor to acknowledge receipt of your honor's polite note, No. 800, of the 1st instant, in which you are good enough to state the views of the Government of the United States with reference to the carrying out of the engagement contained in the fifth article of the treaty of May 22, 1903, for the maintenance and, in so far as necessary, the extension of plans already devised or other plans which may be mutually agreed upon relative to the sanitation of the cities of this island, and particularly calling attention to the project for paving and draining the city of Habana.

With reference to this matter, I must confirm this department's note No. 236, dated April 18 last year, referred to in the note of your honor to which I have the pleasure of replying, and which expressed the interest which this Government has taken in carrying out throughout the territory of the Republic the sanitary plans put into practice during the American intervention, which have been perfected since the 20th of May, 1902, as is shown by the decrease of mortality to be observed since that date and the decided purpose of the President to contribute to the realization of the sewerage and paving of this capital, a matter to which he is now giving particular attention.

Your honor states that, subsequent to the legation's note of March 21, the President addressed a message to Congress in terms expressing the importance which we give to the fulfillment of the engagement made, and that afterwards there have been presented several bills relating to the premises, among those that of September 29 last, in the preamble of which, transcribed in your note above referred to, allusion is even made to the responsibility which would be incurred by the Government of Cuba for its lack of attention and vigilance in sanitary services—a charge, however, not imputable to this Government—for the sole purpose of obtaining the approval of the bill in the shortest possible time; and the references so made by your honor relieve me of the necessity of citing them in my effort to make manifest the real light in which we place the importance of our engagement and as a positive excuse for the inaction in the premises attributed to this Government by yours.

Now, then, if it is true that Congress, because of well-known circumstances, has failed to respond to the most urgent recommendations of the President, the latter is justly confident—and it gives me pleasure to so inform your honor—that within a short time the solution of this matter will be favorably and efficaciously taken up by Congress.

And, finally, as in your polite note your honor alludes to the sanitary condition of the island, stating that the occasion seems to have arrived to make an extreme effort to maintain and perfect the work of the last two years, it remains for me but to say that just at this time we have the flattering example of the extermination of the epidemic of yellow fever imported into the Republic, thanks only to the extended practice of established methods and to the employment of elements at the disposal of the sanitary officers, which speaks highly of their zeal and competence and is a fact that disproves any supposition contrary to the excellent state of health which we enjoy.

I reiterate, etc.,

(Signed) JUAN F. O'FARRILL, *Secretary.*

The Secretary of State to Chargé Sleeper.

No. 580.]

DEPARTMENT OF STATE,
Washington, January 20, 1906.

SIR: The department has read with attention your dispatch No. 1438 of the 13th instant, in which you report your interview with the secretary of state, Mr. O'Farrill, and inclose his response to your note in reference to the carrying out by Cuba of her treaty engagements in the matter of the sanitation of the cities of that island.

The response of the secretary of state is very unsatisfactory, in that it gives little promise or assurance of an early compliance with the treaty engagements. This Government thinks the time has come when there should be action. You will so inform the Cuban Government.

I am, etc.,

E. ROOT.

Chargé Sleeper to the Secretary of State.

No. 1441.]

AMERICAN LEGATION,
Habana, January 16, 1906.

SIR: I have the honor to advise the department that a presidential decree of general application, providing a sanitary organization for the whole island and regulating in minute detail all matters pertaining to sanitation, has been published in the "Official Gazette" of January 12, 1906.

This decree, which contains 30 chapters and 662 articles, is now being rendered into English by the legation, and upon the completion of the translation will be transmitted to the department.

Opinion in official and business circles seems to indicate that considerable opposition to the enforcement of the provisions of the decree will be encountered among the business interests, business men declaring that it unduly interferes with their individual independence in the arrangement of their own affairs.

I have, etc.,

JACOB SLEEPER,
Chargé d'Affaires ad interim.

Chargé Sleeper to the Secretary of State.

No. 1461.]

AMERICAN LEGATION,
Habana, February 3, 1906.

SIR: In continuation of my dispatch No. 1441 of January 16, 1906, relative to sanitary ordinances for the island of Cuba, I have the honor to transmit to the department herewith inclosed translation of presidential decree No. 17, of January 3, 1906, promulgating sanitary ordinances for the Republic.

I have, etc.,

JACOB SLEEPER.

[The decree is not printed in full because of its great length. A description of its thirty-three chapters and the number of articles in each follows.]

SANITARY ORDINANCES.

- Chapter I.—Local sanitary boards, articles 1–26.
- Chapter II.—Local chief health officers, articles 27–29.
- Chapter III.—Inspectors, articles 30–31.
- Chapter IV.—Water supply, articles 32–44.
- Chapter V.—Foodstuffs and liquors, articles 45–125.
- Chapter VI.—Construction of buildings in towns; ventilation, drainage and sanitary installations, articles 126–157.
- Chapter VII.—Hotels, lodging houses, boarding houses, cafes, restaurants, eating houses, and barrooms, articles 158–172.
- Chapter VIII.—Apartment or tenement houses, articles 173–202.
- Chapter IX.—Private residences and houses in general, articles 203–225.
- Chapter X.—Schools and colleges, articles 226–235.
- Chapter XI.—Factories and workshops, articles 236–248.
- Chapter XII.—Dangerous, unhealthy, and incommodious factories, industries, and establishments, articles 249–280.
- Chapter XIII.—Hospitals and infirmaries, articles 281–319.
- Chapter XIV.—Barber shops and hair shops, articles 320–328.
- Chapter XV.—Public baths, articles 329–339.
- Chapter XVI.—Slaughterhouses and slaughtering, articles 340–357.
- Chapter XVII.—Markets, articles 358–387.
- Chapter XVIII.—Butcher shops and sale of meats, articles 388–405.
- Chapter XIX.—Garbage and refuse, articles 406–414.
- Chapter XX.—Transportation of garbage and fertilizers, articles 415–420.
- Chapter XXI.—Cleaning of privies and dead wells, articles 421–436.
- Chapter XXII.—Railways, street railways, and omnibus lines, articles 437–445.
- Chapter XXIII.—Public highways, articles 446–459.
- Chapter XXIV.—Animals and cattle, articles 460–477.
- Chapter XXV.—Rural sanitation and hygiene, articles 478–483.
- Chapter XXVI.—Contagious diseases, articles 484–525.

Chapter XXVII.—Burials, cemeteries, undertaking establishments, and exhumations, articles 526-553.

Chapter XXVIII.—Autopsies, embalming, etc., articles 554-561.

Chapter XXIX.—Transportation of corpses, articles 562-574.

Chapter XXX.—Miscellaneous, articles 575-607.

Chapter XXXI.—General rules, articles 608-616.

Chapter XXXII.—Infractions and penalties, articles 617-622.

Additional chapter.

Chargé Sleeper to the Secretary of State.

No. 1465.]

AMERICAN LEGATION,
Habana, February 6, 1906.

SIR: In continuation of my dispatch No. 1438 of the 13th ultimo, and in reply to department's instructions No. 580 of January 20, 1906, regarding the early compliance of Cuba with her treaty engagements in the matter of the sanitation of the cities of the island, I have the honor to inclose to the department translation of Mr. O'Farrill's reply to the representations I made at the foreign office pursuant to the department's aforesaid instructions.

I asked Mr. O'Farrill to bring this matter to the particular attention of the President and have been assured by him that the inclosed note embodies Mr. Palma's views as well as his own.

In the instance of Habana, where the need is most urgent and the work will be first taken up, Secretary O'Farrill makes the statement that the municipality is unable to contract a loan sufficiently large to cover the expense of sewerage and paving and for that reason the necessary amount is to be jointly provided by the Government and municipality. Mr. O'Farrill believes that the work will not only be begun but considerably advanced within the present year.

I have, etc.,

JACOB SLEEPER.

[Inclosure—Translation.]

The Secretary of the State and Justice of the Republic of Cuba to Chargé Sleeper.

No. 87.]

DEPARTMENT OF STATE AND JUSTICE,
DIVISION OF STATE,
Habana, February 3, 1906.

MR. CHARGÉ D'AFFAIRES: I have received your polite note of January 26 last, in which your honor refers to the reply I had the honor to make to you on the 10th of the said month regarding Cuba's compliance with her engagements in the matter of the sanitation of various of her cities. You say that your Government considers my reply unsatisfactory since but little assurance is given of an early compliance with the treaty engagements.

I reaffirm the expression of my previous notes in which I endeavored to set forth with greatest clearness the desire of the Cuban Government to give an early compliance with the engagements to which your honor alludes in the note which I am answering.

The most important work is the sewerage and paving of the city of Habana, which the Government, after consideration, has decided should be done with the Republic's own resources and without recourse to a loan, always ruinous, and which could not be contracted for by the municipality of Habana to the necessary amount for the execution of a work so important as that mentioned.

In place of a loan, impossible under the present conditions of the treasury of the capital of the Republic, the Government proposes that the necessary amount

to pay for the work which can be done each year be made part of the national and municipal budgets. To do this Congress will have to be relied upon and a respectable majority is expected in the Congress which will meet next April.

I can assure your honor that the work of the sanitation of the cities referred to in the engagement made by Cuba, particularly the sewerage and paving of Habana, will be begun and will have made considerable progress during the present year.

Meanwhile the Government will give particular attention to public health. The success it has had with the present sanitary measures in keeping it in the best condition is undeniable.

I reiterate, etc.,

(Signed) JUAN F. O'FARRILL.

Minister Morgan to the Secretary of State.

No. 88.]

AMERICAN LEGATION,
Habana, June 11, 1906.

SIR: As indicative of the desire of the Cuban Government to supply the board of health with ample pecuniary means for eradicating yellow fever from this island, I have the honor to inclose in translation a copy of a presidential decree, dated the 6th instant, which assigns certain sums of money to the use of the sanitary authorities at Bolondron, Union de Reyes, and Alacranes, where a case of fever was recently reported, which remain from certain appropriations made for similar disinfecting work elsewhere.

I have, etc.,

EDWIN V. MOGRAN.

[Inclosure—Translation.]

Decree No. 224.]

DEPARTMENT OF THE INTERIOR.

As there is a surplus in the treasury, left over from certain appropriations for special sanitary and disinfecting work, provided for in decree No. 91, of March 22 last, on account of the nondisbursement of the full amounts appropriated therefor; and in view of the urgent need of funds for defraying the expenses of the special work being done at Bolondron, Union de Reyes, and Alacranes, to stamp out the yellow-fever contagion at those places, upon recommendation of the secretary of the interior, I order:

First. That the expenses of the special work undertaken for the purpose of stamping out the contagion of yellow fever at Bolondron, Union de Reyes, and Alacranes, calculated for three months at \$22,455.55, counting from the 20th of May last, in accordance with the budget presented by the chief health officer, be covered with surplus funds from the appropriations allowed in the aforesaid decree No. 91, to wit:

From Article II, surplus of \$1,500 unexpended and of \$750 on account of the elimination of the position of vaccinator of Santiago de Cuba; from Article III, section "e," surplus from supplies and transportation, \$1,925; section "h," surplus from this appropriation on account of the Manzanillo and Guantanamo disinfecting brigades not having yet been established, \$4,000; section "k," because of the inutilization of this appropriation, \$4,000; section "l," surplus from this item, \$5,000; surplus funds remaining in the hands and at the disposition of the paymaster of the health department from various items of the said decree, \$4,492.55; total, \$22,455.55.

Second. The lists of employees and budget for this special service shall be submitted by the superior board of health to the approval of the secretary of the interior.

Thlrd. The secretary of the interior is hereby charged with the fulfillment of the terms of this decree, and the secretary of the treasury of that part which concerns his department.

Presidential palace, June 6, 1906.

T. ESTRADA PALMA, *President.*

J. RIUS RIVERA,
Secretary of the Interior.

Minister Morgan to the Secretary of State.

No. 23.]

AMERICAN LEGATION,
Habana, March 29, 1906.

SIR: As an additional precautionary measure against yellow fever the sanitary department of Habana on Saturday, March 24, reapplied the regulations for house cleaning enforced by General Ludlow in 1899 during the period of the American intervention, but discontinued in 1900. All buildings in the city are rigidly inspected, and those found to be in an unsatisfactory condition are thoroughly cleaned by a sanitary brigade. Old clothes, paper, and rubbish are carted away, loaded on large scows, and dumped into the sea some 5 miles outside the harbor mouth.

There are at present 120 men engaged in this work under the direction of 5 inspectors. Thirty-five carts are in constant service, but the task has been so much heavier than anticipated that it is proposed to enlarge considerably the brigade in order that the city may be cleaned before the warm and damp season begins.

I have, etc.,

EDWIN V. MORGAN.

ALLEGED OUTRAGE ON AMERICAN RESIDENTS OF THE ISLE OF PINES.

Chargé Sleeper to the Secretary of State.

No. 135.]

AMERICAN LEGATION,
Habana, July 19, 1906.

SIR: I have the honor to report to the department that a committee of American residents of the Isle of Pines, composed of J. A. Miller, Charles F. Brown, J. K. Delaney, and E. E. Tolksdorff, called at the legation on the afternoon of July 17 on behalf of Miss Millie Brown, L. C. Giltner, and H. L. Augustine, American citizens imprisoned at Nueva Gerona, Isle of Pines, for the erection of a private telegraph line—which crossed the public thoroughfare—between their respective residences, in violation of military order No. 50, series of 1902, a copy of which is inclosed herewith.

The committee handed me a written protest, in which they complained that the sentence of the Cuban judge was arbitrary and the place of confinement objectionable, especially in the case of the young lady. The committee handed me also copies of letters written by the prisoners to Senator Morgan, of Alabama, wherein they admitted their guilt, but pleaded ignorance of the law in extenuation.

Replying to the committee, I pointed out that since the prisoners admitted their guilt, and since the judge imposed the minimum punishment, the legation could not consider his decision arbitrary. The committee then withdrew the protest and the copies of the letters addressed to Senator Morgan by the prisoners, confining themselves to a verbal request that the legation use its best efforts to obtain for Miss Brown a more congenial place of confinement. I promised to give the matter my immediate attention and to do what I properly could.

After the departure of the committee I called on the secretary of state and justice and inquired what would be the probable attitude of his Government in case a request for pardon should be presented through the legation. He stated emphatically that no pardon would be granted, adding that the prisoners were guilty as charged; that they had been duly warned that they were violating the law, to which warning no attention had been paid, and would be obliged to either pay their fines or undergo the corresponding incarceration. He also said, referring to Messrs. Giltner and Augustine, that he would instruct the warden of the Nueva Gerona jail to treat them with due consideration. He informed me that the judge had endeavored to eliminate Miss Brown from the case. She, however, insisted upon being tried with the men, declaring herself equally guilty; she refused to allow her father to pay her fine, and insisted upon being sent to jail, although the judge wished to provide special quarters for her elsewhere. Nevertheless, in view of my representations, Doctor O'Farrill promised to issue the necessary instructions for Miss Brown's removal to the house of the mayor of Nueva Gerona.

I inclose herewith a copy of the unsigned and withdrawn protest of the American residents of the Isle of Pines, together with clippings from the Habana Post and La Discusion, of July 19, 1906, relative to the matter. [Not printed.]

I have requested the foreign office for a copy of the court proceedings in this case and will forward same to the department as soon as received.

I have, etc.,

JACOB SLEEPER.

[Inclosure 1.]

Military Order No. 50.

HEADQUARTERS DEPARTMENT OF CUBA,
Habana, February 22, 1902.

The military governor directs the publication of the following order:

Any person, company, or corporation who shall, or shall attempt to construct, establish, or install any telegraph or telephone line or other works, public or private, without proper authorization, as and when required by law; or who shall occupy or attempt to occupy any part of the property of the public domain, without proper authorization, shall be liable to a fine of not less than \$100 nor more than \$500; and such persons, companies, or corporations shall also be liable to an additional fine of \$25 for each day that such telephone or telegraph line or other work shall be continued in operation, or such occupation shall continue after due notice to discontinue such operation or occupation shall have been given: *Provided, however,* That if the above-mentioned acts are punishable under special ordinances or regulations now in force, the penalties therein provided shall be applicable.

The fines provided for in this order shall be imposed by correctional judges.

H. L. SCOTT, *Adjutant-General.*

[Inclosure 2.—Translation.]

Newspaper clipping.

THE ISLE OF PINES MATTER—VOLUNTARY IMPRISONMENT—MINIMUM PUNISHMENT—AN INTERVIEW WITH THE MAYOR.

In connection with the recent occurrences on the Isle of Pines with respect to Miss Brown and two Americans who were sentenced by the correctional court, almost all the newspapers of Habana have been commenting and relating the facts in different forms, erroneous in the greater part.

With a desire to state the true facts in the case, a reporter of this paper held an interview this morning with Señor Juan Manuel Sanchez, mayor of the Isle of Pines, at present sojourning in this city.

Señor Sanchez, in reply to the questions put to him, stated "that, having read in a newspaper written in English, called the Appeal, which is printed in Habana and circulated in the Isle of Pines, that a telegraph line had been installed in the American hamlet called 'Columbia,' which line was highly praised, he ordered, in fulfillment of his duty, that an investigation be made as to whether the owners of the line had complied with all legal requirements for the installation thereof.

"As a result of the investigation it was shown that the legal formalities had been disregarded, whereupon he reported the matter to the proper judicial authority.

"The case having been tried in the correctional court, a fine of \$100—the minimum punishment provided by law—was imposed upon the persons who utilized the aforesaid line, who were three.

"Not caring to pay the fine, Miss Brown and the two Americans were sent to jail to serve imprisonment in default thereof.

"As soon as Miss Brown was sentenced her father evinced a desire to pay her fine, in which he later desisted, against his will, upon the repeated requests of his daughter.

"In view of the obstinacy of Miss Brown, who wished to go to jail in company with her fiancé, the captain of the rural guard, who has a sleeping room in the jail building, gallantly offered it to Miss Brown, telling her that she could make use of it as hers. Miss Brown did not accept the offer, stating that she wished to serve sentence with her fiancé in the departments destined to the confinement of prisoners.

"After entering jail her father again attempted to pay her fine, but had to again desist because of the obstinacy of his daughter."

From the foregoing statements, which give the true facts in the case, it will be seen that the individuals in question have been properly sentenced, and if Miss Brown undergoes confinement in company with the men it is only because of her excessive will, and no one else is to blame.

The Acting Secretary of State to Chargé Sleeper.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 20, 1906.

(Mr. Bacon instructs the legation to make immediate inquiry into and send a full report of an outrage which, as represented to President, has been committed in the arrest of Miss Millie Brown, Lou Giltner, and young Augustine, Isle of Pines.)

Chargé Sleeper to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Habana, July 21, 1906.

(In reply to Department's cablegram of the 20th, Mr. Sleeper says the matter is fully reported in dispatch 135, mailed this day, and that the alleged outrage is not apparent.)

Chargé Sleeper to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Habana, July 24, 1906.

(Mr. Sleeper reports that, considering their declaration of ignorance of the law and promise to not again transgress, he has received from the Secretary of State assurances that his request for the pardon of Miss Millie Brown and associates will be favorably considered at the Cabinet meeting to-morrow.)

Chargé Sleeper to the Secretary of State.

No. 144.]

AMERICAN LEGATION,
Habana, July 26, 1906.

SIR: In continuation of legation dispatch No. 135, of the 19th instant, relative to Miss Millie Brown, L. C. Giltner, and H. L. Augustine, American citizens imprisoned at Nueva Gerona, Isle of Pines, for the erection of a private telegraph line, in violation of military order No. 50, series of 1902, I have the honor to advise the department that the father of Miss Millie Brown called at the legation on Monday last—the 3d instant—and assured me that his daughter had not intentionally violated military order No. 50 and that he felt positive that Messrs. Giltner and Augustine were equally guiltless of any intention to transgress the law. In view of Mr. Brown's personal statement, the youth of his daughter, and other attendant circumstances, I called at the foreign office and again brought up the question of a pardon. After some conversation, Doctor O'Farrill stated that if I could obtain from Brown and her associates a promise that they would not again infringe the aforesaid military order No. 50, his Government would favorably consider a request for their pardon.

On leaving Doctor O'Farrill's office I immediately sent the following telegram:

JULY 23, 1906.

MESSRS. GILTNER and H. AUGUSTINE and Miss MILLIE BROWN,

Carcel, Nueva Gerona:

Will you authorize me to request pardon for you under promise not to again infringe military order No. 50? Reply legation.

SLEEPER, *Chargé.*

and on the next day received their reply as follows:

NUEVA GERONA, July 24, 1906.

SLEEPER, *Chargé American Legation, Habana:*

We authorize you to request pardon, and promise not to infringe military order No. 50.

GILTNER.
AUGUSTINE.
BROWN.

As agreed upon, I then addressed a note to the Secretary of State—copy inclosed herewith—stating that I had received the necessary promise and requesting their pardon, at the same time cabling you of my action. I confirm my cable on the overleaf.

On the 25th instant—yesterday—Miss Brown and Messrs. Giltner and Augustine were duly pardoned—cablegram to department confirmed on overleaf—and telegraphic instruction sent to the local authorities at Nueva Gerona advising them of the President's action and directing them to at once liberate the prisoners.

Referring to my previous dispatch, No. 135, page 2, paragraph 1, it appears from a report of Mayor Sanchez, of Nueva Gerona, that, in obedience to instructions, he called upon Miss Brown and offered to take her to his house, but that she refused to go, stating that she preferred to remain in jail until the return of her father from Habana, where he had gone to lay the case before the legation.

I inclose herewith copy of Miss Brown's protest to Minister Morgan, dated June (July) 15, 1906, and translation of Doctor O'Farrell's reply, dated the 26th instant, to my request for pardon.

I have taken occasion to call at the foreign office and express to the secretary my appreciation of the courtesy of his Government in granting this pardon.

Unless otherwise instructed by the department, the legation will consider the incident closed.

I have, etc.,

JACOB SLEEPER.

[Inclosure 1.]

Chargé Sleeper to the Secretary of State and Justice of the Republic of Cuba.

JULY 24, 1906.

YOUR EXCELLENCY: Referring to the imprisonment of Miss Millie Brown and Messrs. L. C. Giltner and H. L. Augustine in the jail at Nueva Gerona, Isle of Pines, for violation of military order No. 50, series of 1902, prohibiting the unauthorized construction of any telegraph or telephone line, and in view of the declaration of the aforesaid Millie Brown et al. that they were ignorant of the fact that the erection of a private telegraph line constituted a breach of the law of this Republic, and, furthermore, that they have promised this legation not again to transgress the provisions of the aforesaid military order No. 50, series of 1902, I have the honor to respectfully request that they be pardoned.

I avail myself, etc.,

(Signed)

JACOB SLEEPER.

[Inclosure 2.]

Miss Brown to Minister Morgan.

LA CARCEL, NUEVA GERONA,
Isla de Pinos, W. I., June 15, 1906.

SIR: Together with H. L. Augustine and L. C. Giltner, all of us residents of the American colony of the town of Columbia, I have assisted in the installation of a telegraph line connecting our respective homes.

The line has a length of some 1,800 feet and was built simply for the purpose of amusement and diversion. A few days after we had installed the line, we were summoned before the judge of first instance and instruction to give information regarding the matter. We made a simple declaration to the court that the line had been built by us on private lands only for the purpose of amusement and with no idea of operating for revenue.

After massing a volume of testimony, the worthy court pronounced sentence of a joint fine of \$100 for violating military order No. 50 of the laws of 1902. Rather than submit to the extortion, we have accepted the alternative of thirty-three and one-third days' imprisonment.

For the "crime" of which we are guilty, thousands of young Americans are going unpunished to-day.

We are now serving our sentence in the La Carcel, where we are the companions of other jail birds of all shades of color. We are entirely dependent

on our jailers, the rural guards, who have been kind enough to loan us three army cots, with a few coverings sadly in need of laundering.

Besides the indignity of arrest and imprisonment without cause are added the outrage of compelling a 19-year-old girl to pass thirty-three days and nights in the close companionship of some twenty guards and male prisoners.

I am inclosing the foregoing information in the hope that you will use your influence in the behalf of ourselves and other outraged American citizens of the Isle of Pines.

I am, etc.,

(Signed)

MILLIE J. BROWN.

[Inclosure 3.—Translation.]

The Secretary of State and Justice of the Republic of Cuba to Chargé Sleeper.

DEPARTMENT OF STATE AND JUSTICE,
DIVISION OF STATE,
Habana, July 26, 1906.

MONS. CHARGÉ D'AFFAIRES: I acknowledge your polite note of the 24th instant, in which your honor requests the pardon of Miss Millie Brown and Messrs. L. C. Giltner and H. L. Augustine, sentenced to a fine of \$100 or, in default of the payment thereof, the corresponding imprisonment, for violation of military order No. 50, series of 1902, which prohibits the unauthorized erection of telegraph and telephone lines. In view of the fact that the offense has not injured a third party and that the prisoners are repentant of their unlawful acts and promise not to again transgress this law, His Excellency the President, upon my recommendation and after consultation with the cabinet council, pardoned the individuals mentioned above, thus showing a mark of distinction toward your honor.

I renew, etc.,

(Signed)

JUAN F. O'FARRILL.

**FOREIGN RICE MILLED IN THE UNITED STATES DENIED THE
BENEFIT OF THE RECIPROCITY TREATY.**

The Secretary of State to the American Legation.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 30, 1906.

(Mr. Root, referring to assurance by Cuban treasury under date of July 27, 1904, to Mr. Hawley, in reply to inquiry respecting benefit of reciprocity treaty rate to foreign rice milled in this country and shipped to Cuba by Seaboard Rice Milling Company, instructs the legation to urge upon Cuban Government granting of benefit to their shipment of 350 bags per *Tiflis*, and to intended shipment of about 2,000 bags, bought for such shipment by them and entailing great loss if not shipped under that benefit. The company's agents at Habana, Louis G. Smith & Co., may be consulted for needed detail.)

Chargé Sleeper to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Habana, January 30, 1906.

(Mr. Sleeper reports compliance with the department's telegram of 30th, relative to the Seaboard Rice Milling Company, and adds that the answer of foreign office will be made known to the department as soon as possible.)

Chargé Sleeper to the Secretary of State.

No. 1457.]

AMERICAN LEGATION,
Habana, February 2, 1906.

SIR: I have to acknowledge receipt of department telegram of January 30, 1906, in regard to granting the reciprocity treaty rate to foreign rice milled in the United States and shipped to Cuba by the Seaboard Rice Milling Company.

On receipt of the aforesaid telegram, and after consultation with the company's agent here, I addressed a communication to the foreign office urging the Cuban Government to grant to the Seaboard Rice Milling Company the benefit of the aforesaid treaty rate and advised the department by telegraph of my action.

I inclose herewith copy of legation note to the foreign office and confirm on the overleaf my telegram to the department of January 30, 1906.

I shall advise the department of the result of my representations on receipt of Doctor O'Farrill's reply.

I am, etc.,

JACOB SLEEPER.

[Inclosure.]

*Chargé Sleeper to the Secretary of State and Justice of the Republic of Cuba.*AMERICAN LEGATION,
Habana, January 31, 1906.

YOUR EXCELLENCY: Referring to the assurances given to Mr. Hawley by the Cuban treasury department, under date of July 27, 1904, in reply to an inquiry in regard to granting the benefit of the reciprocity treaty rate to foreign rice milled in the United States, and therefore clearly a product of the industry of the United States, and shipped to Cuba by the Seaboard Rice Milling Company, I am instructed to urge that your excellency's Government give the benefit of the aforesaid rate to a shipment of 350 bags which entered this port by steamship *Tillis* from Galveston on the 1st instant, and to such further shipments as may be contemplated by the aforesaid Seaboard Rice Milling Company.

If the benefits of the reciprocity treaty are withheld from this and further shipments, a great financial loss will result to the shippers and at the same time work an injury to an established industry of the United States.

I reiterate, etc.,

JACOB SLEEPER.

Chargé Sleeper to the Secretary of State.

No. 1474.]

AMERICAN LEGATION,
Habana, February 20, 1906.

SIR: In continuation of my dispatch No. 1457 of the 2d instant, and referring to department's instructions No. 589 of the 10th instant, regarding granting the benefits of the reciprocity treaty to a cargo of rice of foreign origin milled in the United States and shipped to Cuba by the Seaboard Rice Milling Company, I have the honor to transmit to the department, herewith inclosed, copy of Mr. O'Farrill's note No. 133 of the 16th instant, with inclosures from the Cuban treasury department (replying to my note to the foreign office No. 814 of the 31st ultimo), in which the advantages of the reciprocity treaty are refused to the rice in question.

I have, etc.,

JACOB SLEEPER.

[Inclosure.—Translation.]

Secretary of Department of State and Justice of Cuba to Chargé Sleeper.

DEPARTMENT OF STATE AND JUSTICE,
 DIVISION OF STATE,
Habana, February 16, 1906.

MR. CHARGÉ D'AFFAIRES: Referring to your honor's polite note No. 814 of the 31st ultimo, soliciting the granting of the benefits enjoyed by products of American industry under the treaty of reciprocity to foreign rice husked in the United States, I have the honor to inclose to you a copy of a communication from the Secretary of the Treasury, No. 2319 of the 14th instant (together with copies of the documents therein cited), relative to this matter, and beg to inform your honor at the same time that I am in complete accord with the contention upheld in the said communication.

I understand, just as in the case of Brazilian coffee roasted in the United States, that foreign rice, even though husked in a State of the American Union and thereby changed in appearance, continues to be a product of the foreign soil where it was harvested and never of American industry; for which reason I am of the opinion that the advantages of the reciprocity treaty can not be conceded to it.

I reiterate, etc.,

(Signed) JUAN F. O'FARRILL.

[Subinclosure 1.—Translation.]

Mr. Rivera to Mr. O'Farrill.

REPUBLIC OF CUBA,
 DEPARTMENT OF THE TREASURY, CUSTOMS DIVISION,
Habana, February 14, 1906.

Mr. Secretary of State and Justice.

MR. SECRETARY: In reply to your communication No. 529 of the 2d instant, transmitting note No. 814 of the Chargé d'Affaires of the United States, requesting information in regard to the matter of which his letter treats, I beg to say that this department understands, in conformity with the opinion held in that under your worthy charge, that foreign rice milled in the United States and imported into this island has no claim to the benefits of the reciprocity treaty celebrated with that nation, inasmuch as it is not a product of either the soil or its industry.

I call your attention to the fact that the communication of July 27, 1904, cited in the aforesaid note, of which I inclose copy, does not refer to rice milled in the United States, but to that which shall have undergone a process of manufacture or elaboration prior to its exportation to Cuba, the cleaning of the grain being insufficient to be considered a manufacture.

I also inclose to you a copy of the ruling of the board of general appraisers in the case of an importation of rum manufactured in France from unmanufactured sugar cane from Martinique (a French possession), for which the importers claimed the benefits of the treaty of reciprocity with France. As can be seen, the board ruled that it had no right to the benefits of the treaty for the reason that the raw material from which the rum was made was imported into France and therefore had no right to the benefits of the treaty celebrated with that nation.

Respectfully,

(Signed) RIUS RIVERA.

[Subinclosure 2.]

RULING, BOARD OF GENERAL APPRAISERS—CUSTOMS DECISIONS.

Ruling by the Board of General Appraisers yesterday.

General Appraiser Hay yesterday rendered a decision on the French reciprocity treaty. It was based on the assessment of duty by the collector at San Francisco. The merchandise was rum and was assessed for duty under para-

graph 292, tariff of 1897, at \$2.25 per gallon. The importers claimed that the merchandise was entitled to the benefits of the reciprocity treaty with France, and therefore dutiable at \$1.75 per gallon under the provision of section 3. The protest states the rum was made in France from manufactured sugar cane from Martinique, a French possession. In a previous decision the board had held that brandy or other spirits imported from Martinique, a colony of France, are not entitled to the reduced rates of duty accorded to such merchandise produced in and exported from France by the terms of the reciprocity treaty. In line with that decision the board overruled the protest.

[Subinclosure 3—Translation.]

Mr. Chaple to Mr. Hawley.

HABANA, July 27, 1904.

DEAR SIR: I have the honor to acknowledge the receipt of your courteous letter of May 28 last, and beg to say in reply that although the rice may not be a product of the United States, if it undergoes a process of manufacture or elaboration before being exported to Cuba it will enjoy the benefits of the treaty of reciprocity.

Respectfully, yours,

(Signed) GUILLERMO CHAPLE.

The Acting Secretary of State to Minister Morgan.

No. 7.]

DEPARTMENT OF STATE,
Washington, March 3, 1906.

SIR: The department has received Mr. Sleeper's dispatch No. 1474, with inclosure, of the 20th ultimo, reporting the refusal of the Cuban Government to apply the benefit of the existing reciprocity treaty to a certain shipment and a contemplated further shipment of foreign-grown rice, milled in and exported, or to be exported, from the United States to Cuba, by the Seaboard Rice Milling Company, of Galveston, Tex.

This refusal by the Cuban Government to comply with the representations and request made by your legation in behalf of the exporting company, in pursuance of the department's instruction No. 589, of the 10th ultimo, is regarded as illfounded and is unsatisfactory, and you will on convenient occasion recur to the subject at the foreign office, with a view to ultimately securing for the rice in question the benefit of the reduced rate of the reciprocity treaty.

I am, etc.,

ROBERT BACON.

Minister Morgan to the Secretary of State.

No. 32.]

AMERICAN LEGATION,
Habana, April 10, 1906.

SIR: Referring to the department's No. 7, of March 3, in relation to the refusal of the Cuban Government to apply the benefit of the existing reciprocity treaty to a certain shipment of foreign-grown rice milled in the United States and exported to Cuba by the Seaboard Rice Milling Company, of Galveston, Tex., in which I am instructed on a convenient occasion to recur to the subject at the

foreign office with a view to ultimately securing for the rice in question the benefit of the reduced rate of the reciprocity treaty, I have the honor to report that the assumption by Mr. Fonts Sterling of the duties of the secretary of the Cuban treasury offers a suitable moment on which to reopen the subject. I propose, therefore, to address him in this matter through the secretary of state and to communicate his views to you in the immediate future.

I have, etc.,

EDWIN V. MORGAN.

Minister Morgan to the Secretary of State.

[Extract.]

AMERICAN LEGATION,
Habana, July 6, 1906.

No. 116.]

SIR: Referring to my No. 32, of April 10, in which I inform you that in accordance with instruction No. 7, of March 3 last, and in view of the fact that Mr. Fonts Sterling had succeeded Gen. Ruis Rivera as the head of the Cuban treasury department, I proposed to renew the representations previously made to that department regarding the desirability of admitting to the benefits of the treaty of reciprocity rice of foreign origin milled in the United States and exported to Cuba, I have the honor to acquaint you that after careful consideration the new secretary of the Cuban treasury maintains the same opinion on this subject as that which his predecessor held, and declines to admit the justice of our contention.

In a memorandum handed me on the 3d instant, Mr. Fonts Sterling states that the rice in question can not be considered a product of the industry of the United States, and in support of his views cites a decision of the court of administrative appeal, confirmed by one which the supreme court rendered on May 19, in a case concerning foreign-grown coffee imported into Cuba after having been roasted in the United States, brought by Galban & Co., of Matanzas, a Cuban firm, by which the provisions of treasury circular No. 325, of January 19, 1906, were sustained. In this circular the treasury department declares that it can not consider merchandise manufactured in the United States from raw material imported from abroad the product of American industry unless the same has undergone in the United States such a process as to transform it into an entirely different product, such, for instance, as wood made into furniture, or silk or wool manufactured into tissues, and that under no circumstances could the provisions of the reciprocity treaty be invoked when a product is subjected only to those operations which do not radically change its nature or the uses for which it is intended.

In view of this pronouncement, which is in accord not only with the results of correspondence, but of conversations, between the legation, the treasury and state department, and the President, it would appear that the Cuban Government at present is unwilling to admit American hulled rice of foreign origin to the advantages which the reciprocity treaty gives, and that this subject must be relegated for further consideration to the time when tariff concessions are mutually

granted in connection with recasting the existing commercial treaty between Cuba and the United States. Although as yet comparatively little rice is raised on this island, there is a desire to encourage its production, and the belief exists that if foreign rice cleaned in America be granted preferential rates the protection now enjoyed by this infant industry will be minimized. * * *

I inclose in translation the memorandum of the secretary of the treasury referred to above, accompanied by a translation of circular No. 325, of January 19, 1906.

I have, etc.,

EDWIN V. MORGAN.

[Inclosure.—Translation.]

REPUBLIC OF CUBA, TREASURY DEPARTMENT.

MEMORANDUM.

On February 14 last reply was officially made to the department of state and justice as to the extension of the benefits of the reciprocity treaty to rice of foreign origin milled in the United States and imported into this island, to the effect that, as sustained by that department, the said rice is not entitled to the treaty differential, inasmuch as it could not be considered a product of the soil or industry of the United States.

The reasons taken into account in not considering the rice in question a product of the industry of the United States are the same as those upon which circular No. 325, of January 19, 1905, is based; that is to say, that the grain in question has undergone no transformation such as to change its nature, but merely a manipulation that in no wise changes its essential condition nor the use for which intended.

The opinion has been confirmed by the court of administrative appeal of the Republic in hearing the appeal established by Messrs. Galban & Co. against the decision of this department in the case of coffee roasted in the United States and afterwards imported into Cuba, in which the court rendered its verdict on December 15, 1905.

The communication of February 14 above referred to, and which was transmitted to the State Department under No. 2319, has not yet been answered.

The Acting Secretary of State to Minister Morgan.

No. 47.]

DEPARTMENT OF STATE,
Washington, July 14, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 116, of the 6th instant, forwarding a copy of a memorandum of the Cuban treasury department declining to give to foreign rice cleaned in the United States the benefit of the reciprocity treaty.

In view of this categorical and apparently final refusal, the matter may be allowed to rest, subject to be taken up again in any future negotiations for the recasting of the reciprocal commercial arrangement of the United States and Cuba.

I am, etc.,

ROBERT BACON.

TRADE-MARK CONVENTION BETWEEN CUBA AND FRANCE.

Minister Morgan to the Secretary of State.

No. 59.]

AMERICAN LEGATION,
Habana, May 5, 1906.

SIR: I have the honor to transmit in original and translation the text of a convention between the Republics of France and Cuba regarding the protection of trade-marks and industrial property, which was ratified at Habana upon the 11th of April last by the duly accredited representatives of both nations.

I have, etc.,

EDWIN V. MORGAN.

[Inclosure.—Translation.]

THOMAS ESTRADA PALMA, PRESIDENT OF THE REPUBLIC OF CUBA.

To the inhabitants thereof, be it known:

That on the 4th day of June, 1904, there was concluded and signed in the city of Habana, by duly authorized plenipotentiaries, a convention referring to the protection of industrial property between the Republic of Cuba and the French Republic, to wit:

The President of the Republic of Cuba and the President of the French Republic, desiring to facilitate the commercial relations between the two countries, have resolved to conclude a convention referring to industrial property, and have appointed for that purpose the following plenipotentiaries:

The President of the Republic of Cuba, Mr. Carlos de Zaldo, and Beurmann, secretary of state and justice; and

The President of the French Republic, Mr. Francois Edmond Bruwaert, minister resident of France at Habana, officer of the Legion of Honor; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

The citizens of each of the high contracting parties shall have in the territory of the other the same rights as the natives in respect to patents, designs, or industrial models, trade-marks, labels, samples, and trade names, as well as to names of places and statements of origin.

ARTICLE II.

To enjoy the protection guaranteed by the preceding article the persons subject to the jurisdiction of one and the other State shall not be obliged to establish their domicile, their residence, or a commercial house in the country wherein protection is claimed; but they shall fulfill the other conditions and formalities prescribed by the laws and regulations of that country.

ARTICLE III.

The present convention shall be applied in Cuba to trade-marks legally acquired in France by manufacturers and merchants using them; and reciprocally it shall be applied in France to trade-marks legally acquired in Cuba by manufacturers and merchants using them.

It is understood, however, that each of the two States reserves the right to refuse to register and to prohibit the use of any trade-mark which is, by its nature, immoral or detrimental to public order or good manners.

ARTICLE IV.

Commercial names, firm names, and samples shall be protected in the two States even though unregistered.

ARTICLE V.

The act of placing or causing to be placed on an article a false statement of origin, indicating, directly or indirectly, as country or place of origin one of the contracting States or a place situated therein, shall be punished in accordance with the laws of each country.

If the case is not provided for by any law, it shall be subject to the regulations existing against the falsification of trade-marks.

ARTICLE VI.

The provisions contained in Articles III and V shall be enforced at the request of the Government or of the interested party, individual or firm, in accordance with the legislation of each State.

Every manufacturer, merchant, or producer, occupied in the manufacture, sale, or production of the article and established in the city, locality, region, or country falsely given as the place of origin, shall be considered an interested party.

The authorities shall not be obliged to effect the seizure during transit.

ARTICLE VII.

The present regulations shall not bebar the vender from placing his name and address on products originating in a different country from the one in which they are sold, but, in such case, the address or the name must be accompanied by an exact statement—in large letters—of the country or of the place of manufacture or production.

ARTICLE VIII.

The courts of each country shall decide what kind of names are, on account of their generic character, as for instance, brandy, vermouth, and cologne water, to be excluded from the terms of the present convention. Statements as to districts of origin of wine products are not included, however, in the exception prescribed herein.

ARTICLE IX.

The present convention shall be ratified and the ratifications shall be exchanged in Habana immediately after the fulfillment of the formalities prescribed by the constitutional laws of the contracting States.

It shall be declared in force from the date of the aforesaid exchange and it shall remain in force until one of the two contracting parties shall have advised the other—six months in advance—of its intention to terminate same.

In faith whereof the respective plenipotentiaries have signed and sealed the present convention.

Done at Habana, in two originals, June 4, 1904.

(Signed)	CARLOS DE ZALDO.	[L. S.]
(Signed)	EDMOND BRUWAERT.	[L. S.]

The preceding convention was approved by the Senate of the Republic of Cuba the 15th day of September, 1904.

And the ratifications were exchanged at this capital to-day.

Therefore I order its publication and that it be duly carried out.

Habana, April 11, 1906.

T. ESTRADA PALMA.

JUAN F. O'FARRILL,
Secretary of State and Justice.

DENMARK.

DEATH OF KING CHRISTIAN.

Minister O'Brien to the Secretary of State.

[Telegram.]

COPENHAGEN, *January 29, 1906.*

King Christian died this afternoon at 3.40; had worked until 1, feeling well; at luncheon felt weak, and shortly afterwards died without pain. Dowager Empress of Russia and crown prince of Denmark present when he died.

O'BRIEN.

The Secretary of State to Minister O'Brien.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 29, 1906.

Convey through appropriate channel the sincere condolences of the President and of your countrymen upon the death of His Majesty King Christian.

ROOT.

President Roosevelt to King of Denmark, Frederick VIII.

[Telegram.]

WASHINGTON, *January 30, 1906.*

I desire to express to you my profound sympathy in the grief that you and your people feel in the loss of the late King, who during his long reign has been in very truth a father to his people.

THEODORE ROOSEVELT.

Minister O'Brien to the Secretary of State.

[Telegram.]

COPENHAGEN, *January 30, 1906.*

At noon late crown prince proclaimed King Frederick VIII by prime minister in presence of large concourse. Announcement received with enthusiasm.

O'BRIEN.

The Danish Minister to the Secretary of State.

[Translation.]

LEGATION OF DENMARK,
Washington, January 29, 1906.

MR. SECRETARY OF STATE: By order of my Government, I have to perform the painful duty of advising your excellency that His Majesty the King, my august sovereign, died suddenly this afternoon at 3.20.

I venture to beg your excellency to be so good as to convey this grievous intelligence to the President of the United States.

Be pleased to accept, Mr. Secretary of State, etc.,

C. BRUN.

Minister O'Brien to the Secretary of State.

No. 68.]

AMERICAN LEGATION,
Copenhagen, January 31, 1906.

SIR: About 5 o'clock on the 29th instant I sent you the following message:

King Christian died this afternoon at 3.40. Had worked until 1 feeling well. At luncheon felt weak and shortly afterwards died without pain. Dowager Empress of Russia and crown prince of Denmark present when he died.

The following morning I received from you this reply:

Convey through appropriate channel the sincere condolences of the President and of your country upon the death of His Majesty King Christian.

I am now able to give a little more accurately the exact conditions preceding the King's death.

He had been unusually well, and during the morning had transacted much business and gave audience to about 50 people.

He went to his luncheon soon after 1 in high spirits. Besides the officers of the court, his daughter, the Empress Dowager of Russia, and brother, Prince Hans, and perhaps some others were present. During luncheon he drank part of a glass of port wine. He got up from the table feeling a little distress in his throat and went to his room. The ill feeling continued, and he undressed, without aid, and went to bed.

The Dowager Empress was in the adjoining room with an open door between. Thinking she heard heavy breathing, she stepped into the King's chamber and found him already dead. No one was present at the end except as above, but it was very apparent that his death was quite painless.

Doctors were summoned, but of course were of no assistance. The news spread rapidly in the city and provoked a good deal of interest and excitement. Great numbers of people thronged the streets and surrounded the palace, but everything was most orderly and quiet.

At 12 o'clock yesterday, the 30th instant, a great crowd assembled in the Amalienborg Square, the number being variously estimated at from 10,000 to 20,000, as it had been announced that at that time the succession would be proclaimed. The announcement was made

from the balcony of Amalienborg Palace by the prime minister, and the late crown prince made a short speech which was received with a good deal of enthusiasm.

I will send under separate cover a translation of the speech of the new King, and also of the open letter, or proclamation.

I beg to inclose herewith a copy of a letter from the minister of foreign affairs to me announcing the King's death, and also a copy of my reply of the 30th instant, making known your telegram and my own comments in connection therewith.

The arrangements for the funeral have not yet been made public and are probably not completed. It is given out, however, that the following will be present:

The King and Queen of England, Emperor of Germany, King George of Greece, the King and Queen of Norway, Grand Duke Michael of Russia, Duke and Duchess of Cumberland, and Duchess of Mecklenberg-Schwerin.

One or more of the ministers have already been designated by their Government as special representatives to attend the funeral.

I have, etc.,

T. J. O'BRIEN.

[Inclosure 1.]

Count Raben to Mr. O'Brien.

[Translation.]

COPENHAGEN, *January 29, 1906.*

MR. MINISTER: I am fulfilling the most painful duty which could have fallen to my lot, in transmitting to you the official news that God, in His impenetrable designs, has called to Himself his Majesty the King Christian IX. The King heaved the last sigh this afternoon at Amalienborg Palace at 3.20 o'clock, suddenly, and without suffering, in his eighty-eighth year and after a reign of more than forty-two years.

This death has been a cruel blow to the dearest affections of the royal family and plunges the whole country in the most profound and legitimate mourning. You have had the occasion a sufficient number of times, Mr. Minister, to note the invariable devotion which the august deceased bestowed on his people, and the sincere love and respect which they, on their side, vowed to him. You have been able to appreciate the high qualities which distinguished King Christian, and you will join me, I know, in our profound suffering.

King Frederick VIII has mounted the throne. His Majesty has been pleased to instruct me, sir, to make known to you his accession and his sincere desire to maintain and tighten the good relations which exist between Denmark and the United States of America.

Be pleased to accept, etc.,

RABEN-LEVETZAU.

Mr. O'BRIEN,
Minister of the United States of America.

[Inclosure 2.]

Minister O'Brien to Count Raben.

AMERICAN LEGATION,
Copenhagen, January 30, 1906.

EXCELLENCY: I have your esteemed favor of yesterday conveying the mournful intelligence of the sudden death of your nation's King, Christian IX.

The information was at once conveyed to my Government, and I have by the way of response the following telegram from Mr. Elihu Root, Secretary of State:

"Convey through appropriate channel the sincere condolences of the President and of your country upon the death of His Majesty King Christian."

No additional words of mine will have greater force than will be found in the language of the telegram itself, and I beg it will be given its strongest meaning.

The unexpected death of the King has come as a distinct shock, not only to the people of Denmark, but to the civilized world.

His Majesty, both personally and officially, was very dear to his people, while his pure life, his sweet nature, his unflinching patriotism and honesty of purpose were well known to the people of my country, where he was both esteemed and loved.

He was a remarkable man and had a remarkable reign. It will well repay all those in whose charge are the destinies of the nations to consider at this time in what large measure human society has been blessed and elevated by his influence, and by what lofty ideals his life was governed and his actions determined. His service to the world has been beyond measure, while to his own people his life has been a benediction. My own admiration for the late King was very great, and by his death a distinct personal loss has been suffered.

Through the operation of the law and happily through the good will of the people of Denmark, the late crown prince has, by the death of his late Majesty become the King—Frederick VIII.

I read with the greatest pleasure your assurance of the desire of His Majesty to maintain with my Government the good relations which have heretofore existed between the two countries.

At a suitable opportunity I beg you will make known to His Majesty my thanks for this assurance, and that you will express to him my confidence that his hope in this direction will be fulfilled.

Be pleased to accept, etc.,

J. T. O'BRIEN.

The Secretary of State to the Danish Minister.

DEPARTMENT OF STATE,
Washington, February 1, 1906.

SIR: I have the honor to acknowledge with great regret the receipt of your note of the 29th ultimo, in which, by order of your Government, you convey to the Government of the United States the sad intelligence of the death of His Majesty King Christian IX.

I at once made known the fact to the President, and, by his direction, the minister of the United States at Copenhagen was, on the same day, instructed by telegraph to convey, through the appropriate channel, the sincere condolence of the President of the American people; and on the following day, upon learning of the proclamation of Frederick VIII as King, the President dispatched to him a telegram in the following language:

I desire to express to you my profound sympathy in the grief that you and your people feel in the loss of the late King, who during his long reign has been in very truth a father to his people.

Begging that you will be so good as to convey to the minister for foreign affairs of Denmark an expression of my own personal sorrow at the loss which has been sustained by the Danish people,

I avail, etc.,

ELIHU ROOT.

The Secretary of State to Minister O'Brien.

[Telegram.—Pharaphrase.]

DEPARTMENT OF STATE,
Washington, February 8, 1906.

(Mr. Root notifies Mr. O'Brien that he is to be the President's representative at the King's funeral. Instructs him to notify the foreign office accordingly.)

DIPLOMATIC UNIFORMS.

Minister O'Brien to the Secretary of State.

No. 77.]

AMERICAN LEGATION,
Copenhagen, February 20, 1906.

SIR: Since coming here less than a year ago, there have been a number of functions taking place in the day at which gala dress was prescribed.

In my case, and in that of the secretary, this could mean nothing but the ordinary evening dress. As to all other representatives it meant uniforms.

It will no doubt be conceded that the limitation as to our dress is unfortunate, and that our appearance is peculiarly inappropriate.

Ex-officers of the civil and Spanish wars now in diplomatic positions may wear the uniform of rank they once held. The number in this class, however, is not large, and will not be, nor is the dress especially suitable.

Apart from this it would be best to have a regulation applicable alike to all of the same grade. I have not in mind a plan for display, but rather an official dress at once simple, comfortable, and appropriate.

Perhaps Congress at this time might be willing to repeal existing laws upon the subject, and give to the Secretary of State full power to prescribe what should be worn.

I have, etc.,

J. T. O'BRIEN.

The Acting Secretary of State to Minister O'Brien.

No. 23.]

DEPARTMENT OF STATE,
Washington, March 9, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 77, of the 20th ultimo, in regard to the dress of diplomatic representatives of the United States on official occasions.

I inclose for your information and in answer to your dispatch a copy of an instruction to the ambassador at St. Petersburg on this subject.

I am, sir, etc.,

ROBERT BACON.

[Inclosure.]

The Acting Secretary of State to Ambassador Tower.

No. 87.]

DEPARTMENT OF STATE,
Washington, September 15, 1899.

SIR: I have received your dispatch No. 83 of the 28th ultimo, in further relation to the subject of your No. 29 of the 22d of April last, wherein you reported upon an arrangement proposed to be established in connection with official ceremonies at the imperial court, whereby a special court costume is to be prescribed and worn by distinguished foreigners and by diplomatic representatives who have no uniform.

The department has always distinguished between a "uniform" and a court dress conforming to local custom. A uniform serves to show the branch of pub-

lic service to which the wearer belongs and also the rank or grade held by him therein. A court dress, denoting no public office or function, when worn by ununiformed functionaries and private citizens alike without any indication of individual rank or precedence, is in no sense a "uniform," and is not obnoxious to the statutory prohibition. Having in view the usage of several European courts where, in the absence of a characteristic uniform an appropriate general court costume may be prescribed to be worn at official functions, the department, by paragraph 67 of the Personal Instructions which you quote, has authorized the wearing of locally appropriate court costume upon suitable occasion.

The suggestion reported in your No. 29, as having been put forth by the Russian minister for foreign affairs, appears to be designed to supply the omission hitherto of a prescribed court dress for the imperial court. In principle it is entirely unobjectionable. In practice, the nature of the costume appears, to judge from your statements, to call for special consideration, having in view the exceptional character of the Russian climate. Your suggestions in this regard appear to have been practical and have commended themselves to the good judgment of Count Mouravieff. If I were to be invited to make any comment, it would be that a distinction might be made between daylight and evening functions, assigning to each a costume fitted to the occasion. In ordinary social use, the frock coat is worn by day, the dress coat by night. In the public usage of this capital, as for instance at the audience of a uniformed minister, which takes place in the daytime, a frock coat is admitted as appropriate to the hour and place. The usage of this capital runs against wearing evening dress by daylight, but it is understood that in other countries, as in France, evening dress is worn on ceremonial occasions in the daytime by high officers whose rank and station have no distinguishing uniform.

With these remarks, the matter is left to your own good judgment, in the belief that it may not be difficult for you and the minister for foreign affairs, aided by the advice of the grand master of ceremonies, to agree upon an evening "court dress" to be worn on occasion of court ceremonial by all foreign participants not using a uniform denoting an organized public service and their rank in such service; and to prescribe in addition some modification thereof suitable for daylight or open-air functions.

I am, sir, etc.,

ALVEY A. ADEE.

ARBITRATION TREATY BETWEEN DENMARK AND ITALY.

Minister O'Brien to the Secretary of State.

No. 101.]

AMERICAN LEGATION,
Copenhagen, May 14, 1906.

SIR: In dispatch No. 59^a from this legation, dated December 19 last, reference was made to arbitration treaties between Denmark and Italy.

Just before the adjournment of the Rigsdag this treaty was ratified, and I venture to inclose herewith a translation.

The noticeable feature of the convention is found in article 1, by which all differences which they are themselves not able to adjust shall be submitted to the permanent court of arbitration at The Hague.

I have, etc.,

J. T. O'BRIEN.

CONVENTION BETWEEN DENMARK AND ITALY.

[Translation.]

His Majesty the King of Denmark and His Majesty the King of Italy, being inspired by the principles underlying the convention for the pacific regulation

of international disputes, concluded at The Hague on the 29th of July, 1899, and being especially desirous of consecrating the principle of obligatory arbitration in their reciprocal relations by a general arrangement of the nature specified by article 19 of the said convention, have decided to conclude a convention to that effect, and have named as their plenipotentiaries, to wit:

His Majesty the King of Denmark: Count Charles Moltke, Knight of the Order of the Dannebrog, his chargé d'affaires near the Royal Italian Government,

His Majesty the King of Italy: H. E. M. Tommaso Tittoni, etc., his minister secretary of state for foreign affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

ARTICLE 1.

The high contracting parties agree to submit to the permanent court of arbitration, established at The Hague by the convention of July 29, 1899, all differences of whatsoever nature which may arise between them and which could not have been settled by diplomatic channels, and even in the case those differences have their origin on deeds previous to the conclusion of the present convention.

ARTICLE 2.

In each individual case the high contracting parties, before appealing to the permanent court of arbitration, shall conclude a special agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods fixed for the formation of the arbitral tribunal and the several stages of procedure.

In the absence of special arrangement, the arbitrators will decide on the base of the pretensions formulated by the two parties.

In the absence of contrary agreement, the arbitration procedure will be regulated by the dispositions established by the convention signed at The Hague on July 29, 1899, for the pacific regulation of international disputes, with the addition of the supplementary rules indicated in the following article.

ARTICLE 3.

No arbitrator may be a subject of the states signatories of this convention, nor have a domicile in their territories, nor be interested in the questions which shall be the object of the arbitration.

The agreement foreseen by the previous article will fix a period before the expiration of which the exchange between the two parties of statements and documents having reference to the object of the litigation must have taken place.

The decision of the arbitration will contain the indication of the period within which it must be executed.

ARTICLE 4.

It is understood that unless the controversy refers to the application of a convention between the two states or in case of a denial of justice, article 1 will not be applicable to differences which might arise between a subject of one of the parties and the other signatory state in the case when the courts of justice would have, after the laws of that state, the competence to decide the litigation.

ARTICLE 5.

If one of the high contracting parties should denounce the present convention, this denunciation could only take effect one year after the notification, made in writing to the other contracting party.

ARTICLE 6.

The present convention will be ratified with the least possible delay and the ratifications will be exchanged at Rome.

In the hope of which, the plenipotentiaries have signed the present convention and have affixed thereto their seals.

Rome, December 16, 1905.

C. MOLTKE. [L. S.]
TITTONI. [L. S.]

ARBITRATION TREATY BETWEEN DENMARK AND THE NETHERLANDS.

Minister O'Brien to the Secretary of State.

No. 74.]

AMERICAN LEGATION,
Copenhagen, February 9, 1906.

SIR: Referring to dispatch No. 47 from Mr. Lorillard, chargé d'affaires of this legation of November 27, in which reference was made to an unratified treaty between Denmark and the Netherlands, I now have information that on the 6th instant the Landsting took affirmative action, and it may be assumed, therefore, that an early exchange will follow.

Along with the dispatch in question, you were provided with a copy of the treaty referred to.

I have, etc.

T. J. O'BRIEN.

TREATY OF ABRITRATION BETWEEN DENMARK AND THE NETHERLANDS.

[Translation.]

His Majesty the King of Denmark and Her Majesty the Queen of the Low Countries, feeling themselves inspired by the objects of the convention for the peaceful regulation of international disputes concluded at The Hague July 29, 1899, and desiring notably to secure the principle of obligatory arbitration in their reciprocal relations by a general agreement of the nature pointed out in section 19 of the said convention, have decided to conclude a convention to this end and have named as their plenipotentiaries, to wit: His Majesty the King of Denmark; Mr. Johan Henrick Deuntzer, president of the council of his ministers and his minister for foreign affairs, etc.; and Her Majesty the Queen of the Netherlands; Mr. Jacob D. Carl Baron de Heeckeren de Kell, her envoy extraordinary and minister plenipotentiary near His Majesty the King of Denmark, etc., who after having communicated their full powers, which were found in good and due form, have agreed on the following articles:

ARTICLE 1.

The high contracting parties pledge themselves to submit to the permanent court of arbitration all differences and suits between them, which have not been able to be settled through diplomatic channels.

ARTICLE 2.

In each particular case the high contracting parties, before applying to the permanent court of arbitration, shall sign a special agreement determining clearly the object of the difference, the extent of the power of the arbitrators, and the delays to be observed in what concerns the makeup of the arbitration court and the procedure.

ARTICLE 3.

It is clearly understood that article 1 is not applicable to differences between litigators of one of the contracting states and the other contracting state which the courts of this last state would, according to the laws of this state, be competent to hear.

ARTICLE 4.

Governments not signatory to this convention may adhere to the present convention. The government which desires to adhere will notify its intention in writing to each of the contracting governments.

The adhesion shall take effect on the date the adhering government shall communicate to each of the contracting governments that all these governments have acknowledged receipt of its notification.

ARTICLE 5.

If one of the contracting governments should denounce the present convention, this declaration shall not take effect until one year after the notification, made in writing to each of the other contracting governments.

ARTICLE 6.

The present convention shall be ratified with the least delay possible, and the ratifications shall be changed at The Hague.

In the hope of which the respective plenipotentiaries have signed the present convention and affixed their seals to it.

Copenhagen, February 12, 1904.

DEUNTZER.

CARL VON HECKEREN.

SUPPLEMENTARY TREATY BETWEEN THE UNITED STATES AND DENMARK FOR THE EXTRADITION OF CRIMINALS.

Signed at Washington November 6, 1905. Ratification advised by the Senate December 7, 1905. Ratified by the President February 13, 1906. Ratified by Denmark December 14, 1905. Ratifications exchanged at Washington February 19, 1906. Proclaimed February 19, 1906.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a supplementary convention between the United States of America and the Kingdom of Denmark providing for the extension of the treaty of January 6, 1902, to their respective island possessions and colonies and adding the crime of bribery to the list of extraditable crimes contained in Article II of the said treaty of January 6, 1902, was concluded and signed by their respective plenipotentiaries at Washington, on the 6th day of November, 1905, the original of which supplemental convention, being in English and Danish languages, is word for word as follows:

The United States of America and His Majesty the King of Denmark, agreeing that the convention for the extradition of criminals signed by their plenipotentiaries at Washington on January 6, 1902, is applicable to their respective island possessions or colonies, and desiring to define the procedure by which applications for the surrender of accused persons from such island possessions or colonies shall be made, and to add to the list of extraditable crimes mentioned in Article II of the said convention of January 6, 1902, by means of an additional convention, have to that end appointed as their plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

His Majesty the King of Denmark, Mr. Constantin Brun, commander of the Order of Dannebrog and decorated with the Cross of Honor of the same order, His Majesty's chamberlain and envoy extraordinary and minister plenipotentiary at Washington;

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

ARTICLE I.

In the case of crimes committed in the island possessions or colonies of the contracting parties, applications for the surrender of the accused may be made directly to the governor or chief magistrate of the island possession or colony in which the fugitive has sought refuge, by the governor or chief magistrate of the colony or island possession of the other contracting party, provided that both island possessions or colonies are situated in America. The aforesaid governors or chief magistrates shall have authority either to grant the extradition or to refer the matter for decision to the Government of the mother country. In all other cases applications for extradition shall be made through the diplomatic channel.

Where a fugitive criminal is arrested in the Philippine Islands, the Hawaiian Islands, Faroe Islands, or Iceland he may be provisionally detained for a period of four months.

ARTICLE II.

In addition to the crimes and offenses mentioned in Article II of the convention between the United States of America and the Kingdom of Denmark for the extradition of criminals, signed at Washington on January 6, 1902, extradition shall be granted also for the following crime or offense:

Bribery, defined to be the offering, giving, or receiving of bribes, when made punishable by the laws of the two contracting parties.

ARTICLE III.

The present convention shall be considered as an integral part of the said extradition convention of January 6, 1902, and shall be ratified according to the respective laws of the two contracting parties. The ratifications shall be exchanged at Washington as soon as possible.

In testimony whereof the respective plenipotentiaries have signed the above articles, both in the English and Danish languages, and have hereunto affixed their seals.

Done in duplicate, at the city of Washington, this sixth day of November, nineteen hundred and five.

ELIHU ROOT [L. s.]
C. BRUN [L. s.]

And whereas the said supplementary convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the nineteenth day of February, one thousand nine hundred and six;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said supplementary convention to be made public, to the end that the same and every

article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

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

Done at the city of Washington this nineteenth day of February, in the year of our Lord one thousand nine hundred and six,
 [SEAL.] and of the Independence of the United States of America the one hundred and thirtieth.

THEODORE ROOSEVELT.

By the President:

ELIHU ROOT,
Secretary of State.

AGREEMENT BY EXCHANGE OF NOTES ON JUNE 22 AND JUNE 26, 1906, WITH RESPECT TO THE PROTECTION OF INDUSTRIAL DESIGNS OR MODELS.

The Acting Secretary of State to the Danish Minister.

No. 629.]

DEPARTMENT OF STATE,
Washington, June 22, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 8th instant,^a in which you state that your Government instructs you to propose to the department that the Government of the United States declare formally, in a note addressed to your legation, that, under the laws of the United States, it is not necessary, in order to secure the protection of Danish industrial designs or models, that the articles they represent shall be manufactured in the United States.

In return for such a declaration you announce your willingness to declare, under authority already received from your Government, that the Government of the King will promulgate a royal ordinance by which, under the law of April 1, 1905, § 11 i. f., exemption from Rule No. 4 of § 11, relating to the requirement that the corresponding articles shall be manufactured in Denmark, shall be granted to American industrial drawings or models as long as the said laws of the United States on the subject shall remain unchanged.

In reply I have the honor to inform you that this Government is willing to make, and does hereby formally make, the declaration cited above on the condition proposed by you.

Accept, etc.,

ROBERT BACON,
Acting Secretary.

The Danish Minister to the Secretary of State.

[Translation.]

LEGATION OF DENMARK,
Bar Harbor, Me., June 26, 1906.

MR. SECRETARY OF STATE: I have the honor to acknowledge the receipt of your excellency's note No. 629, of the 22d instant, by which Mr. Robert Bacon, Acting Secretary of State, was so good as to make,

^a Not printed.

on the condition proposed by me, the formal declaration that, under the laws of the United States, it is not necessary, in order to secure the protection of Danish industrial designs of models, that the articles they represent shall be manufactured in the United States.

In return for that declaration and conformably to the condition proposed by me, I hasten, by virtue of an authorization received from the Royal Ministry of Foreign Affairs, formally to declare that the Government of the King will cause to be promulgated a royal ordinance by which, under the law of April 1, 1905, § 11 i. f., exemption from the rule in § 11, No. 4, relative to the requirement that corresponding articles shall be manufactured in Denmark, shall be granted to industrial designs or models from the United States as long as the laws of the United States relative to the matter under consideration shall remain unchanged.

I shall have the honor to transmit the text of the royal ordinance to your excellency immediately upon its promulgation.

Be pleased to accept, etc.

C. BRUN.

ROYAL ORDINANCE.

[Translation.]

We, Frederick the Eighth, by God's grace King of Denmark, the Wends and Goths, Duke of Sleswick, Holstein, Stormarn, Ditmarsh, Lauenburg, and Oldenburg, make known that, inasmuch as it was decided in an exchange of notes between the Danish Government on the one hand and the Governments of England and the United States of America on the other that articles imported from Denmark into the said countries may enjoy the protection granted on the model there, it is our will hereby to order that the provisions contained under No. 4, last paragraph of law No. 107 of April 1, 1905, § 11, to the effect that the protection granted on the model shall cease if the applicant for registration from abroad imports or allows to be imported articles manufactured after the same, shall not be applicable to articles imported from England or the United States of America as long as the laws in force on the subject in those countries remain unchanged.

All whom it may concern shall be guided accordingly.

Given at Charlottenlund, August 14, 1906.

Under our royal hand and seal.

FREDERICK R.
[L. S.]
SIGURD BERG.

CONSULAR OFFICERS OF THE UNITED STATES CAN NOT RECEIVE
FOREIGN APPOINTMENTS.

The Acting Secretary of State to Minister Brun.

No. 624.]

DEPARTMENT OF STATE,
Washington, May 7, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 30th ultimo,^a in which you inquire whether this Government would have any objections to the appointment of Mr. Jesus L. Henriquez, vice-consul of the United States at Maracaibo, who is temporarily in charge of the Danish consulate, as the permanent consul of Denmark at that port, without salary.

^a Not printed.

In reply I have the honor to inform you that the Constitution provides that "No person holding any office of profit or trust under them (the United States) shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state."

Under this clause the department has always held that no one could be appointed to a position in the American consular service who is already holding office under some other government, and that acceptance of office from another government vacated the appointment of this Government.

Therefore, if Mr. Henriquez accepted appointment as Danish consul, it would be necessary for this Government to appoint another vice-consul at Maracaibo.

Accept, etc.,

ROBERT BACON.

DOMINICAN REPUBLIC.

REVOLUTIONARY DISTURBANCES IN SANTO DOMINGO.

(Continued from Foreign Relations, 1905.)

Minister Dawson to the Secretary of State.

[Extracts.]

No. 202.]

AMERICAN LEGATION,
Santo Domingo, January 2, 1906.

SIR: Continuing the subject of my No. 199^a of December 20, political conditions in this Republic, I have the honor to report that in pursuance of my efforts to avoid a breach between the cabinet on the one side and the president and the Jimenista authorities on the other, I sent a letter on December 21 to the American consular agent to Monte Christi. (Copy inclosed.) Mr. Petit is in constant and amicable relations with Governor Arias, and I hoped the information given in regard to the determination of the cabinet not to interfere with the status quo in Monte Christi might tend to restrain the governor from rash action.

On the evening of the 21st I received the following telegram from the commander of the U. S. S. *Nashville*, then at Puerto Plata:

PUERTO PLATA, *December 21, 1905.*

AMERICAN MINISTER:

Have received authentic information the vice-president coming here to remove forcibly present governor of Puerto Plata. He will resist defending constitutional government. Please communicate immediately with President.

CHAMBERS.

Early in the morning of the 22d I called on the minister of foreign affairs, who told me that the vice-president did not intend to go immediately to Puerto Plata, that no action looking to the removal of Governor Perez had been taken, and none would be, at least until the receipt of further advices as to his attitude. I also called on the President, who said that no government decree on the subject had been adopted, that he hoped that the vice-president would not attempt to expel Perez without legal authority, because Perez would surely resist in such a case. I asked him to use his influence with Perez to avoid any violence, and he said that he, as in the past, would do everything in his power to prevent disturbances and civil war.

I thereupon sent the following telegram:

SANTO DOMINGO, *December 22, 1905.*

NASHVILLE, *Puerto Plata:*

Inform consul Government gives assurance to me Caceres has no intention forcibly to remove governor. Full letter has been forwarded to you from me on *Seminole*.

DAWSON.

^a Printed in Foreign Relations, 1905, p. 410.

On the afternoon of the 23d I was informed by the minister of foreign affairs that Governor Perez had ordered the arrest of the Horacista, commandante de Puerto, who had resisted and been shot; that the Government had thereupon adopted a decree removing Perez, but would give him every opportunity to comply before proceeding forcibly to put it into effect.

I thereupon telegraphed you as follows:

SANTO DOMINGO, *December 23, 1905.*

The Dominican Government informs me governor of Puerto Plata since this morning barricaded in citadel and arresting Horacistas, causing general alarm.

The Dominican Government thereupon named his successor; resistance feared. The Dominican Government intends act with caution and legally.

DAWSON.

This bad news was confirmed early the next morning by the following telegram from the consul at Puerto Plata:

PUERTO PLATA, *December 23, 1905.*

AMERICAN MINISTER, *Santo Domingo:*

Captain of Port Miguel Ramirez was shot and wounded at noon resisting order of arrest from governor. Government position apparently strong. Anticipate further trouble.

HANDLEY.

which was followed shortly by this:

PUERTO PLATA, *December 23, 1905.*

AMERICAN CONSUL, *Santo Domingo:*

Unless President will direct governor to comply with order of minister interior to vacate in favor of Cocco, trouble will ensue. Can you advise President to send order?

HANDLEY.

I sent for the minister of foreign affairs and asked him if the decree removing Perez had been adopted. He answered in the affirmative, saying that not only had the official order signed by the minister of interior been telegraphed, but that Morales himself had also telegraphed over his own signature. He added that no doubt Perez was urging Morales to break with the cabinet and that, hoping to get personal and secret orders to ignore the official telegrams, he might believe that the President's signature had been placed to the telegram without his consent. I thereupon showed the minister the messages I had received from the consul and told him I proposed, in the interest of peace, at Puerto Plata to transmit to the consul a copy of any telegram which President Morales might inform me he had already sent, and to grant Perez temporary asylum if he should want it. The latter measure would, of course, tend to facilitate the peaceful transfer of the governorship, and the minister said that he and the President would be pleased if I should take it.

Accordingly I addressed a note to President Morales asking him to be kind enough to send me a copy of the telegram, if, in fact, he had sent one.

Later in the afternoon I received the copy in question and thereupon telegraphed the consul as follows:

SANTO DOMINGO, *December 24, 1905.*

AMERICAN CONSUL, *Puerto Plata:*

President informs me he sent following telegram: "Gobernador. Entregue á Manuel Cocco conforme telegramma anterior. Morales."

If Perez wishes asylum you may give it. Government will not object. Keep me informed.

DAWSON.

Except the copy of his telegram I received that afternoon no message either written or by telephone from the President, and had no reason to think that he had changed his mind since my interview with him two days before. Indeed I since learn that he had spent most of the afternoon of the 24th in amicable conversation with Ministers Tejera and Velasquez.

At 7 o'clock that evening he left the city alone, walked out 2 miles where 25 or 30 young men assembled on the pretext of a Christmas eve "sanchoche" or supper were awaiting him. Only three of his bodyguard met him on the outside, and his most intimate political and personal friends, such as ex-Minister Sanchez and Pichardo, knew nothing of his intention.

Morales and his party seized some government cavalry horses from a pasture near our legation and about 8 or 9 o'clock rode west, arriving at the Jaina River, 10 miles distant, about 11. There they stopped for the night and were quickly joined by Rinaldo and Cesario Pimentel, two famous Jimenista jefes, who live in that neighborhood and can raise a considerable body of followers at a moment's notice.

The news of Morales's departure became known in town about 10 o'clock, and immediately the whole city was in an uproar. Early next morning a hundred or so government troops went in pursuit, and news soon came that fighting was going on this side of the Jaina.

I thereupon telegraphed you as follows:

SANTO DOMINGO, *December 25, 1905.*

President left city suddenly and secretly last night. Government force pursuing him; general disturbances likely.

DAWSON.

The minister and the governor informed me that I had better remove my family into the city since my house is situated on the road along which the night scouting parties of both sides would advance. Accordingly I and the other residents of the Guibia suburb brought our families into the city.

There was a great deal of firing along the line of the Jaina that night, but the Morales people seem to have confined their efforts to holding the Government forces back.

On the afternoon of the 25th the minister of foreign affairs sent a circular note to all foreign representatives, inclosing a resolution of the cabinet (translations herewith) calling the vice-president to the capital to take charge of the Presidency temporarily during the absence of the President.

I thereupon telegraphed you as follows:

SANTO DOMINGO, *December 26, 1905.*

Dominican minister for foreign affairs notifies diplomatic corps that President having clandestinely abandoned capital leaving Government without acting head cabinet has called vice-president to take charge pending temporary failure of President to exercise his functions. See article forty-six Dominican constitution. Send instructions. City quiet. Cabinet exercising functions without interruption. President reported at Jaina among revolutionists; fighting there reported. New governor peacefully installed Puerto Plata.

DAWSON.

and answered the minister's note saying that I would ask for instructions from my Government. (Copy inclosed.)

The chargé d'affaires of France and Spain and the consuls of Germany and England asked me how I had answered the note, and I understand that their answers are practically identical with mine. The Haitian minister takes the position that without instructions he is justified in recognizing that the presidency became temporarily vacant and that the vice-president is legally exercising its functions.

It seemed to me, however, that there existed no immediate necessity for foreign representatives to express themselves in regard to what is primarily a point of Dominican constitutional law, i. e., whether Morales or Caceres is at this moment the legal head of the Government. The cabinet formerly named by President Morales is still in possession and exercising their functions. The only power given the President by the Dominican constitution is that of naming and removing the cabinet ministers. Once named they are the executive, and until they are removed or attempted to be removed by either Morales or Caceres, or are expelled from the capital and government offices, the question of who has the right to remove them is largely academic.

In the meantime Perez, finding that public opinion in Puerto Plata was against him in his intention to resist the installation of the new governor, had given up. On the evening of the 24th, after the President had left, but before I knew of his departure, I received the following telegram from the United States naval officer in command at Puerto Plata:

PUERTO PLATA, *December 24, 1905.*

SCORPION, *Santo Domingo:*

Urgent: For American minister. Interior has appointed Manual Cocco, very popular, as governor; is satisfied present governor desires to attack constitutional authority, but having positive direct order from the President to resist vice-president and not to give up, he can not vacate without battle. If you can persuade the President to issue positive order, governor will obey gladly.

CHAMBERS.

On the morning of the 26th came the following telegram from Consul Handley:

PUERTO PLATA, *December 26, 1905.*

AMERICAN MINISTER, *Santo Domingo:*

Cocco in charge Gobernación. Perez sailed for Turks Island yesterday. Caceres arrive to-day.

HANDLEY.

Perez did in fact sail for Turks Island, but immediately left there for Monte Christi, accompanied by ex-Vice-President Eugenio Deschamps, Gen. Joaquin Barba, and other Jimenista exiles.

In the afternoon I was handed by a person unknown to me a letter from President Morales, of which the following is a translation:

SANTO DOMINGO, *December 24, 1905.*

MR. T. C. DAWSON,
Minister of the United States, City.

DISTINGUISHED SIR: The brutal insults to the constitution and my dignity as President of the Republic have forced me to absent myself from this city with the purpose of reestablishing the rule of law. As soon as I reach an important center of population I shall constitute the capital and remove the cabinet that is personally hostile to me.

I salute you,

MORALES L.,
President of the Republic.

To this I answered.

AMERICAN LEGATION,
SANTO DOMINGO, December 26, 1905.

Señor CARLOS F. MORALES, L., etc.

DEAR SIR AND FRIEND: I am in receipt of your personal letter of the 24th instant in regard to your intention to absent yourself from this capital, an intention which I am informed you have since carried into effect.

I will telegraph its contents to Washington and ask for instructions.

Yours, most respectfully,

(Signed) T. C. DAWSON.

I thereupon telegraphed you as follows:

SANTO DOMINGO, December 27, 1905.

Have received letter of President dated the 24th, saying that he is about to absent himself from capital in order to reestablish legal procedure, and later on will declare another city temporary capital, and will then name a new cabinet. He is reported to be 15 miles west, fighting. Troops sent by cabinet. American citizens interior alarmed, fearing that landing American seamen would be followed by violence to themselves.

DAWSON.

On midnight of the 26th I received the following telegram:

PUERTO PLATA, December 26, 1905.

AMERICAN MINISTER, *Santo Domingo*:

Your cable forwarded. Caceres sent commission Monte Christi on *Dubuque* to confer with Rodriguez.

HANDLEY.

And on the 28th following:

PUERTO PLATA, December 28, 1905.

AMERICAN MINISTER, *Santo Domingo*:

Commission to Monte Christi failure. Rodriguez concentrating forces Guayubin, Horacistas, Santiago, and Navarrete. Perez arrived Monte Christi.

HANDLEY.

I thereupon telegraphed you as follows:

SANTO DOMINGO, December 28, 1905.

Jimenistas advancing from Monte Christi against Santiago. The President still fighting near Jaina. His force small. City quiet, but apprehensive.

DAWSON.

On the 29th the U. S. S. *Dubuque* arrived here from Monte Christi, bringing me a copy of Governor Arias's proclamation, which I inclose for your information, with the translation thereof.

The same day the minister of foreign affairs informed me that the gunboat *Independencia* had left Macoris at 9 p. m. of the 26th with orders to carry \$8,000 in cash, 60,000 rounds of rifle cartridges, 100 rifles, and some shells to the governors of Sanchez and Puerto Plata, but that her commander had disobeyed and taken his ship to Monte Christi, where he had placed himself under the orders of Governor Arias. The arrival of the *Independencia* at Monte Christi was confirmed by telegrams received by the commander of the *Dubuque*, and I accordingly telegraphed you as follows:

SANTO DOMINGO, December 29, 1905.

SEC. STATE, *Washington*:

Gunboat *Independencia*, sent by cabinet to Sanchez with munitions, has deserted and gone to Monte Christi. Will probably bring expedition against Macoris or other point. Whereabouts of the President unknown. The vice-president arrives here to-day.

French chargé d'affaires offers, if agreeable to the American Government, to send Martinique for war ship to aid in protecting lives foreigners, which might be endangered by landing American seamen.

DAWSON.

The French telegraph line across the island had been cut various times since the 24th, and I had been trying to get my messages through by the government line to Puerto Plata. I could not, however, be sure that you have received my telegrams, and was relieved to receive your cable, as follows:

WASHINGTON, *December 29, 1905.*

DAWSON, *Santo Domingo:*

Your cable December 29.

Instructions in my cable of December 6 should be followed strictly. In that case there will be no landing of troops under any such circumstances as to justify apprehension of danger to lives of foreigners.

Root.

On the 30th I received two notes from the minister of foreign affairs, the first asking that our naval forces detain the *Independencia*, and the second that she be prevented from carrying arms about the coast for the purpose of fomenting civil war. Copies and translations inclosed. I told the minister that I had no authority to give any orders to our naval vessels nor to give him any assurances on the subject; that such orders would be given from Washington. I agreed, however, at his urgent request to telegraph you and did so, as follows:

SANTO DOMINGO, *December 30, 1905.*

Dominican minister for foreign affairs requests that naval orders be given to prevent gunboat *Independencia* from carrying arms, et cetera, from revolting governor of Monte Christi to other ports for the purpose of disturbing public order. Have answered that I have no such authority. This telegram sent you at his urgent request.

DAWSON.

After receiving your telegram of December 29, I answered Señor Tejera's notes in regard to the *Independencia*, calling his attention again to the fact that I would continue to act in accordance with your instructions to me of December 6 (7). Copy inclosed.

On the morning of the 29th, Vice-President Cáceres and a large number of members of Congress arrived. The Congress met in special session on the afternoon of the 30th. An accusation for high treason against the President had been begun by the minister of interior, and a bill for a decree declaring him under impeachment was introduced in Congress and passed its first reading on the 31st.

I thereupon telegraphed you as follows:

SANTO DOMINGO, *January 1, 1906.*

Forward following telegram:

"Congress yesterday passed first reading impeachment of the President. President's whereabouts still unknown here."

DAWSON.

Yesterday the bill passed a second reading, and to-day its third and final reading. If possible before the mail closes I will inclose copy. Its effect is to declare that the vice-president shall be acting president pending the trial of the president before the supreme court.

I inclose copy of a note from the minister of foreign affairs, announcing the passage of the bill just as I finish this dispatch. I have also sent you the following telegram:

SANTO DOMINGO, *January 2, 1906.*

Dominican minister for foreign affairs has informed me that to-day, January 1, Dominican Congress has declared the President in state of impeachment, and that by virtue of this and of article 46 Dominican constitution the vice-president will exercise temporarily functions of president.

DAWSON.

This I send by a Dominican Government steamship to Mayaguez because all telegraphic and telephone communication with the United States is interrupted since this morning by the cutting of the lines in the vicinity of Puerto Plata.

Of the events at Puerto Plata you are probably better informed than I through the telegrams to the Navy Department. All I know at present is that the *Independencia* is in front of Puerto Plata threatening bombardment, has landed forces near the town, and that there has been some fighting.

There is no news yet as to the whereabouts of President Morales.

I have not had time to prepare translations of the inclosures herewith and beg that they may be translated in the department if necessary.

I also inclose marked copy of the Dominican constitution, calling your attention to the following provisions applicable to the question raised by the President's action in leaving the capital: Article 6; article 25, section 4; articles 38, 39, 45, 46, 47, 50, 59; and article 69, section 2.^a

I have, etc.,

T. C. DAWSON.

[Inclosure 1.]

Minister Dawson to the American Consular Agent Petit.

[Extracts.]

AMERICAN LEGATION,
Santo Domingo, December 21, 1905.

DEAR MR. PETIT: Fearing that exaggerated rumors of the events of November 27 and December 6 and their consequences may have reached Monte Christi, I think it best to inform you briefly of the truth.

There was a difference of opinion between the President and a majority of his cabinet about certain appointments and policies. Feeling arose to a dangerous point, the President was counseled to make a radical change in his cabinet, and certain extreme Horacistas advocated his resignation and a refusal to ratify the convention. Happily better counsels prevailed on both sides. The President determined to retain his cabinet, except Mr. Sanchez, and the opinion of Caceres and Emiliano Tejera prevailed with the Horacistas. They will sustain the President to the end of his term, and the convention will be ratified. The guaranties to Governor Arias remain as they were. Morales especially stipulated as to this.

I hear disquieting rumors from Monte Christi, but do not credit them, especially as I have not heard from you.

You may show this letter at your discretion. Please present my respects to Governor Arias.

Yours truly,

(Signed) T. C. DAWSON.

[Inclosure 2.]

Minister Dawson to the Dominican Minister of Foreign Affairs.

AMERICAN LEGATION,
Santo Domingo, December 26, 1905.

MR. MINISTER: I have the honor to acknowledge the receipt of your note of yesterday inclosing a copy of the resolution of the council of secretaries of state taken on account of the departure of President Morales.

I shall immediately transmit its contents to my Government, and upon receiving the instructions that may be sent me will communicate with you further in answer to your note.

In the meantime I improve the opportunity to renew, etc.,

T. C. DAWSON.

[Inclosure 3.—Translation.]

DESIDERIO ARIAS, CIVIL AND MILITARY GOVERNOR OF THE DISTRICT OF MONTE CHRISTI.

FELLOW-CITIZENS: The President of the Republic being alarmed by the actions of the Horacista party, which until yesterday shared with him the functions of government, had ordered me to be on the lookout for what might occur.

A series of gross impositions on the sovereignty of the nation in the person of its chief magistrate have just occurred, causing a rupture between the President of the Republic and his cabinet.

As a matter of fact, dominating the army in the capital, the rebels prevented the President from exercising his constitutional rights, by which he was obliged to leave the city on the night of the 24th of this month, in order to establish in some other place a new cabinet, making use of the powers conferred upon him by article 50 of the constitution of the nation. Fellow-citizens, it is the duty of all good Dominicans to further by every means in their power the preservation of public order and the respect for the constitution and the laws.

I shall not spare any means to produce a legal reaction after the facts which I have just mentioned.

I invite you in the name of the sacred interests of the country, villainously trampled upon by the ambitions of those in authority, to lend your aid for the reestablishment of legal order, thus saving the Republic from the dangers which threaten it. Fellow-citizens, the responsibility for the present historical moment rests, and will rest, upon those wicked people, who, dazzled by the power which they were using to gratify their personal ambitions, turned their backs upon a national honor and throw the country into anarchy and into the horrors of a fratricidal fellow-citizens! Long live the constitution and let us save the Republic!

Given in the government house of Monte Christi on the 25th day of December, 1905.

(Signed)

DESIDERIO ARIAS.

Minister Dawson to the Secretary of State.

[Extracts.]

No. 203.]

AMERICAN LEGATION,
Santo Domingo, January 16, 1906.

SIR: Continuing the subject of my No. 202 of January 2, political events in this Republic, I have the honor to report that on January 2 a body of about 200 or 300 men under the leadership of the insurrectionist chiefs, Demetrio Rodriguez, Fermin Perez, and Eugenio Deschamps, which had come from Monte Christi on the gunboat *Independencia* and landed some 5 miles west of Puerto Plata, attacked the latter town. The government forces made a desperate resistance, but after bloody street fighting were driven back toward the citadel. In the meantime a body of government troops had come down the railroad from Santiago, and the insurrectionists withdrew from the town to meet this attack in their rear. They were defeated, retired to their original landing place, and reembarked on the *Independencia* for Monte Christi. The losses on both sides reached 162. Among the killed was Demetrio Rodriguez, the ablest and most active leader of the Jimenista party.

On the same day Santiago was attacked by the main body of the insurrectionists which, under the command of Gulito Pichardo and Andres Navarro, had marched by land up the Yaqui Valley from Monte Christi. This attack does not seem to have been seriously pressed, since the losses reported are small. The insurrectionists were repulsed, and on receiving news of the defeat at Puerto Plata they retired slowly down the valley, the Government immediately making preparations to pursue in force and carry the war into Monte Christi Province. On the 4th the government telegraph line from Santiago to Puerto Plata was reopened, and on the following day the French line was repaired, placing this capital again in communication with the outside world.

On the 3d a letter written by President Morales from his hiding place reached my hands, but the bearer could give me no information as to his whereabouts, which every precaution was taken to conceal from even his most intimate friends. He asked for diplomatic intervention to save his life, offering to resign and leave the country.

Telegraphic communication having been reestablished I cabled you as follows:

SANTO DOMINGO, *January 5, 1906.*

No revolutionary movements reported, except the attacks from Monte Christi on Puerto Plata and Santiago; reported repulsed. Telegraphic communication everywhere reestablished except with Monte Christi. Morales hidden near this city. Has written me offering to resign if the cabinet will guarantee his free passage abroad. Cabinet and the vice-president consent. Morales informed, but has not appeared as yet.

DAWSON.

Our hopes of an early appearance by Morales were disappointed, and day after day went by without even getting an answer to our communication.

About 9 o'clock the Spanish chargé found Morales and his two companions making their way along the road, about 7 miles from town. The lookout had, it seems, caught sight of Señor Albinana in the afternoon, and from the description given Morales had come to the conclusion that he was being looked for without hostile intent. Although his leg had been broken above the ankle by a fall of his horse on December 25, his faithful companions had managed to carry and drag him to the road and a considerable distance along it when Señor Albinana met them and got him into the carriage. The party were stopped twice by guards, but were allowed to proceed on producing Caceres' pass, and as they neared the legation the governor met them and they reached shelter without incident.

I at once notified the minister of foreign affairs (copy of my two notes and copy and translation of the reply inclosed) and procured surgical assistance for the suffering President. The next morning the minister of foreign affairs, the French and Spanish chargés, and myself met with the President, who readily agreed with the minister upon the terms of his resignation. This was immediately laid before Congress, and after a stormy debate on the question as to whether the resignation of a President under impeachment could be accepted common sense prevailed. I inclose copy and translation of the resignation and the resolution of Congress accepting it, and of the note from the minister of foreign affairs announcing these facts and Caceres' assumption of the presidency.

Mr. Flandrin and Señor Albinana remained with the President during the day helping him to clothes and food and sending for his

family, while I busied myself arranging with the minister of war, the governor, and Commander Fechteler, of the U. S. S. *Dubuque*, the details of his safe passage through the town and transfer to the latter ship. The town was greatly excited and some apprehensions were expressed that there might be dangerous demonstrations on the part of either Morales's friends or his enemies. These apprehensions I believed to be groundless, but the governor thought it safest that the minister of foreign affairs, Mr. Flandrin, Señor Albinana, and myself accompany the ex-President to the landing and that a strong guard should be present. Morales's leg was so bad that he suffered much in being lifted from the house to the carriage. The whole population of the city lined the streets where he passed, but there were no demonstrations except of curiosity and sympathy for his pitiable physical plight. At 5 o'clock he was safely on board the *Dubuque*, which at once weighed anchor for San Juan.

In the meantime the *Independencia*, after leaving Puerto Plata for Monte Christi on the 2d, proceeded from the latter place to Samana Bay, and on the 5th landed about 70 men under the command of Joaquin Barba. The latter has many followers in Samana Peninsula and thought he would be joined by large numbers and be able to take Sanchez, where the English railway has a coal supply, of which the *Independencia* stood in great need.

However, the Government had sent adequate reinforcements under Luis Maria Cabrera down from Moca and La Vega to Sanchez, and Barba's attacks were unsuccessful. On the 7th the expedition weighed anchor and returned to Monte Christi.

Meanwhile the main body of the government forces had advanced from Santiago down the Yaqui Valley toward Monte Christi. About the 10th Pichardo and Navarro made a feeble stand at Guayacanes, some 30 miles west of Santiago, but were easily defeated and fled under hot pursuit toward Monte Christi. The same day Barba and Perez, with the *Independencia*, made a last attempt in Samana Bay, appearing there on the 11th. But without coal and money and with numbers greatly inferior to the government forces in that vicinity, their position was hopeless, and they soon entered into negotiations looking to the surrender of the vessel. On the 13th I received the following telegram from the acting American consular agent in Sanchez:

SANCHEZ, January 13, 1906.

DAWSON, *Santo Domingo*:

Referring to resignation Morales Catrain and Fermin Perez, request be informed whether agreement made will include disposition of their case; if not, and because they do not consider themselves revolutionists, desire you communicate to Dominican Government. Will surrender gunboat if Government permits them to leave country. Are without funds and need pecuniary assistance.

LEROUX, *Acting Consul*.

On consultation with the minister of foreign affairs, I ascertained that the Government would give them honorable terms. Accordingly I answered as follows:

SANTO DOMINGO, January 13, 1906.

AMERICAN CONSUL, *Sanchez*:

Government will agree that Catrain and Perez may remain on American war ship until they take passage *Seminole*, Turks Island or New York. Consult American captain, whose aid I would appreciate.

DAWSON.

On the afternoon of the 14th the minister of war called on me to ask the assistance of the commander of the American war ship at Sanchez in facilitating the transfer of the *Independencia* to the government authorities. After he had showed me the telegrams he had received from there, I telegraphed to the U. S. S. *Paducah* as follows:

SANTO DOMINGO, January 14, 1906.

PADUCAH, *Sanchez*:

Dominican Government informs me General Cabrera is authorized to receive *Independencia*.

DAWSON.

Yesterday afternoon, January 15, the Government received word that the transfer had in fact been made.

Just before Morales left my legation on the 12th I asked him if he did not want, by sending a message to his Jimenistas allies, to aid in restoring peace and repairing as far as possible the damage he had done. He accordingly wrote the following telegram to Governor Arias and Gulito Pichardo, which I sent to Puerto Plata with the request that it be taken by messenger to Monte Christi at once:

SANTO DOMINGO, January 12, 1906.

DESIDERIO ARIAS, *Monte Christi*:

Forced by circumstances I have resigned. The necessity of peace for the country requires sacrifices. If the Government offers effective guarantees, do not neglect measures to save the country.

MORALES.

This message reached Arias's hands the next day through the kindness of Commander Southerland, who went from Puerto Plata to Monte Christi on the *Yankee*.

The government troops had continued to advance down the Yaqui Valley toward Monte Christi, the insurrectionists all retiring into that town or dispersing, except a body of about a hundred men under a desperate and murderous guerrilla chief called Nenev Cepin, who went to Copey, a town 15 miles south of Monte Christi and 3 or 4 miles from the Haitian border. By the 13th and 14th the position of the insurrectionist chiefs in Monte Christi was so precarious that they offered, through Commander Southerland, to surrender and make peace on conditions. They proposed the status quo ante as a basis, but the Government being desirous of putting an end once for all of the extraconstitutional autonomy heretofore enjoyed by Monte Christi Province instructed Horacio Vasquez to offer amnesty and guarantees for life and property.

On the morning of the 15th the U. S. S. *Scorpion* took Vasquez from Puerto Plata to Monte Christi to arrange the terms of the surrender. Simultaneously the government troops reached the town, and the Horacista political prisoners whom Arias had locked up broke out, got arms, and took possession of the citadel. Governor Arias and Eugenio Deschamps fled on board the American man-of-war. Navarro was still in the gobernacion when the last telegram came from Vasquez to the Government, but it was expected that he would surrender to-day on the Government's conditions, and that at the same time the surrender of Cepin's band would be arranged for.

I confirm my telegram to you as follows:

SANTO DOMINGO, January 16, 1906.

Rebel gunboat has been surrendered. Monte Christi insurrectionists again defeated and asking for terms. Trouble is all over.

DAWSON.

Inclosed is a copy of my answer to the note of the minister of foreign affairs notifying me of Caceres assumption of the Presidency on account of the resignation of Morales.

I have, etc.,

T. C. DAWSON.

[Inclosure 1.]

Mr. Morales L. to Mr. Dawson.

—, January 1, 1906.

DISTINGUISHED SIR AND FRIEND: The miserable circumstances in which I find myself impose on me the painful necessity of making an appeal to the inexhaustible kindness of your heart. To-day more than ever I need your powerful aid to save my life and my reputation menaced by passionate rage. I do not want power, I renounce everything, but I desire to be permitted to live abroad beside my children—the two little ones. Provided that you can obtain from them (his adversaries) guarantees for me and those who accompany me, I will present myself in your legation in order to embark for a foreign country in a war ship of the United States if you will have the kindness to place one at my disposition. If, through modesty, you think your efforts likely to be ineffective, please interest the diplomatic corps in this matter. It would be a work eminently humane which its worthy members would achieve. And if this is not sufficient, please ask President Roosevelt, a man of altruistic sentiments, to send a cable to the Dominican Executive to obtain this grace. One who like him has contributed to universal peace ought not to disdain to realize a work which, far from hurting his glorious record, will add one more to the proofs of his moral greatness.

I am completely sick of political life, and if by your valued cooperation I obtain the happiness of returning to the peaceable tranquillity of my fireside, I can assure you that never again will I take part in the political affairs of my country.

When so many in this sad hour have abandoned me I hope that you will be among the few who will help mitigate my sufferings.

Believe me, etc.,

MORALES L.

P. S.—Knowing your tact I think it unnecessary to ask you not to make use of this letter until after you shall have succeeded in obtaining from the members of the Executive the agreement to concede that which I desire you to solicit.

Answer by the bearer.

M.

[Inclosure 2.]

Mr. Dawson to the minister of foreign affairs of the Dominican Republic.

AMERICAN LEGATION,
Santo Domingo, January 11, 1906.

MR. MINISTER: I have the honor to inform you that the President of the Republic and two other individuals are in asylum at my legation.

I improve the opportunity, etc.

T. C. DAWSON.

[Inclosure 3.]

Mr. Dawson to the minister of foreign affairs of the Dominican Republic.

AMERICAN LEGATION,
Santo Domingo, January 12, 1906.

MR. MINISTER: Confirming my note of yesterday, I have the honor to inform you that the names of the three individuals in asylum at my legation are: Carlos F. Morales, President of the Republic; Enrique Jimenez, and Gregorio

Encarnacion. These gentlemen ask that passports be granted them to go to San Juan, P. R. In case these passports are given to them the commander of the U. S. S. *Dubuque* is disposed to carry them to their destination.

I shall be grateful if you will kindly take the necessary steps as soon as possible.

I improve, etc.,

T. C. DAWSON.

[Inclosure 4—Translation.]

The minister of foreign affairs of the Dominican Republic to Mr. Dawson.

DOMINICAN REPUBLIC,
MINISTRY OF FOREIGN RELATIONS,
Santo Domingo, January 12, 1906.

MR. MINISTER: In reply to your excellency's note of this date, I have to inform you that the Government is willing to concede permission to go abroad to the citizens Carlos F. Morales, Enrique Jiminez, and Gregorio Encarnacion, they to reside there until something else is determined upon.

I approve, etc.,

E. TEJERA.

[Inclosure 5.—Translation.]

Resignation of President Morales before Congress.

SANTO DOMINGO, *January 12, 1906.*

CITIZEN PRESIDENT: In virtue of the provisions of the constitution, I bring through you knowledge of the high body over which you preside that I renounce the Presidency of the Republic with which I had been honored by the votes of my fellow-citizens.

I salute you, attentively,

MORALES, L.,
Citizen President of the National Congress.

[Inclosure 6.—Translation.]

Answer of that high body.

SANTO DOMINGO, *January 12, 1906.*

CITIZEN: Having been brought to the consideration of Congress in to-day's session the resignation of the post of President of the Republic that you presented on this date, it resolved unanimously to accept said resignation, by virtue of the provisions of the national constitution.

I salute you, very attentively,

RAMON A. LOVATON,
President of Congress.

Citizen CARLOS F. MORALES L.,
City.

[Inclosure 7.—Translation.]

The minister of foreign affairs of the Dominican Republic to Mr. Dawson.

DOMINICAN REPUBLIC,
MINISTRY OF FOREIGN RELATIONS,
Santo Domingo, January 13, 1906.

MR. MINISTER: I have the honor to bring to the knowledge of your excellency that the National Congress has accepted the resignation that was presented by the citizen Carlos F. Morales L., of the high post of President of the Republic, and that, according to the provision of the political constitution of the State, the citizen Ramon Caceres, vice-president, has entered in the exercise of the Presidency.

Communicating it to your excellency, I am, etc.,

E. TEJERA.

Mr. Dawson to the minister of foreign affairs of the Dominican Republic.

JANUARY 15, 1906.

MR. MINISTER: I have the honor to acknowledge the receipt of your excellency's note announcing the acceptance by Congress of the resignation of the Presidency of the Republic presented by his excellency Carlos F. Morales, and the fact that his excellency Ramon Caceres, vice-president, has, in accordance with the constitution, entered upon the performance of his functions as President.

Of these important facts I take due notice, and improve the opportunity, etc.,
T. C. DAWSON.

Minister Dawson to the Secretary of State.

No. 210.]

AMERICAN LEGATION,
Santo Domingo, February 2, 1906.

SIR: I have the honor to inclose to you a copy and translation of a note from the French chargé d'affaires expressing his Government's and his own appreciation and gratitude for the assistance given French citizens during the recent revolutionary disturbances at Sanchez by the commanders of the U. S. S. *Eagle* and *Paducah* and the acting American consular agent.

The chargé d'affaires asks that these thanks be transmitted to these officers. I have accordingly sent a copy of his note to the acting consular agent and informed him that his thanks will be conveyed to the naval officers through the usual channels.

Copies of my reply to him and of my letters to Mr. Leroux are inclosed.

I have also received report from Mr. Leroux describing the revolutionary disturbances, a copy of which will be sent you with my No. 211 of this date. In it he says:

In concluding this account I must express to you, and through you to the State Department, my profound appreciation of the efficient aid rendered throughout all the trying days of this month by all the vessels, crews, and officers of the United States Navy stationed here, but more especially to the senior officer present in Samana Bay and his good ship *Paducah*, without whom my efforts at maintaining American dignity and the efforts of the consuls to procure peace would have been futile.

In another letter (copy inclosed) he praises very highly the kindness of Passed Asst. Surg. Charles H. De Lancy, U. S. Navy, in attending the wounded.

I have, etc.,

T. C. DAWSON.

[Inclosure 1—Translation.]

The French chargé to Minister Dawson.

FRENCH LEGATION,
Santo Domingo, January 28, 1906.

MR. MINISTER: I have received from the consular agent of France at Sanchez an account of the revolutionary troubles which took place in that locality from the 5th to the 12th of January, 1906.

He tells me of the efficient aid and support which my fellow-citizens obtained from the commander of the *Eagle* and of the *Paducah*, as well as from Mr. Henry Leroux, who was in temporary charge of the consular agency of the United States.

In bringing these facts to your knowledge I would be obliged if you would transmit to the interested persons the very warm thanks of my Government, my compatriots, and myself for the good offices of which my fellow-citizens were the beneficiaries in those critical circumstances.

Please accept, etc.,

(Signed) H. FLANDRIN.

[Inclosure 2.]

Minister Dawson to the French chargé.

AMERICAN LEGATION,

Santo Domingo, January 29, 1906.

MR. CHARGÉ D'AFFAIRES: I take real pleasure in acknowledging the receipt of your polite note of yesterday, in which you so kindly refer to the aid which the commanders of the U. S. S. *Eagle* and *Paducah* and the acting American consular agent were fortunate enough to be able to give French citizens during the recent revolutionary disturbances at Sanchez.

I have sent a copy of your note to my Government in order that your thanks may be transmitted to the American commanders through the regular channels, and also sent another copy to Mr. Leroux.

I improve the opportunity to have the pleasure of offering to you, etc.,

T. C. DAWSON.

[Inclosure 3.]

Minister Dawson to Consular Agent Leroux.

AMERICAN LEGATION,

Santo Domingo, January 29, 1906.

SIR: I take pleasure in transmitting a copy of a note of thanks for your kind offices to French citizens given during the recent revolutionary disturbances at Sanchez.

The State Department will be, as I am, gratified that you were able to be of this service to our French friends, and I heartily commend your action.

Yours, respectfully,

T. C. DAWSON.

[Inclosure 4.]

Minister Dawson to Consular Agent Leroux.

AMERICAN LEGATION,

Santo Domingo, January 28, 1906.

SIR: I am in receipt of your two letters of January 26, copies of which I will send the Department of State. Your expressions of appreciation in regard to the action of the naval officers will be transmitted to them through the regular channels.

I heartily approve of what you did at Sanchez for the protection of American lives and interests, and have no doubt the department will also appreciate your work when I have the pleasure of reporting it.

Yours, respectfully,

T. C. DAWSON.

[Inclosure 5.]

Mr. Leroux to Minister Dawson.

AMERICAN CONSULAR AGENCY,

Sanchez, Dominican Republic, January 26, 1906.

SIR: I have the honor to invite your special attention and through you that of the State Department to the efficient services rendered the sick and wounded during this month both here and at the camp of the insurgent general, Joaquin Barba, at Arroyo Higuero.

These services by the consent and order of Commander A. G. Winterhalter, U. S. Navy, senior officer present in Samana Bay, and commanding the U. S. S. *Paducah*, were performed night and day with unceasing fidelity and vigilance by Passed Asst. Surg. Charles H. De Lancy, U. S. Navy. I believe I am expressing the feeling of every man, woman, and child in Sanchez in saying that his kindness and tender care of their unfortunate ones will never be forgotten, while all who are capable of judging are united in admiration of his professional skill and knowledge. If this slight tribute can be brought to the notice of the Navy Department and should result in any deserved recognition, it will be a source of fervent gratitude among the people among whom he has labored so successfully in the cause of humanity.

Very respectfully,

(Signed) J. ENRIQUE LEROUX,
Acting American Consular Agent.

Minister Dawson to the Secretary of State.

[Extracts.]

No. 211.]

AMERICAN LEGATION,
Santo Domingo, February 2, 1906.

SIR: Continuing the subject of my No. 203, of January 16, political events in this Republic, I have the honor to report that after the surrender of the *Independencia* on the 13th and 14th, General Barba refused to lay down his arms and kept up a desultory resistance until the 27th. On that day I received the following telegram from the acting consular agent at Sanchez:

SANCHEZ, *January 27, 1906.*

DAWSON, *Santo Domingo:*

Barba surrendered. Peace reestablished.

LEROUX.

I inclose herewith a copy of Mr. Leroux's very complete report to me of the events at Sanchez and copies and translations of the preliminary and final agreements made in regard to the surrender of the *Independencia*.

On receiving word through me that Catrain was authorized by the Government to receive the *Independencia* she was delivered to him, and shortly thereafter Catrain went in the *Nashville* to San Juan. The *Nashville* had brought Arias down from Monte Christi meanwhile and took him also to San Juan.

Perez, however, determined to throw his lot in again with the Horacistas and remained at Sanchez, offering his services to the Government as represented by General Cabrera. The cabinet here distrusted him and his application for a commission was refused. Thereupon he enlisted as a private and is now at La Vega practically exercising a command.

In Monte Christi Province all resistance seems to have ceased on the 15th, when Arias fled on board an American man-of-war. On the 16th Navarro and Gulito Pichardo laid down their arms and returned to their homes. About the same time Neneyp Cepin and his band at Copey accepted the Government's terms.

In the Barahona district, where news of events in the rest of the Republic is hard to get, two guerrilla bands remained under arms until lately. The Government sent the *Independencia* on the 25th to Petit Trou, a little port 30 miles south of Barahona. The insur-

reactionary band there promptly dispersed. At the same time the band which had been threatening Barahona from the northwest was attacked and defeated. The rebels surrendered on the usual guaranties of life and property on the 31st.

Early in January a few Jimenistas took up arms at Comendador and Banica, frontier towns in the very center of the island. A plot was also formed at San Juan, a large town in Azua Province some 50 miles northwest of Azua city. The governor went up there with 125 men and encountered no resistance.

About the 22d some twenty men, under the leadership of Pedro Mota and Peguero, appeared near Hato Mayor, a town in Seybo Province situated midway between Samana Bay and the south coast. Some of them, at least, had come from Monte Christi on the *Independencia* and crossed to Savana la Mar, with the idea of making a plundering expedition in virgin territory where the Government was expecting no trouble. A few local malcontents joined them, and after entering Hato Mayor they turned west, threatening Bayaguana, a town in this province 30 miles northeast of here, and then came into the sparsely settled savanas near the coast. When last reported they were about 15 or 20 miles east-northeast in a region where effective pursuit is difficult. Peguero has been wounded, and day before yesterday Mota asked for terms of surrender.

This body, so far as I know—and my means of information are good—is the only one remaining under arms in the whole Republic.

Barba's operations at Sanchez had some importance because he had at the beginning 200 men. The other bands which I have been describing were insignificant in numbers and were composed of professional guerrillas, who regarded the insurrection as a convenient pretext for robbing henroosts and cattle pastures, with the hope of worrying the Government into paying them to surrender as cheaper than chasing them.

The fact that fewer of such plundering bands were organized than during any previous insurrection is a gratifying indication that everywhere, even in the disorderly provinces on the Haitian frontier, the revolutionary classes are discouraged. The political leaders, knowing or thinking that by violence they can not get control of the Central Government, that control of provincial governments would not be decisive under the present arrangement, and that they can not get their hands on custom-houses, do not excite the local "jefes" and professional fighters to take up arms.

I have, etc., etc.,

T. C. DAWSON.

[Inclosure.]

Mr. Leroux to Minister Dawson.

AMERICAN CONSULAR AGENCY,
Sanchez, Dominican Republic, January 26, 1906.

SIR: I have the honor to report upon the recent events at this place, as far as they came under my observation from January 4 to this date.

2. The U. S. S. *Newport* was in port on January 4 and was joined by the U. S. S. *Paducah* and *Eagle* on that day.

3. Early in the forenoon of January 5 I received a telephone message from the United States consular agent at Samana stating that the gunboat *Independencia* was in the bay, and begging me to urge the senior officer present to

send one of our gunboats to Samana at once. This I did, and very soon afterwards the *Paducah* and *Newport* were steaming toward Samana. The Clyde Line steamer *Cherokee* appeared in the bay and went to Samana soon after. The *Independencia* landed near Cabeza de Toro nearly 100 men, with several generals from Puerto Plata, including Fermen Perez and Barba, the latter in chief command. The *Newport* convoyed the *Cherokee*, upon her leaving Samana, to Sanchez. On the *Cherokee* were Carlos Ginebra, minister of war, and a numerous staff. Ammunition belonging to the Government was landed from the *Cherokee* both at Samana and Sanchez. Two lighters, carrying about 30 men, which had left Sanchez during the night of January 4 to 5 to reenforce Samana, were captured by the *Independencia*, the men were made prisoners, and later taken to Monte Christi.

4. On January 6, 1.50 p. m., rapid firing began and the water front near the wharf was soon in the possession of the attacking party. It was clear at once that they had gotten all around the town and to the westward; bullets were dropping into the water across the wharf and many flying through the square on which are the United States consulate and the custom-house. These two buildings were repeatedly struck, the former mostly on the roof, the latter on its western side. A rough sketch showing the surroundings is inclosed, marked "A." At 2.05, seeing the imminent danger to which the consulate and custom-house was exposed, I hoisted the flag jack down, the signal previously agreed upon for the daytime, should I need protection for these places. The *Eagle's* landing force promptly responded, and 23 men in charge of Ensign Brooks occupied the consulate. At one time, except for the fort, the attacking party was practically in possession of the town. Later on the Government forces which were concentrated in the fort came down and drove out the attacking forces. To show how close to the consulate all this took place I may say that one of the attacking generals, Sandoval, forced his way into the consulate, but retired when he saw the *Eagle's* force in possession. No demonstration at any time on the part of this force was necessary, the moral effect of their presence being quite sufficient. I may add that at no time was any feeling shown or expressed regarding our occupation, both parties considering our claims to the consulate and custom-house quite natural and our protection to both as relieving an embarrassing situation for both of them. The good nature of both combatants can not be too highly commended. Probably the ammunition of the attacking force gave out, for the fire slackened as they withdrew about 2.40 p. m. The hospital steward of the *Eagle* came on shore and rendered valuable assistance. There were 38 wounded and 4 killed in this fight, all belonging to the town, and included among the wounded 2 women. The casualties among the attacking force could not be ascertained.

5. The *Newport* left the bay for San Pedro de Macoris early January 6. The *Paducah* remained at anchor until January 8, when she came here, and the *Eagle* went to Samana. A small force from the *Paducah* relieved the force from the *Eagle* at the consulate, but was entirely withdrawn on January 13.

6. On January 7 the *Independencia* left the bay for Monte Christi. She had not been able to procure coal, and her bunkers were nearly empty.

7. On January 9 before 8 o'clock a. m., Sanchez was again attacked from the northeast, but the defenders maintained their ground in the face of heavy firing for about a quarter of an hour. This day I paid my official visit to the U. S. S. *Paducah*, Commander A. G. Winterhalter, U. S. Navy, commanding, senior officer present in Samana Bay, was very cordially received, and on leaving saluted with 5 guns.

8. Five attacks at different times were made on Sanchez during the day of January 10, but all were successfully repulsed. In town 1 man was killed and 5 wounded during these attacks.

9. On January 12 the *Independencia* returned from Monte Christi and landed men, arms, and ammunition near Santa Capuza, where the insurgents now have their camp. The *Seminole* came in from Puerto Plata and left for San Pedro de Macoris. She landed arms and ammunition at Sanchez and Samana under the direction of Ginebra, who was returning on her to the capital. The *Independencia* had no coal, was burning logwood and lignum-vitae. At 1.28 p. m. I received from you the following telegram:

"SANTO DOMINGO, January 12, 1906,

"AMERICAN CONSUL, Sanchez:

"Morales here; has resigned; leaves country; all quiet.

"DAWSON."

10. I joined with Mr. A. M. Landias, consul for Cuba, and L. E. Boyrie, consular agent for France, in a conference on board the U. S. S. *Paducah* between Gen. Luis Maria Cabrera, in chief command of the Government troops, on the one hand, and the commander of the *Independencia*, Francisco Catrain, and Gen. Fermin Perez, on the other hand, in order to offer our good services in the interest of peace. In consideration of your telegram, and the facts that both Catrain and Perez regarded themselves not as opponents of the Government but as Moralistas, terms of surrender were soon verbally arranged, and were on the following day consummated by the formal articles, copy inclosed, marked "B."

11. In the meanwhile, and as facilitating the progress of negotiations, I had received from you the following telegram:

"SANTO DOMINGO, *January 13, 1906.*

"AMERICAN CONSUL, *Sanchez:*

"Government will agree that Catrain and Perez may remain on American war ship until they take passage *Seminole*, Turks Island or New York. Consult American captain, whose aid I would appreciate.

"DAWSON."

12. On January 15, together with the consuls mentioned in paragraph 10, I visited the camp of General Barba at Arroyo Higuero to tender our good offices, as Barba was now the only disturbing element in Samana Bay.

13. On January 16, we met Barba, with his staff, on board the *Paducah*, but could accomplish no more for the subject of peace than obtain his assurance that his operations would conform to civilized usage. He would continue fighting.

14. On January 18, the *Nashville* having come in, I went in the *Paducah's* steam launch and brought Barba and staff from camp for an interview with Commander W. I. Chambers. At the conclusion of this Barba returned on shore as unyielding as before. The same may be said of an interview on board the *Scorpion*, on January 21, between Barba and his commander, W. H. H. Southerland, senior officer present, commanding naval force in Santo Domingo waters. However, his followers were becoming discontented, several desertions had taken place, and supplies were said to be running short. A commission of two citizens of Sanchez next visited Barba on January 22 without result.

15. Several small attacks of minor importance have been made from day to day. General Cabrera has been able to resist them without trouble owing to the reinforcements he has obtained.

16. To-day negotiations with Barba through General Cabrera are looking to a peaceful issue. Barba has virtually agreed to surrender with 110 men, arms and ammunition, in consideration of being allowed to remain in the country peaceably with amnesty for all his followers. This is a most satisfactory conclusion, and there is no doubt whatever that the various conferences which have been held with him have done much to wear down his resistance. A further conference between Vasquez, Cabrera, and Barba in Santiago or Moca is to be held shortly, when terms will be definitely made. Until then there is suspension of hostilities, and from now on Samana Bay may look forward to an era of peace.

17. In concluding this account I must express to you and through you to the State Department my profound appreciation of the efficient aid rendered throughout all the trying days of this month by the vessels, crews, and officers of the United States Navy stationed here, but more especially by the senior officer present in Samana Bay and his good ship *Paducah*, without whom my effort at maintaining American dignity and the efforts of the consuls to procure peace would have been futile.

Very respectfully,

J. ENRIQUE LEROUX,
Acting American Consular Agent.

[Inclosure.—Translation.]

In the city of Sanchez, on the 13th of January, 1906, on board of the American cruiser *Paducah*, in the presence of the commander of said ship, of A. Marion Landais, Cuban consul and ad interim German consul, Luis E. de Boyrie, French consular agent, and J. Henry Leroux, in charge of the consular agency

of the United States of America, who had asked of Fermin Perez and J. Catrain—the latter being the commander of cruiser *Independencia*—an interview with the purpose of seeing what could be done in favor of the population of Sanchez, of avoiding a repetition of fighting within said town and further effusion of blood if possible.

The said Catrain and Fermin Perez have declared that they desired that the consular corps in Sanchez, through J. Henry Leroux, should telegraph Mr. Dawson, the minister of the United States to Santo Domingo, and that the commander of the American cruiser should telegraph to the American cruiser now in Puerto Plata the following: Asking in what conditions President Morales left them when he resigned his office, what those conditions were and what were the guarantees for them and the other people who accompany them; and if there were none agreed upon, what guarantees the Government of Santo Domingo is disposed to give. They desire that these guarantees should be sufficient and advantageous in order to prevent them to leave for abroad, and in case such being agreed upon they will deliver up the steamship *Independencia* with her armament and crew, seeing that President Morales, whose employees they had been, had resigned, and they did not wish to appear as revolutionists. If the conditions which the Government can make are acceptable to them, they will, on giving up the ship to the Dominican authorities, embark on an American ship of war, if the commander will permit them, in order to go out of the country on the first opportunity.

The further conditions in reference to the arrangement will be stipulated in our presence between Generals Catrain and Perez and a representative of the Government duly authorized.

In order to be able to reach an agreement with the Dominican authorities on board the American ship *Paducah*, we will try to obtain an armistice between the combatants until 6 o'clock in the afternoon, and afterwards we will see if it is possible to prolong it until receiving an answer to the telegram to Minister Dawson, stipulating the conditions of an agreement.

In faith whereof we have given this certificate, which we sign in six copies for a single effect, the parties agreeing to fulfill it.

(Signed)	FRANCISCO CATRAIN.
(Signed)	JOSE FERMIN PEREZ.
(Signed)	AR. MARION LANDAIS.
(Signed)	A. G. WINTERHALTER.
(Signed)	J. ENRIQUE LEROUX.
(Signed)	L. E. DE BOYRIE.

[Inclosure.—Translation.]

In the city of Sanchez, on the 13th of January, 1906, on board the American cruiser *Paducah*, met the commander of said ship, A. Marion Landais, Cuban consul and ad interim German consul, Luis E. de Boyrie, French consular agent, J. Henry Leroux, in charge of the American consular agency, in this port, in whose presence there have agreed:

J. Fermin Perez and J. Catrain, of the one part, and on the other Luis Maria Cabrera, chief of the operations of the government forces and delegate of the same in the port of Sanchez, as follows:

1. Catrain and J. Fermin Perez, who are now on board the cruiser *Independencia*, declared that because Carlos P. Morales, whose employees they were, has resigned the office of President of the Republic, they did not wish to continue the movement they had begun, and do not desire to be considered as revolutionists, nor in fact to be revolutionists, and having few resources for being able to leave the country, agree to deliver up the cruiser *Independencia*, now anchored in this port, with all her accessories, armament, etc., and crew to Gen. Luis Maria Cabrera, and to leave the country by the first steamer which shall pass on her way abroad.

2. General Perez on his part agrees that at the same time as himself he will procure the surrender of all the officers and soldiers who are under his orders, and most of whom come from Puerto Plata, Monte Christi, and Seybo, providing that they be on board when the ship is delivered or that he can give them notice to effect their surrender within twenty-four hours after the delivery of the ship.

Gen. Luis Maria Cabrera, on behalf of the Government and its representatives, agrees to deliver to the said Fermin Perez and Catrain the sum of \$1,000 gold—that is, \$500 gold to each of them—in order that they can take passage at the first opportunity.

This money will be deposited in the hands of the commander of the American war ship *Paducah*, or in those of the ship that may be in port, if he does not object to being the depository. In case he does not accept the deposit, it shall be placed in the hands of the persons whom the parties select, and shall be delivered to Perez and Catrain at the time of their embarking.

3. Likewise Gen. Luis Maria Cabrera, in his name and that of the Government, gives guarantees of life and liberty to Catrain, as well as to all the crew and employees of the ship *Independencia*, and the officers and soldiers who shall surrender with their arms within the time, and that they shall suffer no penalties for causes other than those treated of herein.

Gen. Luis Maria Cabrera agrees to put at liberty Juan Perez, who is now prisoner at Samana for political reasons, in order that he may leave the country with his brother Fermin.

Done in good faith and signed by the contracting parties, in six copies for a single effect, in our presence, and we sign as witnesses in the city and on the date as above.

(Signed)	LUIS MARIA CABRERA.
(Signed)	JOSE FERMIN PEREZ.
(Signed)	FRANCISCO CATRAIN.
(Signed)	A. G. WINTERHALTER.
(Signed)	AR. MARION LANDAIS.
(Signed)	LUIS E. DE BOYRIE.
(Signed)	J. ENRIQUE LEROUX.

Minister Dawson to the Secretary of State.

No. 219.]

AMERICAN LEGATION,
Santo Domingo, February 21, 1906.

SIR: I have the honor to transmit you herewith a copy and translation of a letter from the government physician in charge of the Red Cross at Sanchez, in which he expresses his gratitude for the assistance given him by United States naval officers in attending the Dominican wounded in the recent civil disorders.

I also inclose copy of my reply to him.

I have, etc.,

T. C. DAWSON.

[Inclosure 1.—Translation.]

Dr. Alberto Gautreau to Minister Dawson.

SANCHEZ, February 15, 1906.

MR. MINISTER: After the sad events which occurred in this locality I believe it is my duty to manifest to the American Government, through you, my gratitude for the effective and humanitarian assistance rendered so efficiently by those of your compatriots who were in the port of Sanchez during the revolution that began on January 5.

Having been authorized by my Government to install a Red Cross hospital in this city for the purpose of being able to give proper care to the unfortunate victims of the war, I received since the first fights from the commander of the U. S. S. *Dubuque* an offer of all medicines which might be lacking as well as of all kinds of help which might be necessary. Dr. Charles H. DeLancy, passed assistant surgeon, accompanied by Hospital Steward D. M. Hervey and Doctor Perrot of this city, attended to all cases that occurred in the disasters of the war, making a series of surgical operations with untiring perseverance and an ability truly notable.

For this, in the name of the Dominican people and especially in my own, I give the most expressive thanks to these gentlemen, but desiring to convey to them an official testimonial of my gratitude I have thought that its value would be doubly significant if made to the Government of which you are a worthy member.

I ask you, Mr. Minister, to accept the demonstration of my respect and high regard.

DR. ALBERTO GAUTREAU,
Physician of the "Red Cross."

[Inclosure 2.]

Minister Dawson to Doctor Gautreau.

FEBRUARY 21, 1906.

SIR: I am in receipt of your polite communication of the 15th instant, conveying your thanks for the assistance given you in your noble humanitarian efforts by Commander Winterhalter and Doctor De Lancy of the U. S. S. *Pauducah*.

I am sending your letter to my Government so that it may be transmitted through the proper official channels to the Navy Department and the officers mentioned.

I am deeply gratified that our officials were of service to you and to those Dominicans who were in need of succor, and am sure that this gratification will be shared by the Government.

I also congratulate you on your success in relieving the wounded sufferers at Sanchez, of which I have heard through the American consular agency at that place.

Please accept, etc.,

(Signed) T. C. DAWSON.

AMERICAN CONCESSIONS IN THE DOMINICAN REPUBLIC.

The Acting Secretary of State to Minister Dawson.

No. 105.]

DEPARTMENT OF STATE,
Washington, March 31, 1906.

SIR: I have to acknowledge the receipt of your No. 222,^a of the 24th ultimo, inclosing copies of three protests made before you as consul-general by the Clyde Steamship Line protesting (1) against the permission granted by the Dominican Government to the Norwegian steamer *Flora* to engage in coastwise passenger traffic; (2) against the action of that Government in exempting the Danish steamer *Christianstedt* from port charges because she is chartered by the Hamburg-American line; (3) against the permission granted the German steamer *Präsident* to engage in the coasting trade without paying the regular port charges.

The department approves your course in filing the protests with the Dominican Government, and then awaiting instructions from this department before taking any further action.

I am, etc.,

ROBERT BACON,
Acting Secretary.

^a Not printed.

Minister Dawson to the Secretary of State.

[Extracts.]

No. 248.]

AMERICAN LEGATION,
Santo Domingo, May 10, 1906.

SIR: Referring to the same general subject as that of your No. 105, of March 31, action of the Dominican Government represented to be in contravention of the rights acquired under the Clyde Steamship Company concession, I have the honor to report that early in March the local Clyde agents called my attention to a recommendation made by the minister of finance in his recent report to Congress. In substance he recommended that a law be passed reducing port charges by one-half, which action the minister contended would not be violative of the Clyde concession since the charges were originally paid in Mexican currency and are now payable in gold. Therefore to make them \$1 per ton and gold would be virtually the same as \$2 in Mexican, and would not reduce the differential agreed upon in favor of the Clyde Company.

The agents represented to me that the minister's reasoning was erroneous, and based upon an ignorance of the real facts, which were that the gold standard was adopted before the amended concession was granted and that the consideration for the abandonment by Clyde of his former right to receive 3½ per cent was the doubling of the differential in his favor. The Clyde agents also represented to me that action in conformity with the minister's recommendation would be a violation of the agreement entered into between the Dominican minister of foreign affairs and the American chargé d'affaires on March 6, 1903. A copy of said agreement will be found as an inclosure with Mr. Powell's No. 510, Dominican series, of March 6, 1903.

I replied to the Clyde agents that for the present, at least, I could address no communication to this Government on the subject; that what the minister had done was merely to make a recommendation to Congress; that it seemed to me improbable that Congress would act; and that in any event the recommendation in itself did not constitute a breach of the Sanchez-Powell agreement, nor did I consider that there existed such an imminent danger thereof as would justify me in addressing a note to the Government, even if the peculiar circumstances now existing did not render it unadvisable.

I advised the agents themselves to call the attention of the minister to the misapprehensions they believed he had fallen into, and to see if by direct efforts with this Government they could not prevent the action they feared.

Shortly subsequently I examined the correspondence of Mr. Powell and came to the conclusion that the proposal of the minister would, if carried into effect, violate the agreement of March 6, 1903. About the same time I received word that a suit had been brought against the American company engaged in the petroleum business at Azua; the suit against the Ros company still menaced that enterprise, and the operations of the hemp company near Barahona were by its managers believed to be in danger of interference from the judicial and administrative authorities. I therefore took occasion the next time I saw President Caceres to suggest to him the unadvisability of letting the impression become general that his Government was

adverse to all American enterprises, and of letting action be pushed to a point where official correspondence might be necessary.

In the meantime Captain Reed, the general agent of the Clyde Company, had made his argument before the minister of finance and a few days subsequently told me that he had been attentively heard and that he was now confident that the matter would not be pushed in Congress.

I have, etc.,

T. C. DAWSON.

The Secretary of State to Minister Dawson.

[Extract.]

No. 112.]

DEPARTMENT OF STATE,
Washington, May 31, 1906.

SIR: I have to acknowledge the receipt of your No. 248, of the 10th instant, reporting your interview with the agent of the Clyde Steamship Company, in which he raised objections to the reduction of the port dues as proposed to the Dominican Congress by the minister of foreign relations, and alleged that it was in violation of the Sanchez-Powell agreement of March 6, 1903.

You add that on examining the matter you concluded that the agent's view was correct, and that you intimated to the President that it was not advisable to take aggressively adverse action against established American enterprises, as seems to have been the case in several recent instances.

The department would be glad to see, as a part of the readjustment of Dominican obligations, a comprehensive treatment of the various concessions that have been granted, including the agreements relating to port dues. It is probable that in some directions compensation will be required to the persons injured by relieving commerce from the vexatious restrictions and burdens which now seem to exist. Pending such adjustment, however, and until the whole subject can be dealt with justly the department would regret very much to see arbitrary violations of the agreements made with American enterprises.

The department concurs in your hope for a more friendly attitude of the Dominican authorities in future and approves your course.

I am, etc.,

ELIHU ROOT.

CONTROL OF DOMINICAN CUSTOMS.

[Continued from Foreign Relations, 1905.]

Minister Dawson to the Secretary of State.

[Extracts.]

No. 247.]

AMERICAN LEGATION,
Santo Domingo, May 10, 1906.

SIR: I have the honor to report that eleven months ago, during my absence on leave, the Dominican Congress passed a law appropriating 30 per cent of all export duties to a fund intended to be devoted to

the construction of railways. Mr. Langhorne, who was in charge of this legation during my absence, did not, so far as the records show, send on a copy and translation of this law. It will be found inclosed herewith.

On its face this law appears to be in conflict with the decree of March 31, 1905, usually referred to as the "modus vivendi," since the latter provides that all the revenues collected through the customs-houses, including export as well as import duties, shall be divided into two portions, the larger of which is to be remitted to New York. This has been done by Colonel Colton, and the fund now in the National City Bank includes substantially 50 per cent of all the export duties collected since April 1, 1905.

The Dominican Government regards it as a part of its moral obligations to the creditors and as good policy not to change the revenue laws during the pendency of the convention of February 7, 1905, except as contemplated by that instrument. The department will remember that the convention provides in general that import duties may not be decreased, but that export duties may be reduced or abolished. The theory under which this Congress proceeded in adopting the inclosed law seems to have been that the right to abolish the export duties includes the right to divert them to the building of railroads. The privilege of abolishing export duties was retained in the convention because it was thought that such an abolition would not only benefit producers, but would also ultimately benefit creditors by stimulating productive industry. It is believed that the building of railroads would tend to achieve the same object.

For a long time after the passage of the law in question nothing was done looking to an enforcement of its provisions. About March 1 the Government made a contract with ex-President Horacio Vasquez in accordance with this law for the construction of a railroad from Santiago to Moca. Such a road would supply an outlet to the largest interior town which remains without railway facilities, and cheapen the transportation to the seaboard of the principal cacao region of the Republic. Further, ex-President Vasquez is a man of integrity, and his purpose in accepting the responsibility for the work was to furnish a guaranty that the money would not be squandered, as well as to use his wide personal acquaintance in selecting the laborers among the class whose lack of employment constitutes a continual menace to internal tranquillity.

About the time this contract was made the minister of finance directed a communication to Colonel Colton asking that one-half—the proportion assigned to Señor Vasquez by his contract—of 30 per cent of the already collected export duties now on deposit in New York be turned over. Thereupon Colonel Colton asked me for my unofficial opinion as to the legality and propriety of his complying. Previously I had declined to discuss the law with anyone, although watching the matter carefully.

Colonel Colton has as yet taken no definite action. He believes, as I do, that the intelligent and honest expenditure of the small amount involved would have a most happy effect on the political and industrial situation in the Cibao. Nor can we see that the substantial interests of the creditors would be harmed. On the contrary, it would probably be a step in the direction of increased revenue, and therefore a greater guaranty.

On the legal and semilegal questions involved I have said that it seemed to me—

1. That this Government can on its motion and when it likes to suspend entirely or modify as it pleases the decree of March 31, 1905. That Valesquez, Tejera, and Caceres think, however, that a suspension would bring about the overthrow of their Government, and further see the advisability of not opening up the question of a formal modification of the "modus vivendi." On the other hand, if they do not find some way to carry out the railroad law the opponents of the convention will receive an immense increase of strength, especially in Congress itself.

2. That the view taken by this Government that it is under obligations to act as if the provisions of the convention in effect are applicable to the "modus vivendi," is taken voluntarily by it, and that the American Government can not sustain such a proposition, or protest against its violation. However, the position of the Dominican Government on this point shows good faith toward the creditors, is good policy, and altogether beneficial and commendable.

3. In case of a modification of the "modus vivendi" in a form injurious to the creditors their Governments, including the American, would of course be free to take such action as might appear wise to secure the payment of those debts.

4. That personally I did not think my own Government would consider an abolition of export duties a modification injurious to creditors, since in making the convention of February 1, 1905, it had consented that this might be done whenever the Dominican Government deemed advisable.

5. That personally I could see no reason why the expenditure of export duties for an object directly tending to favor internal production should be considered more injurious to the creditors than the total abolition of such duties. On this point, however, I had not consulted the Department of State and must not be understood as committing it to my opinion.

6. That if it was decided to pay out this money no formal modification of the decree of March 31, 1905, would be necessary, since the law of June 27, 1905, in effect constituted the modification desired.

The three cardinal objects of this Government are the maintenance of peace, economical and honest administration, and the setting aside for the creditors an amount satisfactory to them. This railroad project will directly tend to favor the first, will not affect the last, and with proper precautions and supervision on the part of Colonel Colton will not endanger the second.

I have reason to believe that Colonel Colton has or is about to make a full report on the subject to the Secretary of War. Doubtless you will find in that report a fuller and better discussion of the practical aspects of the question, especially as to the monetary stringency that is feared on account of the large remittances to New York. This is an aspect of the matter which should not be lost sight of. While production is steadily increasing with the continuance of peace, commercial operations are beginning to be hampered by the export of currency. The prices of Dominican products in foreign markets are already low and it would be regrettable if they should still further be reduced to the small cacao and tobacco grower by a scarcity of

currency. Probably the wholesale exporter with credit abroad would receive an ultimate benefit from such a state of affairs, but this would not compensate for the suffering and discontent of the small farmers, upon whose prosperity and multiplication depends the hope of a permanently peaceful future.

The longer I live in this country the more confident I am that the danger from the professional revolutionary class can be temporarily eliminated by keeping the custom-houses out of their reach. But back of the danger from this class is the possibility of a revolution caused by sheer poverty. That is the real reason Monte Christi is such a dangerous Province, and the fall of Heureaux was due to his extravagance, which led to his interfering with the currency and the consequent ruin of the small producer and laborer.

I shall be glad to know if the department approves of the views I tentatively expressed in my conversation with Colonel Colton, and if it is desired that I continue to maintain the same attitude of reserve with this Government in regard to the railroad matter.

I have, etc.,

T. C. DAWSON.

[Translation from the Official Gazette of July 1, 1905.]

The National Congress in name of the Republic.

Considering that transportation facilities are the best means to promote agricultural prosperity;

Considering that it is the duty of the state to promote by all means within its power the increase of roads of communication and transport,

DECREES.

ARTICLE 1. From and after the 1st of January, 1906, 30 per cent of the present export duties shall be known as the "Internal fund," and shall be destined to the construction of railroads on account of the State in conformity with the contracts that the executive may make and Congress approve.

The executive is authorized to use a part of this revenue for the payment of premiums or guaranteeing an interest on the capital employed in the construction of private railroads built under duly issued concessions.

The interest may reach, according as may be determined, as much as 6 per cent per annum, and the premiums as much as \$2,000 for each kilometer constructed.

ART. 2. The product of this revenue may not be dedicated under any pretext to another purpose than that stipulated in this decree.

Every contract or obligation contracted on the basis of this revenue shall be ipso facto null, whenever it may not be for the purpose stipulated in the foregoing article.

ART. 3. The executive in celebrating contracts or granting concessions for the construction of railroads shall try, conditions being equal, to give preference to the railroads from Moca to Monte Christi, which may connect with the Dominican Central Railroad (which now runs from Santiago to Puerto Plata); that from Barahona to Laguna del Fondo; that from Romana or Macoris in the east of Seybo; and that from Azua fo Banica.

ART. 4. Let this be sent to the executive for constitutional purposes.

Given in the palace of Congress June 22, 1905, sixty-second year of independence and forty-second of the restoration.

RAMON LOVATON,
Vice-President, Acting.

J. D. ALFONSECA,

A. ACEVEDO,

Secretaries.

Let it be executed and communicated by the corresponding departments, being published in the whole territory of the Republic for its fulfillment.

Given in the national palace of Santo Domingo, capital of the Republic, June 27, 1905, sixty-second year of independence and forty-second of the restoration.

MORALES L.

Countersigned :

FEDERICO VALESQUEZ,
Minister of Finance and Commerce.

F. L. VASQUEZ,
Minister of Fomento and Public Works.

The Secretary of State to Minister Dawson.

No. 111.]

DEPARTMENT OF STATE,
Washington, May 24, 1906.

SIR: The department thinks that if the Government of Santo Domingo wishes now to put in force the act of the Dominican Congress of June 27, 1905, by applying 30 per cent of the export duties received hereafter to the construction of railroads on account of the state, the Government of the United States should not regard such action as a violation of the true intent of the *modus vivendi*. In that case it would not be necessary to make any agreement or take any action. Colonel Colton, receiver of customs, would simply begin from the 1st of June to pay the amount of 30 per cent export duties over to the railroad fund, instead of sending it to the bank in New York.

I do not, however, think that any attempt should be made to withdraw any money which has already been remitted to the City Bank in New York; that money has been lawfully paid to the bank under the authority of the Dominican Government. It has been specifically devoted to the creditors of Santo Domingo, and no part of it could be withdrawn without creating serious disturbance and distrust, the consequences of which might be most unfortunate.

I am, sir,

ELIHU ROOT.

Minister Dawson to the Secretary of State.

[Extracts.]

No. 256.]

AMERICAN LEGATION,
Santo Domingo, June 9, 1906.

SIR: Referring to the subject of my No. 240 of April 18, 1906,^a the desire of the foreign creditors for a distribution of the fund accumulated in New York, I have the honor to report that ever since the members of this Government, especially the minister of foreign affairs and the minister of finance, have shown a constantly increasing anxiety to try to reach a voluntary agreement with the creditors as to the proportions in which the trust fund should be divided among them, and even to attempt to make an arrangement fixing the capital amounts within the more important—or what would amount to the same thing—the amounts to be paid annually for interest and amortization.

^a Not printed.

Letters recently received from the Dominican minister resident at Washington have led them to believe that the present is peculiarly an opportune time to attempt such an arrangement, and that it ought to be made at Washington with the advantage of your advice and that of Doctor Hollander.

About ten days ago it was practically determined that the minister of finance should be sent to Washington on this mission, providing President Caceres upon his return should approve, and provided Señor Velasquez could get away in time to see you before your departure. He was also anxious to have the advice and friendly assistance of Doctor Hollander, whose abilities and extensive knowledge of the details of the numerous debts he greatly respects. He knew that you intended to leave for Brazil about July 1, and Doctor Hollander for Europe on the 14th instant.

President Caceres returned from the Cibao yesterday afternoon, and this morning the ministers for foreign affairs and finance told me that the latter would depart on his mission to-night, taking the Dominican gunboat *Independencia* for Puerto Plata, where he will catch the American mail steamer.

At their request I sent you the following telegram :

SANTO DOMINGO, June 9, 1906.

SECRETARY OF STATE, *Washington*:

* * * Minister of finance leaving for Washington, D. C., to-night to consult you and Hollander about an arrangement with creditors. It is very important that Hollander remain and assist.

DAWSON.

I have, etc.,

T. C. DAWSON.

LABORS OF THE DOMINICAN CONGRESS DURING THE SESSION OF 1906.

Minister Dawson to the Secretary of State.

[Extracts.]

No. 298.]

AMERICAN LEGATION,
Santo Domingo, September 10, 1906.

SIR: In transmitting to you the usual review of Dominican legislation I have the honor to report that the 1906 Congress enacted few measures of importance besides the regular budget or appropriation law.

The budget estimates of revenue for 1906-7, being based on the favorable results of the preceding year, show large increases. Classifying the different sources of revenue the comparative estimates of the current and past year were as follows:

	1905-6.	1906-7.
Import duties	\$1, 700, 000	\$2, 100, 000
Export duties	262, 500	370, 000
Port dues	40, 000	110, 000
Alcohol tax	200, 000	200, 000
Consumption taxes	50, 000	75, 000
Post-office receipts	12, 000	15, 000
Revenue from government telegraphs	10, 000	10, 000
Consular fees	13, 300	16, 000
Stamp duties	20, 000	50, 000
Port-lighting dues	1, 000	1, 400
Public sales	1, 000	600
Register fees	1, 200	2, 000

A new source of revenue for the National Government was added in the form of a 10 per cent tax on foreign lottery tickets sold in the Republic. It is estimated to produce \$4,000. An additional income will be derived from the installments which are to be paid on the back sugar tax of the last two seasons. Between \$30,000 and \$40,000 annually is expected from this source, but these installments have already been hypothecated to S. Michelena for advances made to meet the extraordinary military expenses incurred during last winter's revolutionary troubles. This matter of the back sugar tax and the loan do not figure in the budget law nor in the proceedings of Congress.

The 5 per cent tax on home lotteries, included last year in the national revenue, this year goes to the municipalities. Thirty per cent of the export duties, counting from May 1, 1906, are to go to companies or individuals who are under contract to build certain railroads on Government account. Thirty per cent of the alcohol tax goes to the municipalities in aid of local schools. The sugar production tax has been abolished, but the municipalities where the sugar is raised are to receive one-half a cent on each hundred pounds. The total derived from this source by all the municipalities will not exceed \$6,000.

Leaving out the sums specifically devoted to railroads, schools, etc., the net revenue of the National Government is estimated at \$2,823,000, of which \$1,357,950 will go to the creditors and for expenses of collection. This leaves \$1,465,050 for the ordinary running expenses of the Central Government. Judging by the receipts of last year it seems likely that these estimates of receipts are justified, or nearly so. There is hardly any doubt that the custom-house revenues—viz, import, export, and port duties collected by the general receiver—will come to the estimates if peace continues and the receivership is backed up in its efforts to stop contraband over the Haitian frontier. Under Dominican collection and accounting the internal revenues will hardly come up to the estimates, but I believe that if the same system should be applied to it as to the customs revenues the above congressional estimates would be exceeded.

Note should be taken of the fact that in addition to the \$1,465,050 which the Government will receive for its ordinary expenses, \$111,000 goes to railways out of the export duties and \$60,000 to the municipalities for local schools out of the alcohol tax. Each municipality also exercises its right to impose a tax on imported goods consumed within its territory and to receive \$6,000 sugar tax, as well as the licenses, market taxes, and other customary municipal revenues.

That appropriation part of the budget law provides as follows:

Rural guard, police, army, navy, and extraordinary.....	\$600, 000. 00
Deficit and unforeseen expenses of interior and war.....	94, 316. 50
Public buildings, etc.....	20, 750. 00
Extension and repairs telegraph lines.....	20, 000. 00
Salaries and all other civil expenses, including \$30,000 for railroads and wagon roads, in addition to the \$111,000 above referred to...	690, 051. 00

Congress ratified the contract made with ex-President Vasquez by which the latter agrees to take charge of the construction of a railroad from Moca to Monte Christi and spend that portion of the export duties devoted thereto. A similar contract was entered into with Pedro Marin, a wealthy citizen of this town, for a railroad

from Romana to Seybo. Provision was likewise made for railroads from Barahona to the interior and from this city to San Cristobal, the latter by a concession granted E. A. Blanton, an American citizen, under which he is to receive \$600 annually for each kilometer constructed. I doubt whether any practical good will result from these projects, with the possible exception that a real start may be made toward the construction of a line from Moca to Santiago, being the first section of the through line projected to Monte Christi. This line is only 18 miles long; the route offers no special engineering difficulties; the territory is already densely populated and highly productive, and the contractor expects to have at his disposal about \$5,000 of government funds each month. Under these favorable circumstances it would seem probable that he will make a start at once and will soon be in a position to induce capitalists to make the advances necessary promptly to complete the line to a connection with the Puerto Plata road at Santiago.

Congress passed a law opening Romana as a port of entry from and after January 1, 1907. Romana is 70 miles east of this city and is a convenient port for the most easterly province of the Republic, that of Seybo. There are rich sugar lands and pasturage in its immediate vicinity and a few miles back from the coast are excellent cacao lands where planting and production has reached respectable proportions in the last few years. The railroad which the Government proposes to build under the contract with Pedro Marin is intended to reach this region and Romana will be its sea terminus. Several years ago a concession was granted to a Norwegian gentleman under which Romana was to be made a port of entry and he was to make improvements on the water front and build a railroad. To remunerate him he was to be allowed to collect a percentage—I think 30 per cent—of the customs duties at the new port, and other sums from sources I am not able to specify, not having seen a copy of the concession. The Norwegian gentleman afterwards sold to or associated himself with certain American citizens—among them a Mr. Baum, a well-known merchant of Omaha, Nebr. Some tens of thousands of dollars were spent on the project, but for the last several years nothing has been done. A little more than a year ago I was informed by Mr. Baum and his American associates that they were ready to go on with the project as soon as financial and political conditions seemed to justify it. But since that part of the concession which refers to a payment of customs duties directly to a concessionaire could hardly be made effective while the *modus vivendi* was in force, they rightly came to the conclusion that beyond taking care that their concession was not allowed legally to lapse no immediate action was wise.

Congress revised the laws relating to medical practice, consumption taxes, municipal licenses, and wagon roads; abolished the 10-cent tax on sugar; places vaccine, water-closets, and burners for alcohol lamps on the free list, and made some minor changes in the criminal statutes. However, nothing practical was done in regard to the most important of the subjects upon which it is universally recognized that Dominican legislation is in need of reform.

A draft on an amended constitution was formally submitted and discussed. The present one makes no provision for the selection of a Vice-President in case of a vacancy in that office either by death or

resignation or by promotion of the incumbent to Presidency, and according to the letter of the constitution the President is a mere figure-head, all executive power belonging to the council of ministers. The proposed constitution provides for the succession to Presidency, and gives the President substantially the same authority as is possessed by the President of the United States. But after a little half-hearted discussion it was laid aside and the country continues without any legal provision for electing a successor to President Caceres. If he should die, the cabinet council would doubtless legally continue to conduct the Government, and would probably summon Congress, and probably the electoral college, for the purpose of selecting a President. But the constitutional right of either body to do so is not clear and grave consequences might ensue. Other important projects of reform submitted but not acted upon were those for a patent law, for the reorganization of the postal service, for a game law, and for a revised customs tariff. Of the latter there is urgent need, the present tariff schedules and system being antiquated. They have come down from the early days of the Republic without substantial changes except repeated horizontal increases in duties. As a whole the rates are so high as to limit consumption and even to reduce the revenue in the case of many articles. Since most duties are based upon valuations fixed by the schedules themselves, the great changes in prices since the schedules were enacted have brought about the most astonishing inequalities. The proposed new tariff offered informally by the minister of finance for the consideration of Congress is framed upon that now in force in Venezuela. It does not meet the approval of the general receiver, whose wide experience in customs matters was not utilized by the minister of finance and the informal commission of merchants who assisted him in framing it.

Congress seems to have given no attention whatever to the matters of providing for the organization of the army, the introduction of a scientific system of accounting for expenditures and collections of internal revenue, the appointing of a commission to prepare the way for a modern system of taxation, or the protection of small farmers against the depredations of live stock running at large.

The expenses incurred in the raising and paying of troops to meet the attacks made by Demetrio Rodriguez and his fellow-revolutionists on Puerto Plata, Santiago, and Sanchez in December last were the subject of acrimonious discussion. The minister of finance and the cabinet council had taken it upon themselves to authorize and pay these accounts, submitting a detailed statement thereof to Congress immediately on its assembling. The debate ended with a vote of ratification, the members dividing on party lines.

On May 29 Congress ratified the extradition treaty with Cuba. I suppose that the department has already received a copy and translation from the legation at Habana. The text of the treaty has not yet been published here. If the department desires, I shall be glad to send a copy and translation when it appears in the official organ. Congress also ratified the convention about patents, signed ad referendum in Mexico on January 27, 1902, by the representatives of Chile, Bolivia, Argentina, Colombia, Costa Rica, Ecuador, Guatemala, Haiti, Salvador, Honduras, Mexico, Nicaragua, Paraguay, Peru, and Uruguay. Its text has not yet appeared in the official organ. The sanitary convention of October 14, 1905, and various other

treaties, among them the Dominican-American convention of February 7, 1905, are still pending for ratification. On two important subjects Congress expressed an opinion in the form of a resolution, but took no definite action. It urged the Executive to settle the boundary difficulty with Haiti, and protested against any action tending to enforce the improvement award of July 14, 1904, unless such action had been previously authorized by Congress.

I have, sir, etc.,

T. C. DAWSON.

MESSAGE OF PRESIDENT CACERES.

Minister Dawson to the Secretary of State.

[Extract.]

No. 231.]

AMERICAN LEGATION,
Santo Domingo, March 7, 1906.

SIR: I have the honor to report that on the 27th ultimo, being the anniversary of Dominican independence, the usual official exercises were held, and Congress assembled and listened to the reading of his annual message by the President.

President Cáceres's message is a shorter and more businesslike document than most messages of Dominican Presidents. Still, it contains much rhetoric, and most of the suggestions are rather vague and generalized.

The more important points touched upon are: Insurrectionary movements, whose prevalence hitherto he attributes to atavism, the selfishness, ignorance of administration and lack of patriotism of the ruling class, and to the neglect of agriculture. He announces the existence of complete peace in the Republic except at Dajabon, and promises that the bandits under arms there will soon be compelled to surrender. This promise has since been fulfilled.

He recommends the amendment of the constitution without specifying the particular defects he has in mind. I understand that the providing of a mode of selecting a Vice-President in a situation like the present one is considered urgent, and that many advocate extending the President's prerogatives. Under the actual constitution his sole legal prerogative is to select or dismiss the cabinet which exercises all executive functions.

He also recommends a general revision of the laws relating to government administration and of the school laws, giving especial attention to practical subjects.

He refers in general terms to the advisability of encouraging immigration and of guarding against the danger of the national type being overwhelmed. He thinks the two objects can best be reconciled by a system of colonies. He urges the immediate necessity of organizing the rural guard and artillery corps, the police, and the navy.

Speaking of foreign relations, he says:

The relations of the Republic with foreign nations are those of the sincerest cordiality. Paying its debts, respecting foreign rights, defending our own rights with firmness and discretion, the Republic will live in peace with all nations. To attain the maximum of economic power is the ambition of all

great peoples. The conquest of world markets is the fight in which the productive races are expending their energies. The Republic ought to take advantage of this conflict of interests to make treaties which will enable us to dispose of our products with positive advantages.

The convention signed February 7, 1905, is now submitted to the vote of this house and of the Senate of the United States. You know its antecedents; you can intelligently consider its consequences; and, following the dictates of your patriotism, determine upon its ratification or rejection. It has not been the will of the Executive that has brought us to the grief of making this agreement, but an accumulation of circumstances that have arisen from the errors of all. As to this matter being exhausted by necessity we are in the position of needing to make sacrifices for the payment of our debts and the preservation of our independence.

Speaking of the financial situation and the *modus vivendi* he says:

Peculation and extraordinary military expenditures have been the bottomless pits in which the nation's wealth has disappeared. To chaos has now succeeded regularity. During the last year our receipts have covered the appropriations made by the law of public expenditures, and on December 31, 1905, the deposit in the National Bank of New York amounted to \$815,027.13 gold—a sum destined to the payment of the interest and amortization of our debts.

The department will not fail to note this statement which shows that for the first time in its history the Dominican Government has been running without a deficit, and this in spite of the setting aside of more than half its revenues for debts, and the breaking out of a formidable though short lived insurrection on the occasion of Morales's abandoning the Presidency. Many of the officers and perhaps some of the troops which took part in suppressing this insurrection have, however, not yet received the pay and rewards to which they think they are entitled.

The President closed his message expressing the hope that public opinion, seeing the folly of such fractricidal strife, would prevent new disorder breaking out; and the promise that during his term the victorious party would not engage in punishing the vanquished, but would devote itself to the consolidation of peace and prosperity.

After the formal opening of Congress and the reading of the President's message the President, cabinet, Congress, and the diplomatic and consular corps assisted at a *te deum* in the cathedral. Returning to the government palace the President drank the usual toast to foreign nations and the other branches of the Government. Monsieur Louis Borno, minister plenipotentiary of Haiti, as dean of the diplomatic corps, responded on its behalf. He expressed very gracefully the customary compliments, adding his opinion that it was useless for weak nations to expend their resources in the maintenance of armies and fleets with the purpose of defending themselves against foreign aggression.

I regret that I have not had time to make a translation of all the message for the department's use, but believe I have given above the important points. A copy is inclosed, and the translation I will try to prepare and forward by the next mail.

I have, etc.,

T. C. DAWSON.

WITHDRAWAL OF PORTUGUESE CONSUL'S EXEQUATUR.

Minister Dawson to the Secretary of State.

[Extract.]

No. 271.]

AMERICAN LEGATION,
Santo Domingo, August 1, 1906.

SIR: I have the honor to report that shortly after the armed attack on the government buildings in San Pedro de Macoris, which occurred on May 19, the minister of foreign affairs told me in the course of a personal conversation that he had reluctantly come to the conclusion that Señor Marchena, a Dominican citizen and ad honorem consul of Portugal to this Republic, had really been implicated. Proofs of his complicity as well as of his enmity to the governmental authorities had been presented and he had taken a defiant attitude, publicly proclaiming that the Government would not dare to interfere with him because of his consular character. The local authorities had begun preliminary proceedings against him, and he had called upon the consular body at Macoris to intervene. The cabinet, earnestly desirous of avoiding giving any cause for offense to a friendly government and of even seeming to interfere with the very wide interpretation given by custom in this country to consular immunities, had ordered the proceedings stopped. His Government, however, proposed to withdraw Señor Marchena's exequatur, directing a note to that effect to the Portuguese minister of foreign affairs because Portugal is not diplomatically represented in the Republic.

Accordingly on June 16 Señor Marchena was notified to this effect and about the same time the note referred to was sent to Lisbon. On the 18th Señor Marchena sent a note to the Dominican minister of foreign affairs vigorously protesting against the withdrawal of his exequatur, denying that he had been engaged in the conspiracy to shoot up the town, denouncing the local government authorities of Macoris as employers of spies, and announcing his intention of appealing to the Government of Portugal. On the same day he addressed a note to the dean of the consular corps at this capital in which he asked its intervention. Mr. Borno, Haitian minister plenipotentiary and ex-officio dean of the diplomatic and consular corps, being temporarily absent the note was delivered to me as next in rank.

I thereupon called upon the minister of foreign affairs and unofficially asked him about the matter. He at once showed me the communication he had written to the Portuguese foreign office, by which it appeared that a participation by Señor Marchena in a conspiracy which had resulted in an attack on the legal authorities of Macoris and the death of unarmed Dominican citizens, was frankly and explicitly alleged as the reason why the Dominican Government had deemed it necessary to withdraw his exequatur immediately. The note further expressed the warmest friendship for the Government of Portugal and the earnest desire of the Dominican Government that the former should name another consul.

The matter being in this status, it seemed to me that I had no right nor would it have been prudent to take any action, except to turn over the correspondence to the dean of the corps when he should

return. This accordingly I have done. A copy and translation of my note to him are inclosed.

The whole affair is a striking illustration of the wisdom of the department's practice of not appointing natives to consular offices, except where it is impossible to find anyone else.

I have, etc.,

T. C. DAWSON.

[Inclosure.—Translation.]

Minister Dawson to Mr. Borno.

AMERICAN LEGATION,
Santo Domingo, July 31, 1906.

DEAR AND HONORED COLLEAGUE: During your absence the inclosed letter directed to the dean of the consular corps by Mr. Marchena, late consul-general of the King of Portugal to this Government, was delivered to me.

I spoke about it unofficially with his excellency the minister of foreign affairs, and he showed me a communication in which in due form he had notified the Government of his most faithful majesty of the action of the Dominican Government.

I had grave doubts as to my right to address to the minister a communication concerning said action or to call a meeting of the diplomatic and consular corps, seeing that it was an affair already in the process of being arranged between the Portuguese and Dominican Governments.

Therefore I have done nothing awaiting your return, thus leaving the matter open so that you may take such action as you may deem just.

It is a pleasure to me to have the opportunity of offering you the assurances of my high consideration.

(Signed)

T. C. DAWSON.

The Acting Secretary of State to Minister Dawson.

No. 130.]

DEPARTMENT OF STATE,
Washington, August 21, 1906.

SIR: I have to acknowledge receipt of your No. 271, of the 1st instant, reporting that the Dominican Government had withdrawn the exequatur of the Portuguese consul on the ground of his complicity in the conspiracy which resulted in the attack upon Macoris.

You state that the consul appealed to you as acting dean to intervene, but that you declined.

The department approves your refusal to intervene.

The withdrawal of an exequatur is, like the granting of one, a sovereign prerogative, conditional on the consular representative being persona grata, and this Government recognizes, and the proper case arising exercises, that right.

I am, etc.,

ROBERT BACON,
Acting Secretary.

Minister Dawson to the Secretary of State.

No. 286.]

AMERICAN LEGATION,
Santo Domingo, August 29, 1906.

SIR: Continuing the subject of my No. 271, of the 1st instant, I have the honor to report that the dean of the diplomatic corps an-

swered my letter in regard to the withdrawal by this Government of the exequatur of the Portuguese consul. He agrees with me in thinking that the diplomatic corps ought to take no action under the present circumstances.

I inclose a copy and translation of his letter.

I have the honor to be, sir, etc.,

T. C. DAWSON.

[Inclosure.—Translation.]

Mr. Borno to Minister Dawson.

HAYTIAN LEGATION,
Santo Domingo, August 7, 1906.

DEAR AND MUCH HONORED COLLEAGUE: I have the honor to acknowledge receipt of your communication of July 31, accompanying a letter from Mr. Hector de Marchena, relative to the withdrawal of an exequatur which the Dominican Government has imposed upon him.

I believe, like you, that the matter having already been officially notified to the Government of his most faithful majesty, that we can do nothing but keep out of it. Besides our intervention in this case would not constitute a strict duty founded upon some rule of international law violated by the Dominican Government.

Permit me, dear colleague, to seize this occasion to renew to you the expression of my cordial sympathy and of my high consideration.

(Signed) LOUIS BORNO.

CHRONOLOGY OF POLITICAL EVENTS IN SANTO DOMINGO.

Minister Dawson to the Secretary of State.

No. 309.]

AMERICAN LEGATION,
Santo Domingo, October 18, 1906.

SIR: I have the honor to inclose herewith a copy of a chronology of political events in Santo Domingo since the independence of the country, prepared by me for the information of whoever may be in charge of this legation.

I have, etc.,

T. C. DAWSON.

[Inclosure.—Extracts.]

CHRONOLOGY OF POLITICAL EVENTS IN SANTO DOMINGO.

1844.

February 27.—Revolt against Haiti headed by Duarte, Sanchez, Mella, Bobadilla, Jimenez, and Puello. Declaration of independence. Junta assumes power. Bobadilla, President, and leader of conservative element. Sanchez, negro, leader of radical element.

March 30.—Invading Haitians defeated at Santiago.

May 9.—Southern Haitian army retires from Azua.

June 9.—Military mutiny at capital; Bobadilla and other conservative members expelled from Junta; Sanchez becomes President of that body. General disturbances; movement for separate government in Cibao; Mella proclaims Duarte President; Junta ready to accept him. Santana, commander of army in south operating against Haitians, revolts and takes capital.

July 16.—Santana proclaims himself provisional President, and governs in accord with Junta of conservatives; advances on Cibao; resistance suppressed after short civil war.

August 22.—Santana declares traitors and banishes Duarte, Mella, and Sanchez. Quarrels with Junta over project to place national loan abroad.

November 6.—Constitution adopted.

November 13.—Santana inaugurated constitutional President.

1845.

Santana sends plenipotentiaries to solicit Spanish protection or annexation.

February 27.—Radical plot discovered and punished.

March 27.—Civil war in Haiti being over, that country assumes active measures against Santo Domingo.

July.—Armed resistance to Santana's recruiting party.

September 17.—Haitians repulsed at Estrelleta.

October 27.—Belerfort taken from invading Haitians; Dajabon abandoned by them.

1846.

Santana quarrels with Bobadilla, his principal adviser; no armed disturbance in the country.

1847.

Dispute between President and Congress; Santana joined by Jimenez and other radicals.

June 12.—Bobadilla exiled.

December 23.—Puello and fellow conspirators executed.

1848.

Financial difficulties; paper money falls; general popular discontent; disputes between President and Congress.

February 28.—Santana retires to his country home for his health, leaving cabinet in charge of Government.

August 4.—Santana formally resigns.

September 8.—Jimenez inaugurated President; he recalls radical exiles. Haiti prepares to make another invasion.

1849.

March 17.—Haitian victory at Las Matas; dispute between Jimenez and Congress as to calling on Santana to take command of the army.

April 5.—Haitian victory at Los Conucos; Azua taken; Santana sent to front.

April 21.—Santana decisively checks Haitians at Las Carreras.

May.—Rupture between Santana and Jimenez; civil war; Cibao declares for Santana; he besieges the capital.

May 29.—Jimenez resigns and goes into exile. Santana proclaimed provisional President; exiles many of his opponents.

July 5.—Santiago Espaillat elected President but refuses to serve.

September 24.—Baez inaugurated constitutional President, having been selected by Santana. Unsuccessful efforts to secure both French and American protectorate.

1850.

May 7.—Commercial treaty with Great Britain ratified after strong opposition in cabinet. Delmonte, leading conservative, resigns; also later Mella, who had left radicals and joined Santana-Baez party. Haitians prepare for invasion. Pressure by England, France, and United States to induce Haiti to refrain.

1851.

May 30.—Skirmish with Haitians at Postrer Rio.

June 9.—Many radicals allowed to return. Signs of rupture between Santana and Baez.

October.—Haiti agrees to a truce for a year.

1852.

September.—Santana goes to Caibo with a view of strengthening himself in case of fight with Baez.

1853.

February 2.—Temporary reconciliation between Santana and Baez.

February 15.—Santana inaugurated constitutional President, Baez having finished his term.

March 14.—Santana quarrels with and humiliates archbishop and clergy, reversing Baez's policy.

July 3.—Exiles Baez and permits supporters of Jimenez to return.

1854.

February 27.—Constitution revised so as to limit Presidential prerogatives. Santana dissatisfied with it. Financial difficulties; Congress charges speculation; President sends armed force to sessions. General Cazneau comes from United States to make treaty of commerce and also to rent Samana Bay; French and British consuls intrigue against him; bay surveyed by U. S. S. *Columbia*, Captain Newton, with Gen. George B. McClellan on board.

October 5.—Commercial treaty with United States negotiated; British and French representatives protest; French men-of-war arrive; Santana backs down and takes up idea of Spanish protectorate.

December 23.—New constitution adopted, satisfactory to Santana.

1855.

February 18.—Treaty with Spain signed; influence of Spanish representatives predominant.

March 25.—Plot by Baez partisans and Sanchez to seize fort at capital fails. Sanchez takes asylum; six leaders executed and many banished.

August 19.—Ratifications of Spanish treaty exchanged.

December 10.—Haiti begins another campaign.

December 22.—Decisive victory of Dominican army under command of Cabral at Santome.

1856.

January 27.—Victory over Haitians near Dajabon. Dispute with Spanish representative over the latter's insistence upon his right to register as Spanish citizens under the treaty virtually all native Dominicans who might apply. Consul visits Baez at St. Thomas and is generally believed to have reached an arrangement to support him in overthrowing Santana. Public excitement; Spanish partisans threaten American consul.

May 26.—Santana resigns; Vice-President Regla Mota becomes President.

June 13.—With Spanish war ships in port Dominican Government concedes to remove discriminations in license fees between foreigners and citizens. This measure had been adopted to discourage native Dominicans from registering as Spanish citizens.

August 31.—President and Senate resolve to recall Baez and endeavor to reconcile him and Santana.

October 8.—Baez having been elected Vice-President, President Mota resigns, and Baez is inaugurated as President.

1857.

January 8.—Santana arrested and sent into exile; his partisans proscribed.

May 2.—Baez issues \$18,000,000 of paper money, and endeavors to buy with it all gold in country at ratio of 68½ to 1. Commerce demoralized; owners of gold resist giving it up; opposition especially violent in Ciboa, where gold basis had hitherto prevailed.

July 7.—Santiago pronounces against Baez; all Cibao joins, establishing its own government with Junta of which Valverde was president. General civil war; Baez loses most of country.

July 26.—Baez besieged in capital.

September 18.—Santana having been recalled from exile, takes command of forces besieging capital. Sorties defeated, but city proves impregnable to troops without artillery.

1858.

February 19.—Liberal constitution adopted by Santiago government.

March 1.—Valverde inaugurated as President thereunder. Renewed vigor in operations against Baez; no progress at Santo Domingo, and Baez's superior flotilla hampers Santiago government on northern coast.

May 8.—Valverde people take Samana by assault.

June 12.—Baez resigns and goes into exile; Santana takes possession of capital; quarrels with Santiago government.

July 27.—Santana declares himself dictator; marches against Cibao; Valverde's troops desert to Santana.

August 28.—Valverde resigns; Santana abolishes constitution of 1858 and proclaims that of December 23, 1854.

October 21.—Prays for Spanish help against expected Haitian attack. Gives his passports to French consul, who advised him to reunite Santo Domingo with Haiti. Baez believed to be intriguing for French annexation and help.

1859.

January 31.—Santana inaugurated constitutional President.

February 25.—Spanish Government sends evasive answer and leaves question of protectorate or annexation open.

May 8.—Conspiracy at Azua; discovered and punished.

May 26.—All the European consuls leave the country because Santana had repudiated paper money issued by Baez.

August 30.—Plot of Sanchez and others to take fort at capital; discovered and punished.

September 7.—Band of Baez partisans surprise and take Azua; small disturbances in Cibao.

September 15.—Government recaptures Azua.

October 12.—Ten insurgents executed at Azua; Government everywhere triumphant.

November 30.—French, British, and Spanish (Don Juan de Austria) war ships arrive to demand satisfaction about paper-money question.

December 12.—Protocol conceding European demands signed.

1860.

Ramirez, governor of frontier, revolts because Santana interferes with the contraband trade he was protecting in combination with Haitians; insurrection at Las Matas, Neiba, and Cercado.

June 1.—Santana decisively defeats insurgents. They take refuge in Haiti and thence keep up guerrilla attacks.

July 5.—Arrival of Spanish commissioner to investigate; reports favorably to annexation.

1861.

January.—Mella imprisoned; efforts of Pedro Merino, Manzueta, and Leger against Santana's plans for annexation fail.

March 18 to 26.—Reincorporation with Spain proclaimed in all the towns of the Republic.

April 7.—Spanish fleet and army arrive from Habana.

May 2.—Antiannexation movement in Moca; suppressed and participants shot.

May 19.—Spanish Government formally accepts reincorporation.

May 25.—Sanchez, Cabral, and other exiles, with equipment furnished by Haitian Government, invade across land frontier and take Cercado and Las Matas.

June.—Under pressure by Spanish Government Haiti notifies Sanchez and Cabral that it can give them no more help. Cabral flees; Sanchez captured with 20 companions.

July 4.—Sanchez and 20 others executed.

August 8.—Spanish agent arrives and Santana takes oath as captain-general.

1862.

January 7.—Santana offers his resignation as captain-general.

May 2.—His resignation is accepted.

July 20.—Ribero, sent from Spain, becomes captain-general.

1863.

February 3.—Insurrection at Neiba quickly suppressed.

February 24.—Insurrection in Monte Christi Province; conspiracy and riot in Santiago.

April 17.—Leaders of Santiago plot executed, and peace reestablished with dispersion over Haitian frontier of Monte Christi bands.

August 16.—Pimentel, Cebreira, Mancion, and Rodriguez, with arms furnished by Haitian Government, return to Monte Christi Province and defeat Spanish detachments.

August 22.—Repulse attack of Spaniards at Guayacanes; latter retire to Santiago; whole Cibao rises.

September 4.—Spanish reinforcements march from Puerto Plata to relieve garrison there; defeat patriots under command of Polanco and Luperon; later burn town; soon besiege forts again.

September 14.—Spaniards abandon Santiago and make their way to Puerto Plata harassed by guerrilla attacks. Patriots advance in force toward capital.

September 15.—Army sent across the country from capital under Santana's command; establishes his camp at Monte Plata, south of watershed, enabling him to prevent the insurgents from invading eastern Santo Domingo and Seibo Province. Neither side able to advance against base of other's operations. Patriots overrun Azua from west and Barohona provinces and western portion of Santo Domingo.

October 23.—Vargas made captain-general with the idea of conciliating Dominican feeling.

November.—Discord among patriot generals Pimentel, Luperon, Moncion, Floentino, and others operate without regard to orders of Junta; even Salgado, president of Junta, quarrels with his colleagues at Santiago. Anarchy and massacre by Floentino and others.

December.—Santana makes unsuccessful efforts to force his way into Cibao; much yellow fever and malaria among his troops; he gives up his command; Spanish expedition sent west along southern seacoast; successful in expelling patriot bands already demoralized by dissensions from San Cristobal, Bani, Azua, Barohona, Neiba, and San Juan, and driving them into Haiti.

1864.

March 24.—Luperon defeats Spaniards near Monte Plata, and opens way into eastern Santo Domingo and Seibo provinces.

March 31.—Gandara becomes captain-general.

April.—Liberals in Madrid Cortes agitate for withdrawal from Santo Domingo. Cabral recovers frontier regions and San Juan; Spanish forces retire to capital and five other towns and virtually besieged.

May 17.—Gandara takes Monte Christi by attack from sea, but forces not strong enough to advance up Yaque Valley to Santiago, or even to cut off Cibao's communications with Cape Haitien.

June 14.—Santana dies of fever in capital.

October 10.—Polanco declares himself President. Salcedo surrenders and is assassinated.

1865.

January 7.—Law for withdrawal introduced in Spanish Cortes as administration measure.

January 24.—Pimentel, Moncion, and Garcia overthrow Polanco and install Rojas as president of Junta.

February 22.—Provisional constitution adopted.

February 25.—Pimentel sworn in as President.

May 1.—Cortes passes law of withdrawal.

May 31.—Azua and Bani evacuated.

June 15.—Monte Christi and Puerto Plata.

June 16.—Samana.

July 11.—Santo Domingo.

August 4.—Cabral heads revolution against Pimentel and is declared dictator.

October 20.—Counter revolution in Cibao in which partisans of Baez cooperate with Pimentel.

October 26.—Revolutionists occupy capital; temporary junta takes charge; constituent assembly meets.

November 4.—New constitution adopted.

November 14.—Baez elected President thereunder; Guillermo acts as provisional President.

December 7.—Baez having come back from exile is sworn in as constitutional President.

1866.

March 10.—Insurrection breaks out in Azua Province; spreads to within few miles of capital.

April 10.—Government forces defeated at San Cristobal.

April 22.—Cibao rises against Baez under Pimentel and Luperon.

May 29.—Baez having fled, triumvirate composed of Pimentel, Luperon, and Garcia assume power, leaving curiel in charge at capital.

August 23.—Triumvirate declares Cabral provisional President. Partisans of Baez hereafter known as "Reds" and those of Cabral, Luperon, and Pimentel as "Blues."

September 26.—New constitution adopted.

October 3.—Cabral inaugurated President thereunder.

1867.

January.—Assistant Secretary of State Seward visits Santo Domingo in U. S. S. *Gettysburg* with Admiral Porter. Cabral asks assistance in effecting \$2,000,000 loan in the United States.

February 8.—Commercial treaty with United States signed.

May 16.—Ratified by Dominican Congress. Secret negotiations as to lease of Samana and loan.

October.—Insurrectionary expeditions pass Haitian frontier with connivance of the Government of that country. Relations broken off. Financial crisis owing to depreciation of paper money. Government without resources.

November.—Insurrectionary movements throughout country by Reds.

December.—Cabral reduced to possession of capital.

December 17.—Special envoy sent to Washington; no result.

1868.

January 31.—Capital surrenders to Reds. Hungria, provisional President.

April 24.—New constitution adopted.

May 2.—Baez inaugurated President thereunder. Desperate civil war going on in Haiti; Baez and Haitian President, Salmave, cooperate; Haitian revolutionists favor Blues, and in the confusion Cabral and other chiefs invade over frontier; Haitians and Dominicans fight side by side on both sides of the line. Baez forces resist Blues with varying fortunes throughout the year, but Cabral not able to advance far from the frontier.

May.—Insurrection breaks out in Seybo Province; suppressed after hard fighting. Baez solicits French protectorate or annexation; is refused; sends secret agents to Washington to ask for help and to propose annexation.

November 9.—Baez applies officially to United States for loan and offers to lease Samana Bay.

1869.

January 9.—Baez in person proposes to American consul annexation.

January.—Another rising in Seybo; suppressed. Blues continue war on Haitian frontier and gain ground. Cabral, Pimentel, and Luperon menace Azua and Monte Christi and take Barohona. Government in financial difficulties; beg United States for cash advance of \$200,000, offering immediate possession of Samana as security.

May 1.—Agreement with English bankers for loan of \$1,600,000 secured on all revenues. One hundred and ninety thousand dollars received in cash.

June.—Blues gain ground. Luperon takes Samana. Insurrectionary movements at San Cristobal and Los Llanos, which are suppressed.

August.—General Babcock, confidential agent of General Grant, arrives to investigate. Government recovers and then abandons Barohona.

August 31.—U. S. S. *Tuscarora* arrives at Santo Domingo to be at disposal of General Babcock. Shortly after he returns to the United States.

October 2.—Davis Hatch, American citizen, sentenced to death for alleged complicity with the Blues. Pardoned on condition of leaving the country.

November.—General Babcock returns, accompanied by General Ingalls and Sackett. He negotiates treaty.

November 29.—Consul Perry, to whom formal powers had been sent, signs treaty in regard to lease of Samana Bay, etc. Subsequently provisional advances of \$100,000 in cash and \$50,000 in munitions made to Baez.

December.—U. S. S. *Nantucket* visits Jacmel to prevent aid being sent thence to Blues; warns Haitians that United States has guaranteed Dominican Government against interference pending conclusion of treaty negotiations.

1870.

January 8.—Salnave, Haitian President, fleeing for refuge after defeat, captured on Dominican soil. Sent back to Port-au-Prince and executed. Baez greatly alarmed lest triumphant Haitian party give more effective help to Blues and appeals to United States. However, American pressure and re-establishment of order on Haitian side of frontier makes Blues' operations more instead of less difficult. Cabral retreats to Haitian border.

March 26.—Result of plebiscite on annexation promulgated; favorable.

July 20.—British (Hartmant) loan contract repudiated.

August.—Ex-U. S. Consul Jonathan Elliot (1855 to 1861) dies at Santo Domingo in abject poverty.

October.—Baez begs American Government for arms and ammunition.

November.—Conspiracy headed by Hungria; suppressed.

December 16.—Outstanding treasury warrants refused at customs-houses in payment of import duties except at ratio of 12 to 100.

December (or January, 1871).—Annexation treaty rejected by American Senate.

1871.

January 12.—Joint resolution of American Congress for commission of investigation.

January 24.—Commission composed of Benjamin F. Wade, Andrew D. White, and Sam. G. Howe, arrives in U. S. S. *Tennessee*, Captain Temple.

February 28.—Commission leaves Dominican Republic.

March 4.—Commission arrives at Port-au-Prince; corresponds with Cabral.

August.—Negotiations for amendments to treaty as to lease of Samana.

August.—Baez attempts to negotiate lease of Samana to Germany. Visit of British representatives in H. M. S. *Sphynx*.

September 30.—Quarrel over nonofficial matter between Baez and American consul.

October 10.—Casimiro de Moya, revenue collector at Las Vegas in 1867; condemned by supreme court for defalcation.

1872.

Baez's policy of vigorous repression keeps country quiet except on Haitian frontier. Intrigues for succession to Presidency among his supporters, Caceres, father of present President and chief supporter of Baez in the Cibao, a candidate. Baez determines to succeed himself, changing constitution and abolishing prohibition of continuous service. Dissatisfaction among a large number of prominent Reds.

September 14.—New constitution adopted, making presidential term six years counting from April 1, 1873.

December 28.—Contract leasing Samana Bay to American capitalists with same conditions as those of the United States under the treaty of November 29, 1869. Rent, \$150,000 annually.

1873.

February 18.—Lease of Samana ratified by plebiscite. Joaquin M. Delgado, pioneer sugar planter, begins operations.

April 1.—Baez takes office for six years more with the privilege of being reelected.

September.—Insurrection in Monte Christi Province. Baez declares martial law for whole Republic.

October.—Insurrection in Cibao; large portion of Reds join Blues to overthrow Baez.

November 25.—Puerto Plata pronounces; Gonzalez declared dictator.

November 10.—Military executions at Santo Domingo.

December.—Revolution spreads throughout Cibao and Seybo; Baez partisans in those provinces collapse.

December 24.—Army from Seybo besieges Santo Domingo.

December 26.—Army from Cibao joins in siege.

December 31.—Baez resigns and Gonzalez becomes dictator; jealousies between him and Caceres, who had been named joint dictator, but was later crowded out.

1874.

March 25.—Lease of Samana to American company repudiated; understanding with Haitian Government that the latter was to give Santo Domingo subsidy of \$150,000 annually lost by such repudiation.

April 5.—New constitution proclaimed.

April 6.—Gonzalez inaugurated constitutional President. Cabral, Pimentel, and Luperon recalled from exile. Large number of commercial concessions granted, especially to supporters of his administration. He has difficulties both with the Blues and the leaders of his own faction of Reds, now called "Greens." Frequent changes in ministers.

June 6.—Bounties given for planting cacao, coffee, etc., planters exempted from military service; considerable extension of cultivation.

August.—Disturbances in Cibao. Gonzalez's partisans there declare constitution abolished and Gonzalez dictator.

August 17.—National guard called to arms.

September 14.—Dictator Gonzalez summons national convention to frame new constitution.

October 14.—Convention with Spain signed, bringing into effect old treaty of 1855.

October.—Plenipotentiaries sent to Haiti to negotiate treaty of friendship and assistance.

November 9.—Haitian treaty signed; Haitian Government promises therein subsidy of \$150,000 annually.

November 10.—Insurrectionary disturbances continuing, insurgents are warned to lay down their arms within eight days.

December 17.—National convention ratifies Haitian treaty.

1875.

January 20.—Haitian Congress ratifies treaty.

February 8.—Ratifications exchanged.

April 12.—New constitutions proclaimed; Gonzalez inaugurated constitutional President thereunder.

July 14.—National bank of emission, and with power to make government loan and build railways, chartered.

July 27.—Attempt to negotiate through national bank loan of \$5,500,000 from Dutch capitalists.

August.—Revolt of governor at La Vega; dissatisfaction, especially in Cibao; salaries in arrear; Government refuses to accept outstanding treasury orders except at heavy discount.

August 15.—Conspiracy in favor of Baez at Azua; arrest of leaders.

August 18.—Carlos Baez takes asylum in American consulate.

October.—Disturbances in Cibao; financial difficulties increasing.

1876.

January 8.—Loan contract annulled and national bank's charter taken away because Dutch capitalists had not made advance deposits on loan.

February 7.—Junta in Santiago pronounced against Gonzalez, and makes formal and specific financial charges against him and his ministers. Gonzalez marches on the Cibao. In his absence public meeting at capital demands that he submit to trial.

February 16.—Unable to make headway in the Cibao, Gonzalez returns to capital and summons Congress for the purpose of hearing charges. He is acquitted.

February 23.—He resigns and goes into exile. Villanueva, his minister of war, takes charge of capital and intrigues to make Baez President. Exiled Reds begin to return. Anti-Baez element in Cibao and Seybo march on capital. Blues control cabinet.

March 11.—Villanueva flees into exile. Baez partisans imprisoned; also Caceres, who had returned from exile hoping to get Presidency. Blues and antimilitary elements unite on Espaillat, of Santiago. Delgado ships first vacuum-pan sugar produced in Republic.

March 26.—Espaillat elected President.

April 29.—Is inaugurated. Baez partisans promote disturbances on Haitian frontier.

June 27.—Villanueva, returning to get his family, is forcibly seized on board American merchant steamer *Tybee* against consul's protest.

July 4.—Apology made, but Villanueva kept in prison.

July.—Civil war spreads over most of country; Azua and Samana pronounce; Reds advance on capital, besiege it for two weeks and retire.

August 30.—Baez's sisters banished.

September 27.—Serious dispute with French dyewood company, operating under Baez concession, arranged by compromise.

October 5.—Whole southern coast having been lost by Espaillat, Santo Domingo City pronounces for Gonzalez. Espaillat and his ministers take asylum in American consulate. Villanueva released and takes charge at capital.

October.—Great opposition in Cibao to accepting Gonzalez; Gonzalez Junta formed at Moca; fighting and attempts at compromise; three-cornered contest between partisans of Baez, those of Gonzalez, and the Blues.

October 12.—Gonzalez arrives at capital.

October 30.—Moca Junta dissolves and Gonzalez element loses ground in Cibao.

November 11.—Gonzalez installed at capital as dictator. Names delegates to secure submission of Cibao and Azua. Baez partisans are victorious and advance on capital.

December 6.—Baez partisans attempt to surprise capital.

December 8.—Gonzalez delegates in Cibao give up to their opponents, who are headed by Caceres.

December 9.—Gonzalez takes asylum and next day goes into exile. Capital pronounces for Baez.

December 27.—Baez arrives and is proclaimed dictator. Promises civil liberty and financial reforms. Country exhausted and Blues and Greens quiet for a few weeks.

1877.

January.—Salaries reduced 40 per cent; revenues required to be paid in cash and not outstanding treasury bills; debts to foreigners repudiated; attempt to refund pressing internal debts by a "Credit company" of local capitalists, who are to have 20 per cent of the customs duties; preference given to debts contracted by Baez in financing revolution against Espaillat and Gonzalez.

February.—Baez repudiates "Credit company" plan.

March.—Disturbances in Monte Christi Province; insurgent headquarters in Haiti. Baez appeals to American Government to bring pressure to bear on Haiti to refrain from helping insurgents; says he is still anxious for annexation to the United States.

May 10.—New constitution proclaimed; Baez inaugurated as President for term ending April 1, 1881.

May.—Renewed attacks in Monte Christi by insurgents; many imprisonments and banishments.

May 15.—Commission sent to Haiti to demand that aid be not given insurgents, and for subsidy promised by treaty of 1874, which Haiti had not paid. Ex-President Espaillat member.

July 1.—Uprising at Santiago; suppressed; prosecutions for conspiracy; army increased; business dull; general suffering and dissatisfaction.

August.—Revolutionary disturbances at many points, especially in the Cibao. Martial law declared for whole Republic.

September 10.—Remains of Christopher Columbus discovered in Santo Domingo Cathedral.

September, October, and November.—Much fighting in Cibao without decisive results. Puerto Plata lost to insurgents and recovered.

December.—Insurgents operations slacken. Baez asks for Spanish protectorate or annexation.

1878.

January and February.—Formidable revolution in Cibao, headed by Blue generals Luperon and Heureaux; Baez partisans everywhere dispersed, except near La Vega. Seybo rises under Guillermo. Baez hemmed in toward capital. Desperate fighting east and north of city.

February 18.—Baez forces decisively defeated and virtually annihilated near Pajarito. Baez negotiates as to terms of surrender, and meanwhile collects money from importers by threats and offering discounts.

March 1.—Provisional government established at Santiago.

March 2.—Baez flees into exile.

March 3.—Victorious insurgents under Guillermo enter capital.

March 5.—Provisional government established in capital; Guillermo, President; Billini, Figuerero, Casimito de Moya, Tejera, and Valverde, ministers. Santiago and Santo Domingo governments each claims supreme authority, but pending election there are no armed conflicts between them. Baez partisans everywhere completely suppressed.

March 10.—Credit company (debt refunding and payment) reestablished.

April.—Arrangement with Santiago government by which Guillermo is recognized as provisional President, and local power in Cibao left with Ortea and Sanchez (recent minister of foreign affairs).

May 15.—New constitution voted by Congress.

May 26.—Gonzalez elected constitutional President over Guillermo and Luperon, military chieftains.

June 25.—Santiago Junta dissolved.

June 28.—Law passed giving authority in each province to collect and dispose of duties payable on goods consumed therein; amounts to complete decentralization of government finances.

July 6.—Gonzalez inaugurated. Guillermo immediately starts organizing a revolution in Seybo and Luperon in Cibao. Heureaux is Luperon's chief lieutenant.

August 3.—Luperon captures Puerto Plata.

August 23.—Guillermo besieges capital.

September 2.—Gonzalez capitulates and goes into exile. Under constitution chief justice nominally succeeds, but he obeys Guillermo's orders.

September.—Azua pronounces, but after six weeks' fighting is defeated and reduced. Country quiet for remainder of year.

September 5.—New cabinet, with Guillermo and Caceres, the principal candidates for the Presidency, both members. This revolution much less bloody than that against Baez.

September 8.—Heureaux made government delegate for the Cibao.

September 17.—Caceres assassinated; Guillermo suspected of complicity. No prosecution.

September 29.—Chief justice resigns Presidential functions and cabinet council exercises executive power.

November 20.—Original Clyde concession granted.

December 30.—All commerce over Haitian land frontier prohibited.

1879.

January 13.—Cibao governors authorized to arrange each his own loans and dispose of customs duties.

February 11.—New constitution.

February 23.—Law establishing university.

February 27.—Guillermo inaugurated President, having been elected without opposition on January 28. Casimiro de Moya and Galvan among the new cabinet ministers.

April 23.—Communes of Monte Christi Sabaneta, Guayubin, and Dajabon separated from Santiago Province as district of Monte Christi.

June 5.—Law attempting to encourage immigration.

July.—President refuses to permit Senate to exercise its constitutional power of naming justice of supreme court. His partisans in southern and eastern province demonstrate for abolishment of constitution of 1879 and establishment

of that of 1854. Assuming dictatorial powers, Guillermo refuses to let congressional nominees enter on their duties. Virtually declares constitution of 1854 in force.

October 6.—Puerto Plata revolts under leadership of Luperon, Heureaux, and Lithgow (uncle of the American vice-consul). Whole Cibao joins movement. Provisional government, with Luperon as President and Eliseo Grullon as one of the cabinet ministers, established at Puerto Plata as ad interim capital. Heureaux advances south against Santo Domingo; Guillermo goes out to meet him.

October 27.—Heureaux decisively defeats Guillermo at San Pedro Pass, 40 miles north of Santa Domingo. Guillermo goes to Seybo, his home province, to recruit forces.

November 3.—Insurgents besieged at Santo Domingo.

November 7.—Guillermo surprised and defeated in Seybo.

November 15.—Heureaux's forces close in on city on all sides.

December 4.—Guillermo capitulates and two days later goes into exile. Heureaux takes charge of city and south as delegate of the Luperon government. Repudiates outstanding stamped paper which Guillermo had paid to government employees and sold to merchants at discount.

1880.

January 7.—Constitutional convention convoked for February 27.

January 15.—French Isthmian Canal Company offered any ports in the Republic to be used free of all import duties and port charges.

May 4.—All newspapers promised subsidy of \$40 per month.

May 18.—New and liberal constitution voted; President's term, two years; salary, \$12,000; powers limited; had only single vote out of six in cabinet council which exercised the executive power.

September 1.—Padre Merino (subsequently archbishop and deceased in 1906) having been elected without opposition, is inaugurated constitutional President. Heureaux, Casimiro de Moya, Eliseo Grullon, Boscowitz, and Billini, ministers. President Merino liberal and enlightened, but military influence, especially Heureaux, predominant.

September 9.—General amnesty to all exiles.

September 12.—Heureaux goes to Haiti on secret mission.

October 18.—Export duties increased and extended.

November 3.—Macoris, having become important sugar center, is made port of entry. Total sugar crop of Republic about 7 per cent of crop of 1906.

1881.

Sugar crop short this spring on account of drought during latter part of 1880.

May.—Quarrel between Senate and military party controlling Executive; Senate demands accounting of public moneys; Luperon and Lithgow call anti-Senate meeting at Puerto Plata; Lithgow assaults and ejects from hall a solitary protestant; editor of English newspaper imprisoned for making comments; meeting calls on President to assume dictatorial powers; similar meetings in most towns of the Republic.

May 30.—President assumes dictatorship; summons convention and revises constitution. Decree attempting to abolish right of asylum.

June 7.—W. Lithgow (father of American vice-consul) granted concession for toll road from Puerto Plata to Santiago.

July 5.—Guillermo sails from Porto Rico with 100 men; lands in Seybo and starts revolution in that province. Dominican Republic protests against Spanish authorities in Porto Rico in permitting of equipment and organization of expedition.

August 12.—Braulio Alvarez (present chief commander of rural guard) lays down his arms and goes into exile.

September 6.—Exequatur of American consul at Puerto Plata revoked. Edward Hall (present manager of Puerto Plata-Santiago Railroad) granted concession for railroad from Santo Domingo to Azua.

September 12.—Barahona, Neyba, Las Damas, and Petit Trou separated from Azua Province and formed into districts of Barahona; Barahona made port of entry.

September.—Seybo insurrection suppressed; Guillermo escapes, but many of his followers, including Spanish citizens, imprisoned; some executed.

November 16.—Import duties raised 18 per cent. Two per cent by law pledged to payment of claims made through foreign governments, and 15 per cent to interior debt; refunding scheme enacted. Claims incurred by insurrection against Baez and Guillermo recognized in sums aggregating \$4,000,000.

November 22.—Spanish citizens captured with Guillermo released.

December 28.—Request of the United States for permission to make survey of Samana Bay granted. During the year smallpox epidemic. Trade with United States increasing rapidly owing to peace, regular communications, and the investment of American capital in sugar estates. Mexican silver made legal tender at par, and United States currency driven out of circulation.

1882.

March 13.—Bani destroyed by fire.

April.—Smallpox epidemic ceases.

April 13.—Paul T. Jones, American consul since 1874, removed and H. C. C. Astwood, native of Turks Island, takes position. Sugar crop this spring largest ever known up to then.

May 12.—Dominican Government desires United States to appoint a minister or at least a consul-general.

May 16.—Congressional restrictions invalid internally requiring foreigners to register as such with provincial governors, and prohibiting them from making complaints through their own governments unless so registered.

June 2.—Bail in criminal cases abolished.

June 10.—Macoris separated from Santo Domingo Province and made into district.

June 30.—Commerce increasing; 16 sugar mills on south side of island producing and 12 being built.

July 1.—Heureaux elected President and Casimiro de Moya vice-president. Increase of 15 per cent in import duties.

July 5.—Coasting traffic forbidden to all foreign vessels except mail liners. Ordinance of city of Puerto Plata imposing tax on rum brought in from other parts of the Dominican Republic declared invalid by Congress.

July 10.—Revenues for 1883 estimated at \$1,150,000.

July 26.—General amnesty to all exiles. At this time only 11 feet on Santo Domingo bar; several vessels run aground.

August.—American commercial agencies established at Macoris and Samana.

September.—Heureaux and Casimiro de Moya inaugurated; Figueroe, Imbert, Mejia, Marchena, and Wos y Gil, ministers.

September.—Samuels, president of American Samana Bay Company, asks for reinstatement of concession of 1873.

October 10.—American consul protests against revolutions as to registration of foreigners, etc.

November 15.—Insurrection at Moca, Heureaux marches and suppresses it quickly; makes tour of Cibao. During this year the railway from Sanchez to La Vega begun by Allen Crosby, an American citizen.

1883.

January 1.—Revised tariff schedules come into force. Santo Domingo bar shoals to 8 feet.

February 12.—Executive formally suspends appropriation law passed by Congress and operates unconstitutional regulation adopted by itself.

May 5.—Concession for Sanchez-La Vega Railroad taken from Allen Crosby, American citizen, and given to Alexander Baird, British subject. Baird continues work begun by Crosby.

May 7.—Concession given French company for free port at San Lorenzo on southern side of Samana Bay. Same port made.

May 11.—Contract with French company to deepen river and bar at Santo Domingo.

May 19.—French "Banque Nationale de St. Domingue" chartered; capital \$2,400,000; sole right of emitting paper money; Government to have open credit of \$100,000 and for loans to pay only 6 per cent. The ruling rate had been 3 per cent compounded monthly. Projectors unable to raise necessary capital. These French concessions had their origin in negotiations begun in Paris by General Luperon.

June 26.—Francisco X. Amiama allowed to import free of duty materials to build and construct a hotel.

June 30.—Expenses, etc., incurred by revolutionary Blue chiefs during 1869 and 1870 in fighting Baez and annexation, recognized as part of "foreign debt" (which had been especially secured) at 50 per cent of amount claimed, a measure intended to attach Heureaux's fighting adherents more closely.

September 6.—Great hurricane on south side of island; Santo Domingo and Azua suffer much; government aid given; all vessels (three) lying in Santo Domingo roadstead lost, including American brig *Dauntless*, with all her crew who were on board; American schooner *Chatain*, lying at Palanque, lost with all her crew.

October 9.—Dominican Government notifies United States that it desires to open negotiations for reciprocity treaty.

Sugar crop of 1883 largest hitherto known; 17,000,000 pounds, or 15 per cent of 1906 crop.

November 3.—Cable concession exclusive for forty years granted to French capitalists; given right to build land lines and charge 20 cents a word for messages in the Republic.

1884.

Streets cut through city walls; population of city rapidly increasing with prosperity of sugar industry in its vicinity; suburbs building up.

March 25.—American minister to Haiti arrives at Santo Domingo; publicly believed that he will recommend reciprocity treaty to his Government.

April 17.—Congress declares unfounded condemnation of vice-president for defalcation by supreme court in 1871.

May.—Sugar planters subscribe \$18,000 to aid Government in sending commission to Washington to urge reciprocity treaty letting sugar into United States at reduced rates.

May.—Imbert supported by Luperon and Monte Christi, Billine by Heureaux and Santo Domingo, and Casimiro de Moya by many in Cibao, candidates for Presidency. Heureaux's relations with Luperon strained; former goes to Puerto Plata to effect reconciliation; Luperon imposes terms, which are at first accepted and then repudiated.

May 12.—Convention with Holy See preliminary to concordat ratified, archbishop (Merino) appointed; Dominican Government evades going on to framing concordat.

June 11.—Fred. Lithgow granted twenty-year concession for soap factory, with free entry of material and right to transfer.

June 16.—Congress approves en bloc Executive's account for last three years.

June.—Moyer withdraws his candidacy. British Government brings pressure to bear for satisfaction of claim arising out of repudiation of Hartmont loan.

July.—Result of election officially declared; Billini, President, and Wos y Gil, vice-president; returns show 35,000 votes for Billini as against 23,000 for Imbert; charges of falsifying returns; in many localities Imbert leaders imprisoned on election day; in Santo Domingo City large vote for both candidates and no disorders.

July 30.—Commercial treaty with France ratified.

August 18.—Appropriations for 1885, \$1,400,000.

August.—Moncion demands \$36,000 for his expenses in Presidential election; is refused; fears that he will pronounce Monte Christi.

September 1.—Billini and Wos y Gil inaugurated; Lithgow, Eliseo Grullen, Perez, Damiron, and Casimiro de Moya, ministers.

September 4.—General amnesty to exiles.

October 2.—All export duties abolished; import duties increased 20 per cent.

October 4.—State aided immigration from Canaries.

October 8.—Credit Company's operations extended and agrees to make loan of \$700,000 to cover outstanding debt and of \$300,000 to be at immediate disposal of Government; interest nominally 12 per cent, but advances are really made at 3 to 5 per cent as heretofore.

1885.

January 7.—Intense feeling against Haiti; Dominican individuals and revolutionists there and public meeting held.

March.—Guillermo permitted to return by Billini; latter is unable to satisfy the Heureaux element; meditates making combination with Guillermo and Moncion.

May 4.—Juan I. Jimenez granted concession to improve navigation of Yagui River in Monte Christi Province. He receives 10 per cent of revenues of port of Monte Christi; 25 cents for each ton of logwood, and bounty on other articles shipped on river.

May 7.—Sanchez made port of entry; railroad line now open.

May.—Billini struggling in vain to meet administrative expenses; Credit Company absorbing \$400,000 a year interest; salaries in arrears; local authorities absorb revenue of principal ports; definite failure to get foreign loan to pay off Credit Company; disagreements between President and Heureaux military clique.

1886.

January.—Marchena goes to Europe as financial agent.

March 20.—Congressional election in La Vega Province annulled.

June.—Election hotly contested between Heureaux and Casimiro de Moya; great public excitement; Heureaux followed by military and foreign commercial elements; he wins.

June.—Spanish consul dies of debility just after receiving permission to leave for his health; predecessor similarly died.

July 21.—Insurrection in La Vega headed by Casimiro de Moya. Monte Christi rises under Moncion, who had been chief there since 1863; Guelito Parchado, associate.

August.—Heureaux secures neutrality of Haitian Government.

September 29.—Conspiracy to take fort at capital; 27 captured with arms in their hands.

September.—W. F. Sprague, representative of A. P. Wilson, visits Santo Domingo; arrangements made by which Wilson is to lend \$1,350,000 at 8 per cent, secured on 30 per cent of import duties.

October.—Moncion and Moya flee into exile.

November 22.—Heureaux returns to capital.

Sugar production of year, 35,500,000 pounds.

December.—Peace completely reestablished.

1887.

January 6.—Heureaux inaugurated president; Figuereo, Gautier, Hejia, Julia, and Pichazdo (Guelito), ministers.

February 10.—French Cable Company paid \$34,000 for damages caused by insurrection of 1886.

May 27.—San Lorenzo free port concession annulled.

July 27.—Sanchez-La Vega Railroad given subsidy of 7 per cent of customs revenues of Sanchez, and 2 per cent more when branch to San Francisco de Macoris is finished.

October 17.—Leonte Vasquez granted concession to import free of duty for 15 years materials for fisheries in Samana Bay.

November 15.—New constitution; President's term for four years; selected by electoral college and not by municipal suffrage; his prerogatives restricted to naming and dismissing ministers. Heureaux continued in force without election until February 27, 1889. Quadrennial elections November 27 of each leap year.

American consular agency established at Monte Christi.

1888.

January.—Cables laid from Puerto Plata and to Curaçao.

February 29.—American chargé d'affaires arrives from Port au Prince on U. S. S. *Atlanta* to secure satisfaction for imprisonment and seizure of property from C. E. Frary, American citizen. Protocol signed and ratified, giving him \$10,000.

March 27.—Executive formally authorized to make foreign loan; Marchena, financial agent, Dominican Republic, goes to Amsterdam and negotiates with Westendorp. Large number of pensions given to serviceable citizens, among them Jose Vasquez and Jose Lamarche. Much activity in concessions. Name of Astwood, American consul, appears as concessionaire.

June 15.—Westendorp contract signed. Six per cent gold bonds for \$3,850,000 issued; Westendorp appoints agency to supervise customs and collect \$275,000 annually out of receipts. Agreement reached as to Hartmont loan of 1869, which gets \$700,000 of new bonds. Net result of Hartmont and Westendorp

transactions was that Dominican Government received about \$2,250,000 in cash, \$200,000 of which Baez got in 1869; Westendorp's profits calculated on market-priced bonds in Amsterdam and Antwerp for that year \$535,000, less expenses.

June 26.—Heureaux given honorary title of "Pacificator of the Republic."

November 1.—Westendorp employees take control of customs.

November.—Disturbances in Puerto Plata; suppressed.

November 8.—Import duties largely increased; hereafter are fixed at 51 per cent of official values, these being greater than actual values.

November 27.—Heureaux elected President.

December 20.—American Consul Astwood removed for cause.

1889.

February.—Disturbances in Santiago and La Vega. Heureaux goes in person and suppresses them by combination of bribery and severity.

March 1.—Cabinet named; Figuerero, Perez, Wos y Gil, Sanchez, and Lithgow.

March 20.—Dominican gunboat fires on American sailing vessel *Carrie A. Buckman*; Government afterwards explains and apologizes.

May 4.—Minister of foreign affairs goes to Port au Prince and agrees with Haitian President that Dominican Government will cease aiding Hyppolite's rebellion if he will expel Casimiro de Moya. Jimenez, then principal merchant capitalist at Monte Christi, had been furnishing munitions to Hyppolite at Cape Haitien, sent from New York with connivance of Dominican consul there. Shortly after Hyppolite overthrows Legitime, but Jimenez and Heureaux quarrel over division of profits. Jimenez makes contract with Clyde and German lines that they will ship for no other merchant at Monte Christi.

June 26.—Government votes \$1,000 toward construction of Methodist Church at Samana. German consul forces Government to settle promptly with German merchant of Santo Domingo and pay \$25,000. Bitter controversy over this matter because merchant had refused to go into courts.

July.—Hurricane in the Cibao.

July 26.—French company establishes "Banque Nationale de St. Domingue;" \$800,000 paid-up capital; exclusive right to issue paper money; makes large short-time loans to Heureaux at 12 to 24 per cent interest.

August 19.—Dominguez, Spanish citizen, paid \$17,500 for wrongful imprisonment ordered by official at Puerto Plata.

October 30.—Permission asked and given for American naval officers to make astronomical observations to determine meridians.

December 19.—Charles Draper, native of Grand Forks, Minn., takes out Dominican naturalization papers.

December 24.—Lieutenants Norris and Wilson, U. S. Navy, arrive to make astronomical observations on the U. S. S. *Yantic*, Captain Rockwell.

During 1889 internal debt continues piling up with the recognition of claims of Dominican citizens; among them one of \$18,000 in favor of Tomas Morales, governor of Seybo.

1890.

January 23.—Frederick Douglass, American minister to Haiti and chargé d'affaires to Santo Domingo, visits capital on U. S. S. *Dolphin*.

February 26.—General amnesty to all implicated in insurrections of 1886, 1888, and 1889.

March 6.—Insurrectionists unsuccessfully try to rush fort at Puerto Plata. Plot at Monte Christi; insurrection at Dajabon, headed by Pablo Reyes. Heureaux goes in person and defeats insurgents, driving Reyes into Haiti.

March 17.—Heureaux goes in gunboat to Cape Haitien to demand surrender of Reyes; Nord Alexis, then military governor there, refuses.

May 22.—Gonzalez granted concession for fisheries with thirty years' exemption from duties and taxes.

July 16.—Issue of \$2,000,000 silver and copper coin authorized September 8. Contract for new loan with Westendorps. Four million five hundred thousand dollars of 6 per cent gold bonds to be issued; Government guarantees \$340,000 annually for interest and authorization and amortization; Westendorps to retain \$2,700,000 of them for building railroad 42 miles long from Puerto Plata to Santiago; and out of the proceeds of remainder to pay \$540,000 of internal debt owned by Heureaux's favorites, besides allowing Government to retain out of current revenue due Westendorps or receive in cash \$600,000.

October 11.—Brewing company chartered; free entry materials.

October.—Heureaux begins secret negotiations for lease of Samana Bay as coaling station to United States.

November 11.—Westendorps offer a part of bonds to Dutch and Belgian markets at 77. On account of Baring panic issue unsuccessful. Holders of internal debt given \$700,000 of bonds; a further amount (probably \$2,375,000) taken by Westendorps themselves at a price unknown to writer. They send some money to build railroad, but Heureaux's financial plans are completely ruined by the failure to realize as expected on this bond issue.

December 17.—Negotiations for reciprocity treaty with United States begun. Santo Domingo had refused to take part in conference of American Republics held this year in Washington, because the reciprocity treaty signed with her in 1884 had been ignored and failed of ratification in the Senate.

In 1880 large amounts were acknowledged as due persons who had assisted in putting down Heureaux's enemies, and many pensions and monopolistic concessions were granted.

1891.

April.—Galvan sent to Washington as envoy to negotiate and conclude reciprocity treaty. Also takes secret instructions as to lease of Samana for coaling station.

April 8.—Heureaux takes monopolistic concession for soap factories in his own name.

May.—Goes to Cibao to forestall revolutionary plots.

June 4.—Reciprocity treaty signed; Dominican sugar goes into United States free, and many manufactures and food products from United States put on Dominican free list. Preliminary contract about coaling station at Samana.

June 8.—World's Fair commissioner arrives. Heureaux offers to send Columbus's remains to Chicago for loan of \$100,000.

July.—American newspapers having published existence of Samana negotiations, great political excitement when news reaches the island. Heureaux denounced for selling national territory. He publishes formal denial and disavowal of negotiations, but intends to take up matter again as soon as public quiets down.

July 8.—Extensive smuggling by merchant politicians, to prevent which Heureaux forbids foreign goods to be sent from one port on coast to another. Public apprehension that political trouble will result from this measure.

August 10.—Yellow fever appears at capital; 6 cases and 3 deaths, among them that of apostolic delegate.

September 1.—Reciprocity treaty goes into effect; consternation among German merchants.

October 11.—Heureaux proposes offensive and defensive alliance with United States; loan of \$1,000,000 by American Government; war on Haiti; seizure of Mole St. Nicholas and transfer to United States. His overtures rejected.

November 15.—German foreign office demands that goods now given free entry under reciprocity treaty if coming from the United States be also free under favored-nation clause if coming from Germany. Unless granted Germany will impose retaliatory duty on Dominican tobacco, whose principal market is Hamburg. This demand greatly alarms Dominican Government, because the Cibao was then dependent on tobacco culture.

In 1891 Heureaux's financial position grew continually worse; to meet growing administrative expenses he stopped paying the 2 per cent of revenue solemnly set aside for old foreign diplomatic claims; also permitted merchants to import under private arrangements with him. Westendorps received so little from customs collections that they default on 1888 bonds, whose price thereupon drops to 16. Westendorps build only 11 miles of railroad.

1892.

January 11.—American minister arrives from Port au Prince at Heureux's urgent call for help in resisting German demands.

January.—Westendorps open negotiations with Americans—Weed, Brown, and Wells (Improvement Company)—to sell out.

March.—Negotiations about lease of Carinero Island in Samana Bay as coaling station again begun; continued for some months without result.

April 8.—San Domingo Improvement Company chartered to undertake management of Dominican loans and collections of customs.

May 16.—Clyde concession extended for twenty years; Clyde forgives \$160,000 unpaid subsidy due under original concession of 1878 on condition that his vessels pay no port dues hereafter.

July 1.—Expiration of period of ultimatum imposed by Germany, France, and Italy in regard to free entry on their goods.

July 12.—Dominican Government refuses such free entry.

July.—Disturbances in tobacco district of Cibao; Heureaux goes in person and spends two months quelling and buying off resistance. In 1892 Heureaux sued French Bank, obtained large judgment, and levied on all bank's property in country. French Government severs diplomatic relations and sends war ships; matter submitted to arbitration of Spain.

September.—Representative of Improvement Company arrives; is not received; manifestations throughout the Republic against financial arrangement with Americans and lease of Samana; Heureaux lets storm pass. Commander Crowninshield in Santo Domingo with war ships.

December 5 and 6.—Four hundredth anniversary of discovery of island celebrated.

1893.

January 28.—Heureaux forces through arrangement with Improvement Company. All outstanding 6 per cent bonds (about \$7,000,000) to be refunded in \$8,050,000 4 per cents; company to pay off internal debts to the amount of \$40,000 gold, and \$1,250,000 additional 4 per cent bonds issued to cover this. Market price of Dominican fours rises to 35 in Belgian market. Smuggling and private understandings with importers checked and revenues passing through collection agency rise 70 per cent in 1893.

February 9.—Gonzalez, then minister of foreign affairs, and opposed to arrangement with Americans, flees the country on Spanish war ship. Revolutionary plottings, but Heureaux goes to Monte Christi and heads off any serious armed outbreak.

February 27.—Heureaux inaugurated for another four years; Lluberés, Galvan, Valverde, Bido, Rivas, and Castillo, ministers. Figueroe, vice-president.

March 13.—New department (posts and telegraphs) created.

March 23.—Congress formally ratifies arrangement with Improvement Company. Simultaneously Improvement lends Government \$250,000 silver.

March.—Political situation continues very serious; plottings by anti-Heureaux and anti-American party. *Kearsarge*, Captain Crowninshield, sent to protect American lives and property; Cleveland administration takes precautions to avoid appearance of giving political aid to Heureaux against his opponents.

July 4.—Twenty per cent import tax imposed on foreign silver coin. In fall Emilio Joubert, Antonio Navarro, and others permitted to return from exile, danger of insurrection being over for present.

December.—Insurrections at Azua. Governor killed; attempt to assassinate Heureaux; movement suppressed by president in person. Under mistake Dominican soldiers fire on boat of American merchant ship, wounding sailor. Heureaux accredits W. P. Clyde, American citizen, as Dominican plenipotentiary at Washington.

1894.

January 21.—American Consul John R. Meade dies of a fever which is pronounced by his attendant physician to be yellow fever.

April 26.—Carlos Anderson permitted to return from exile.

April 28.—Improvement Company issues \$1,250,000 more 4 per cent bonds and retires \$450,000 of international debt. Heureaux overwhelmed with demands for money and collections decreased on account of rapid fall of silver, the sole circulating medium. Import duties increased to 50 per cent calculated in gold on official values and really payable in silver at 2 to 1.

May 9.—Two million five hundred thousand dollars national silver authorized to be coined. Base metal used and Government makes large profit.

July.—Disturbances in Samana and Cibao. Heureaux goes there.

October 1.—Reciprocity abrogated.

November 13.—Emilo Brodas permitted to return from exile.

November.—Naturalized French subjects murdered at Samana. French Government demands execution of guilty parties and indemnity of \$40,000 under pain of blockade and bombardment of ports.

December 27.—Jimenez permitted to return from exile; 1894 tobacco crop short and cyclone in fall does considerable damage.

1895.

January or February.—French war ships and Minister Pichon arrive and secure satisfactory settlement of French claims. Improvement Company agrees to buy as Heureaux's agent controlling interest in bank so as to get rid of its claims. This subsequently done.

March 30.—Clyde concession extended to May 21, 1917.

April 18.—Manuel Lamarche permitted to return from exile.

April 23.—Rev. Carlos F. Morales the same. He had been engaged with his brother in attempted insurrection at Sanchez.

May 16.—Improvement Company issues \$1,750,000 more 4 per cents.

June 8.—Heureaux goes to Cibao.

June 18.—Boundary question with Haiti submitted to Pope's arbitration; he refuses to act.

June 10.—Victor Tiburcio condemned after appeal to supreme court of murder of Castillo and Mejia in Seybo; executed; much sympathy with him.

August 8.—Wenceslao Sanchez permitted to return from exile.

September 11.—Federico Velasquez the same.

November.—Heureaux again offers to lease Samana for cash rent.

In 1895 Heureaux purchased gunboats and large stores of military supplies and artillery, probably with view to war with Haiti. He believed he could make himself ruler of both countries.

1896.

March 26.—Castillo, minister of war, and Jose Estay, governor of Macoris, executed by Heureaux on same day. He goes to Cibao to head off conspirators.

May 20.—Import duties largely increased to furnish funds for guarantee of recent loans.

June 3.—San Francisco de Macoris, Villa Rivas, Matanzas, Cabrera, and Castillo separated from Espaillat (Moca) Province and formed into the "Pacificador" district.

June 11.—Harbor improvement works started at Macoris which give contractor rights to receive about 4 per cent tax on total commerce of port for ninety-nine years.

August 19.—George Stephens, native American, becomes naturalized Dominican citizen.

September.—Plottings in Cibao; come to nothing. Constitutional prohibition against President's being elected to more than two consecutive terms removed.

In 1899 the sugar crop was a record in quantity, but the price was low, and the export tax thereon felt as a burden.

1897.

Heureaux inaugurated; Vice-President, Figuereo. Cabinet: Jose Pichardo, Alvarez, Valverde, Tomas Morales, Henriquez, Bido, and Sanchez.

April.—Concession for oil refinery at Romana given to Dumois, representing American capitalists; crude petroleum made free; in practice oil was bought from United States wholly or partly refined.

May 17.—The issues of debased silver coin reached \$1,500,000 and endangered the circulation of Mexican silver; apprehension lest the country be forced to a fluctuating and irredeemable standard; further issue suspended.

August 6.—General refunding arrangement satisfactory to French and Belgian bondholders, to Government, and to Improvement Company and its British creditors. Issues of 1888 and 1899 replaced by bonds in double the original total, but drawing only 2½ per cent interest at first and 1¼ per cent deferred. Net result of various transactions as to this part of the debt that the Dominican Government had received about \$2,000,000 cash and the nominal ownership of an unremunerative railroad 42 miles long, and gave securities of a face value of nearly \$14,000,000. In addition, \$7,500,000 of 4 per cents were to be issued and the \$4,250,000 outstanding of 1893, 1894, and 1895 issues exchanged into them. These new bonds were to be known as "French reclamation bonds," although the French claims were paid out of their proceeds only partly or not at all. The bonds remaining after refunding former issues were to go to the Improvement Company for \$1,000,000, to be furnished the Government for the discharge of its floating indebtedness and \$150,000 for the

payment of the French diplomatic claims. This \$1,500,000 was not finished as agreed, and the Improvement Company afterwards returned the Government \$1,750,000 of the 4 per cents. The Improvement Company authorized to dispose of \$2,500,000 additional 4 per cents as its compensation for building 18 miles of railroad from Santiago to Moca and improving the existing line from Puerto Plata to Santiago. This arrangement was never carried into effect.

August 16.—Railroad from Puerto Plata to Santiago formally opened. In the fall of 1898 the Improvement Company makes unsuccessful efforts to float the 4 per cent conversion bonds and the railroad bonds. Foreign and domestic creditors press Heureaux hard.

1898.

January 13.—Eighteen hundred and sixty-seven treaty (commerce, friendship, and extradition) with the United States abrogated by notice from the Dominican Government. Other treaties with the great commercial nations also abrogated to get rid of "favored nation" clause.

February 17.—U. S. S. *Brooklyn*, Commodore Crowninshield and Captain Cook, and *Montgomery*, Captain Converse, visit Santo Domingo.

April.—Spanish gunboat at Samana.

May 24.—Employees of French Cable Company at Santo Domingo suppress American consul's message in regard to shipment of Canet guns on French steamers to Spaniards in Cuba or Porto Rico.

June 2.—Revolutionary expedition in *Fanitta*, which had been fitted out in New York and was led by Jimenez and Augustin Morales (brother of ex-President) lands at Monte Christi. Takes town, but is quickly defeated by government forces; Morales killed and Jimenez escapes. Heureaux attempts to confiscate Jimenez's harbor and other concessions at Monte Christi, but a German bank claims that they had previously been transferred to it.

July.—American consulate raised to consulate-general.

July 7.—Heureaux makes and Dominican Congress ratifies secret treaty with Haiti, by which Santo Domingo virtually cedes disputed territory for \$1,000,000, of which \$600,000 was to go to Haitian claimants against Santo Domingo and \$400,000 was to be paid in cash. The official accounts of Santo Domingo show that only \$200,000 of this sum was received; disposition of the balance unknown; possibly was never paid; possibly was secretly divided between Haitian officials and Heureaux. About this time Heureaux drew draft on Haitian Government in settlement of claim, which, being insufficient in amount, was returned by claimants' representative. Heureaux did not appoint the commissioner to the Holy See provided for in the arbitration clauses, and, though joint commissioners to survey the boundary line were appointed, they disagreed at the outset and abandoned their work. The only provision of the treaty carried into effect was the payment by Haiti.

August 15.—German minister arrives and blocks the confiscation of Jimenez's concessions.

September 10.—American Weather Bureau station established in Santo Domingo after permission had been asked and obtained of Dominican Government.

October 17.—Heureaux in negotiations with Spanish Government for purchase of two small gunboats.

December 5.—Columbus monument within Santo Domingo cathedral dedicated.

Early in 1898 Heureaux, being unable to extract any more temporary loans from local merchants, determined to make an issue of paper money. The French bank, now under the control of the Improvement Company, which had the exclusive right of issue, refused for several months, but finally yielded after its manager was convinced that a further refusal would imperil his life. An issue of \$1,600,000 in addition to the already outstanding notes of the bank, redeemable in silver, was made, the Government assuming responsibility for its redemption, although it was nominally by the bank. These new notes were legal tender of 2 to 1 as compared with American gold, but a panic immediately ensued; merchants protested against receiving them and farmers refusing to market their produce. The opposition was especially determined in the cacao and tobacco regions of the Cibao. Heureaux visited the different towns in person, threatening and coercing recusants and making especial arrangements with large merchants. But in spite of his efforts the market value of the notes rapidly depreciated.

In 1898 foreigners were installed as agents at every custom-house; smuggling and corrupt understandings between employees and importers were consequently diminished, but on the other hand Dominican prejudice against the Improvement Company increased and Heureaux, as the backer of the Improvement Company lost ground with the office-holding classes as well as with the farmers and retailers. The revenue at the disposal of the Improvement Company materially increased before the currency emission, and the bond interest payments were met in April and October.

1899.

The paper money drops to 10 to 1 with a further downward tendency. Revenue receipts demoralized. Heureaux determines to return to a metallic basis and promises to effect redemption by July 1.

April.—Semiannual bond interest defaulted. Heureaux endeavors to secure European protectorate.

May.—Heureaux visits Mole St. Nicolas and confers with Haitian President about boundary question and mutual protection against revolutionary movements. Agreement reached to arbitrate boundary by commissioners and umpire and not by Holy See. He agrees to draft reciprocity treaty with the United States; submits a project drawn by himself for American protectorate; rejected.

July 26.—He is assassinated at Moca, a cacao town in the Cibao. Fatal shot fired by Ramon Caceres, member of a land-owning family known to be opposed to Heureaux's financial policies and relations with foreign capitalists. Caceres and his relatives believed that Heureaux had come to Moca with the purpose of putting them out of the way. Vice-President Figueroa succeeds to the Presidency.

August.—Revolutionary movement in Monte Christi Province by friends of Jimenez; they send for the latter. About the same time Caceres and Horacio Vasquez, his cousin, start a revolutionary movement at Moca, which quickly spreads to Santiago.

August 25.—Minister of war is defeated at Monte Christi; his troops desert him. Provisional Government installed at Santiago; whole Cibao gives its adhesion. Vasquez marches on capital.

August 30.—Figueroa resigns.

September 6.—Provisional Government installed at capital; Horacio Vasquez, President; Brache, Ferrera, Moya, Caceres, and Cuzman, ministers.

October 20.—Election held; followers of Vasquez and of Jimenez in accord; old Heureaux party takes no part.

November 15.—Jimenez inaugurated Constitutional President and Vasquez Vice-President; Carvajal, Alvaro, Leonte Vasquez, A. Gonzalez, E. Bache, and Deschamps, ministers. Afterwards Jobert, Hernandez, and Cuello enter cabinet, reinforcing to some extent the Vasquez element.

December.—The French Government brings strong pressure for immediate payment of balance unpaid by Heureaux on M. Boismare and Cacavelli claims (total \$254,000).

1900.

January.—French fleet arrives; amount necessary to satisfy demands raised by popular subscription.

January 11.—U. S. S. *Machias*, Captain Logan, arrives.

February.—Small insurrection in Santiago Province headed by Pedro Pepin, formerly governor there under Heureaux; suppressed.

April 21.—New agreement with Improvement Company, providing that payment of interest on bonds be deferred for three years, and the 43 per cent revenue devoted to the service of the debt be divided between the Government's and the Improvement's floating debts, domestic and foreign. The French and Belgian bondholders refuse to accept this arrangement and it is abandoned.

May.—Maximo Gomez visits Santo Domingo; is received with great demonstrations.

June 2.—Law passed establishing gold standard.

October 7.—Insurrection in San Francisco de Macoris headed by Jose Pichardo; suppressed.

1901.

January 11.—Agents of Improvement Company expelled from custom-houses by Government decree.

March 25.—Ad referendum agreement with Improvement Company as to payment of American and British bondholders; Congress refuses to ratify it.

May 1.—All export duties abolished.

June 3.—Separate agreement with French and Belgian bondholders; they consent that their annual interest on total outstanding bonds, including those held by Improvement Company and its associates, shall be reduced from \$570,000 annually to \$300,000; payments thereunder made for a year; Improvement refuses to agree, and proportion of interest applicable to its bonds held on deposit in Paris and Antwerp.

Early in 1901 signs of serious divergencies among the various elements which had overthrown the Heureaux régime became evident; Jimenez accused of favoring politically and financially his personal followers at the expense of the public and the friends of Vasquez; in April Joubert, Hernandez, and Cuello resigned from cabinet; in the latter part of the year the division between the Jimenistas and Horacistas become well defined; Jimenez reverted to Heureaux's old practice of giving pensions and allowances to supporters of his administration; the amount pledged to be set aside for the foreign bondholders was trenched upon; the finances fell into disorder; salaries were unpaid; Horacistas in Congress accused Jimenista ministers of speculation; and the failure to reach an amicable agreement with the Improvement Company and to pay the interest on the Belgian bonds, as well as various debts to Italians, Germans, and Spaniards, threatened international complications.

1902.

February.—American Government intervenes in regard to Improvement Company matter and strongly recommends voluntary agreement.

March.—Decree reducing salaries to one-half. Government accused in Congress of misappropriating and failure to account for \$450,000 during 1901.

March 17.—Vote of censure passed by Congress.

March.—Revolutionary movement in Barahona.

April 4.—Extends to Azua.

April.—Representative of Improvement Company arrives to try and reach an amicable settlement.

April 26.—Formidable revolution headed by Vasquez, Caceres, Cordero, two Cabrera, Ginebra, etc., breaks out in Cibao. Jimenez makes Wos y Gil minister of war. Guelito Pichardo abandons Jimenez and joins with Vasquez. Caceres, Vasquez, etc., advance victoriously on capital. Sanchez, former minister under Heureaux, joins them.

May 2.—After short siege of capital government troops desert; Jimenez takes asylum in French legation and Wos y Gil and Henriquez y Carvajal in American.

May 6.—Vasquez enters capital without resistance; is installed as provisional president; Guelito Pichardo, Cabral, Cordero, Tejera, Castillo, and Sanchez, ministers.

May 15.—Jimenez goes into exile; likewise Eugenio Deschamps, the governor of Puerto Plata.

June.—New provisional government takes hold of problem of debt. "International debt," owed mostly to Italians and Germans, funded at 3 per cent and about \$160,000 annually devoted to its amortization. Amount owed Improvement agreed upon by compromise at \$4,500,000, to be paid in installments of \$225,000 annually, but deadlock ensues because Improvement refuses to give up Puerto Plata-Santiago Railroad. Fifty thousand dollars paid to Sala American who had been partner of Heureaux and furnished goods for government.

October 11.—Monte Christi Province pronounces against Vasquez under leadership of Navarro and Demetrio Rodriguez.

October 21.—Government forces take town of Monte Christi; Navarro and Rodriguez surrender under conditions, but small local "jefes" keep up a guerrilla warfare continuously through the fall and following spring.

The Vasquez administration started in with a vigorous effort to settle the debt, foreign and domestic, and to reform the financial administration; Tejera reduced salaries and expenses and practiced rigid economy; Vasquez and Sanchez were inclined to propose lease of Samana Bay to American Government for cash rent, but nothing definite was done. Until the insurrection broke out in Monte Christi in October Tejera's financial plans appeared to be likely to bring some order out of the confusion inherited from the Jimenez administration, but the expenses of fighting and the failure to agree with the Improvement Company weakened the financial and international standing of the administration.

1903.

January 31.—Protocol signed by which Dominican Government agreed to submit to arbitration the question of the delivery of the railroad and the amount of interest and yearly installments on the \$4,500,000.

February 23.—First provisional installment paid in accordance with the Improvement protocol.

March 6.—Government, on demand of American minister, withdraws decree reducing port charges; American representations based on protest of Clyde Steamship Company, whose concession contains a clause exempting it from payment of port charges and forbidding reduction to other ships or lines.

March 6.—American chargé obtains agreement to pay Ros, harbor concessionaire at Marcoris, \$40,000 as remuneration for dues lost by refusal of shippers to pay. Tejera resigns as minister of finance rather than sign this agreement.

March 14.—Sugar tax of one-tenth cent per pound.

March 23.—Political prisoners at capital escape under leadership of Pedro Pepin and take fort and government buildings. Vasquez was at this time in Santiago, and hastens at once toward the capital with forces gathered in the Cibao. Insurgents solicit Figuereo to form proposed provisional government; he refuses; Wos y Gil accepts.

April 1.—Insurgents defeated with great loss at Pajarito.

April 6.—Pedro Pepin killed in sortie. Desperate fighting under walls of capital.

April 18.—Assaulting party under Cordero and Alverez penetrate city but is annihilated. Vasquez gives up and flees to the Cibao and thence to exile. Wos y Gil forms provisional government; Despradel, Febles, Enriquez, José Barche, Rafael Galvan, Frias, and Deetjen ministers.

April 22.—Vasquez forces fight for the last time in Monte Christi Province. Learning that the president was leaving their country their chiefs give up and the men adhere to Wos y Gil administration.

April 24.—Vasquez and Dementrio Rodriguez go from Monte Christi to Cuba on gunboat *Presidente*. All resistance to Wos y Gil ceases. Jimenez returns from exile. Lilistas and Jimenistas reach understanding.

May 21.—Elections called.

June 8.—Italian minister arrives.

June 21.—Elections held; no opposition to Wos y Gil.

June 22.—Contract with Bancalari, Italian citizen and merchant in Samana, admitting a large claim he had against Heureaux administration, and assigning specifically customs of Samana for its amortization.

July 4.—Protocol signed for payment of claims of Italian citizens damaged in revolutions or making advances to contending parties. By it Dominican Government agrees to set aside \$80,000 a year out of customs of all ports for their payment. This protocol was not published as required by law until after the overthrow of Wos y Gil.

July.—Jimenez named as financial agent abroad.

August 1.—Wos y Gil and Deschamps inaugurated under constitution.

October.—Government proposes to Congress to neutralize Samana Bay and make it a free port; believed to be in German interest and opposed by Horacistas and nationalists. Project abandoned.

October 24.—Carlos F. Morales, governor of Puerto Plata, revolts.

October.—Raul Cabrera, Caceres, and other Horacista chiefs at Moca head insurrection and cooperate with Morales. They take Santiago. Guayabin comes from eastern Monte Christi and joins them. Practically whole Cibao comes under control of insurgents.

October 30.—German and Spanish consuls succeed in getting falling Wos y Gil administration to sign protocol recognizing and giving specific security to claim of German-Spanish commercial firm. The debt was contracted in Heureaux's time and was claimed to be due by him personally.

November.—Morales remains at Puerto Plata while Horacista forces march on capital. Insurrectionary movements in Azua and Barahona.

November 4.—Wos y Gil besieged in capital. American (*Baltimore* and *Newport*), French, German, Dutch, and Italian war ships arrive. Horacista forces led by Eliseo and Raul Cabrera, Epifanio, Rodriguez, and Carlos Ginebra. Later are joined by Guelito Pichardo, Demetrio Rodriguez, Sanchez, and chiefs from Azua. Wos y Gil sends expedition by sea to neighborhood of Puerto Plata; it deserts him; he is without money.

November 24.—Wos y Gil gives up and capital occupied by insurgents. Morales forms provisional government at Puerto Plata; Reynoso, Alfau, Enrique Jimenez (nephew of Juan I.), Pou, E. Cabrera, Victoria, and Ginebra, ministers. Vasquez and Caceres decline to be candidates for President; Horacistas refuse to accept Jimenez as candidate. All the chiefs of the successful revolution agree to hold an election in January and to submit to the result. Morales makes agreement with Raul Cabrera and Caceres that in return for Horacista support he will give them control of the cabinet and most of the provincial governorships. Intrigues for advantages between the Horacistas and Jimenistas.

December 5.—Morales arrives at capital. Guelito Pichardo and Manuel Machado succeed Reynoso and Alfau in cabinet.

December 10.—Jimenez and his partisans determine not to allow Morales to become President; they control the governorships in nearly all the Provinces, because the officials nominated by Wos y Gil had been selected from among anti-Horacistas. Anti-Morales pronunciamientos in Santiago, La Vega, Puerto Plata, San Francisco de Macoris, and Monte Christi. Horacistas under Caceres, Guayabin, and Cespedes gather for resistance. Jimenez goes to Monte Christi and makes it his headquarters on account of facilities there for getting munitions. Confused fighting near Santiago, La Vega, Moca, San Francisco, Samana, and Sosua. Both sides short of ammunition. Jimenistas dependent on supplies received by the Clyde Line and Horacistas on those from Morales at Santo Domingo.

December 13.—Plot to take capital itself from Morales; fails and Jimenista governor takes asylum.

December 17.—Morales goes to Macoris and issues decree exempting sugar from taxation for twenty years on cash payment of \$15,000 by planters.

December 18.—Morales leaves Macoris for north coast, carrying 500,000 rounds of ammunition. Demetrio Rodriguez, governor of Macoris, pronounces immediately after his departure. Morales gets the ammunition into the hands of the Horacistas in the Cibao.

December 20 (?).—Azua and Barahona Provinces pronounce against Morales and select Pelletier and Carlos Mota as provisional president and vice-president. They advance eastward toward the capital.

December 23.—Guelito Pichardo resigns as governor of capital and minister on account of Horacista jealousy.

December 25.—Morales returns from north coast, having left one gunboat to assist in operations against Puerto Plata.

December 26.—Insurgents from Azua continue to advance on capital in spite of capture of boats carrying ammunition.

December 28.—Azua forces besiege capital on west side.

December 29.—Sanchez throws in his lot with Morales and is appointed minister of foreign affairs in place of M. Machado, who was last member of Jimenista leanings left in the cabinet. During the latter part of the month desperate fighting in the Cibao and near Puerto Plata; Jimenistas lose ground when they run short of ammunition and regain it whenever a Clyde boat arrives from New York. As a rule they retain possession of most of the towns, while the Horacistas gather numbers and momentum in the country districts. Bancalari buys for Government large quantities of munitions in Europe.

1904.

January 3.—Macoris retaken by Government.

January.—Caceres and Guayabin gain ground in Cibao; Cespedes successful at Sosua and advances west along coast on Puerto Plata. Navarro leads force from Cibao to aid in siege of capital. Demetrio Rodriguez operates on east of capital.

January 15.—Morales, Sanchez, and Horacista leaders at capital having determined to carry out pending protocol with the United States, and to seek American recognition and financial protectorate, Sanchez starts for Washington as special envoy.

January 15.—Columbia, Captain Miller, relieves Newport, Captain Mertz, at capital.

January 19.—Cespedes takes Puerto Plata from Deschamps. This was a decisive blow against Jimenez's success. Ammunition and reinforcements immediately rushed up to Caceres and Guayabin.

January 20.—American chargé recognizes Morales government.

January 21.—Caceres takes Santiago, and shortly the other towns of the Cibao.

January 24.—Demetrio Rodriguez defeats and kills Eliseo Cabrara near Macoris and retakes that port. About the same time Morales lands expedition at Sanchez and captures it. Active operations against Jimenista bands near Santiago and San Francisco.

February 1.—Machinist Johnson, U. S. Navy, *Yankee*, killed by orders of Demetrio Rodriguez at wharf in capital. Shots fired by insurgents besieging city from east side of river.

February 11.—American S. S. *New York* fired at and struck by insurgents on east side of river. *Newark*, Captain Wainwright, and *Columbia*, Captain Miller, shell insurgent position and land party which drives them back from the water front.

February 12.—Horacista forces from the Cibao approaching capital to raise siege. Morales forces make unsuccessful sorties.

February 15.—Siege raised by retirement of Pelletier and Mota toward Azua, of Navarro toward Cibao and Monte Christi, and of Demetrio's men to Macoris.

March 12.—Demetrio marches out to meet the attacking column; is defeated but escapes with most of his men across the country to Monte Christi; Macoris falls into hands of Government, leaving Morales-Horacista combination triumphant everywhere except in Monte Christi Province. Azua Province still disturbed, but Justan Diaz and other leaders of insurgents there are disposed to treat with Government. Small bands stray out in the woods near La Vega and Barahona.

March 30.—Morales goes to Cibao to make arrangements for decisive campaign against Monte Christi.

April 30.—Export duties increased; cacao \$1.50 and sugar 10 cents per quintal; sugar planters refuse to pay.

Throughout April and well into May hard fighting with varying results in Monte Christi; Epifanao, Rodriguez, and Cespedes generals on Government side; Arias and Demetrio Rodriguez of insurgents. Azua and Barahona are not completely pacified and Perico La Sala stays out near La Vega. Rest of country quiets down, exhausted.

April 25.—Elections called for May 30.

May 1.—Protocols signed with Italian minister recognizing preferential contracts of Bancarlari and Vicini, and fixing November 1 as date of beginning payments on them and on the previous Italian protocol of July 4, 1903. Belgian and French bondholders formally protest against such diversions of revenue previously hypotheated to them.

May 14.—Import duties increased 12 per cent.

May 16.—Martial law suspended.

June 18.—Insurrectionary plot at capital; two participants executed.

June 19.—Morales and Caceres inaugurated constitutional President and Vice-President. Caceres, Sanchez, Valesquez, Pelegrin Castillo, Lamarche, Epifanio Rodriguez, and Bernard Pichardo, ministers.

June 3.—Through intervention of Captain Dillingham, U. S. Navy, peace agreement signed at Monte Christi between Government and insurgents. Desiderio Arias to be continued indefinitely as governor of province and not to be interfered with; insurgent troops to be paid off by Government.

A little later Sanchez goes to Azua and makes similar arrangements with insurgent band there; Justan Diaz, formerly insurgent, continued as governor, but subject to orders of Central Government.

June 28.—First American minister appointed to Dominican Republic arrives at Monte Christi. With Admiral Sigsbee makes tour of all ports of the Republic.

July 14.—Arbitrary tribunal in Improvement Company case gives award. Requires Dominican Government to pay \$450,000 for two years and \$500,000 thereafter. Consternation among the members of Government, who think that it is impossible to meet such an amount, since, taken with all other annual obligations contracted since 1900, the total is more than revenues. Equal consternation among representatives of foreign creditors, who think they will receive nothing if so much is diverted to the Improvement Company. Government repudiates outstanding treasury orders heretofore accepted from local merchants as payment of customs. Great opposition to such action among merchants, especially in the north. Government finances in hopeless confusion; no money in treasury and no credit.

August 19.—On behalf of his own and the German Government, Spanish chargé protests against execution of the award.

October 17.—Possession of Puerto Plata custom-house delivered to John T. Abbott, vice-president of Improvement Company, and appointed by President as financial agent ad hoc. This was on demand of American minister after strenuous diplomatic resistance by the Dominican Government. Latter reserves right to attack hereafter the reasonableness of the award, and begs the Improvement Company to allow it, at least temporarily, to use a portion of the revenue from that port in paying salaries in the northern provinces. Improvement at first allows such help at the rate of \$20,000 a month—Puerto Plata revenues run from \$50,000 to \$100,000 a month—but withdraws it in a week. This action increases already bitter feeling existing toward Judge Abbott and his company, especially on the part of the Government and the political and commercial community at Puerto Plata and Santiago. Merchants who had made short-time loans on the security of the current customs are deprived of means to collect; employees are dismissed and salaries cut down, while the authorities at Santo Domingo are compelled to draw from the already depleted revenues of Santo Domingo and Marcoris funds to meet budget expenses in the Cibao. Improvement Company offers to guarantee the Government \$30,000 monthly if the latter will request Judge Abbott to take charge of all four northern ports. Horacistas threaten revolution against Morales if he consents.

November 12.—Italian chargé protests against award on the ground that it interferes with the government's ability to begin payments in November on Italian protocols. French chargé insists that the payment of \$310,000 a year to French and Belgian bondholders be immediately resumed.

November 27.—President Morales begs that American Government take charge of custom collections at all ports as soon as his Horacista ministers become convinced that loan can not be obtained to meet improvement installments of \$37,500 monthly and to facilitate arrangement with other foreign creditors.

November 30.—German war ship *Bremen* makes visit to capital. Her commander sees Dominican officials and European chargés, but not the American minister.

December.—Minister of finance returns from Santiago and Puerto Plata, having met with no encouragement in regard to proposed provisional loan; finds it impossible to obtain from creditors concessions necessary to enable Government to continue in existence.

December 15.—Belgian chargé arrives from Habana to insist on renewal of payments to French and Belgian bondholders interrupted since early in 1902. He and French chargé intimate to American minister that system similar to that in force at Puerto Plata under award should be applied to the southern ports upon whose revenue receipts those payments are first chargeable. French fleet proceeds from Martinique to Port au Prince, and its intention of soon visiting Santo Domingo is announced.

December 30.—Negotiations looking to collection of customs by American Government at all ports begun.

1905.

January.—Spanish chargé endeavors to block Morales's negotiations with American Government by assuring Tejera that German banks stand ready to furnish money for refunding loan. Tejera declines to bring suggestion before his associates of the Horacista party, which controls the executive council and Congress.

January 21.—Draft of proposed customs-collecting and debt-arranging convention signed; is immediately published by Morales in order to reassure public, which believes that annexation had been extended; insurrectionary plots cease; terms when known are exceptionally well received throughout the country except at Monte Christi. Admiral Sigsbee proceeds there. General amnesty declared.

January 29.—Local banker at Santo Domingo agrees to advance \$75,000 a month to Government on security of turning over to him of the revenues of all ports except Puerto Plata; these advances to be temporary and pending the negotiation and ratification of a convention.

February 4.—In view of Governor Arias's hostile attitude the Government requests the United States to take charge of Monte Christi custom-house under provision of improvement award.

February 7.—Convention signed and sent to Washington.

February 10.—Admiral Sigsbee obtains Arias's consent and Lieutenant-Commander Leiper, U. S. Navy, is peaceably installed in charge of Monte Christi custom-house as collector under the award.

March 14.—Italian war ship *Calabria* arrives; her commander has instructions to insist on fulfillment of Italian protocols; on being informed of the provisions of the pending convention and of the financial position of the Dominican Government he becomes convinced that an acceptance of its terms by all parties offers the best security for an ultimate discharge by the Dominican Government of its obligations.

March 20.—*Calabria* leaves for Kingston.

March 20.—News of Senate's adjournment without ratifying the convention received at Santo Domingo. Immediate activity in revolutionary plottings throughout the Republic. Government doubles guards and arrests prominent Jimenistas.

March 23.—Belgian chargé formally demands immediate resumption of payments to French and Belgian creditors. Threatens to withdraw at once to Habana. Italian chargé, at request of Italian creditors, sends for *Calabria*.

March 24.—Minister of finance proposes that American minister take charge of all customs collections as agent for Dominican Government, paying 45 per cent thereof to Government for its budgetary expenses and holding 55 per cent for the creditors. American minister declines. Minister of finance then proposes that the President of the United States suggest an experienced customs man and a bank of deposit. Finding upon inquiry that such arrangement met the approval of all foreign creditors represented at Santo Domingo, American minister communicates the proposition to Washington.

March 28.—*Calabria* returns and remains about two weeks.

March 29.—President of United States consents to suggest American for customs receiver and an American bank to act as depository.

March 31.—Dominican Government issues decree putting into effect proposed financial modus vivendi.

April 4.—George R. Colton's name is suggested by President Roosevelt and he is immediately appointed general customs receiver by Dominican Government.

April 10.—Dr. J. H. Hollander arrives as special agent to investigate details of Dominican financial situation.

April 25.—Colton enters upon the discharge of his duties; leaves Dominicans in custom-houses; puts Americans in central office, in traveling auditor's department, and on Haitian frontier. Organizes customs guard to prevent contraband over Haitian frontier, and puts into effect rigid and exact accounting system. The customs revenues immediately began to rise, and by the end of a year were almost double what they had been under exclusively Dominican administration. The proportion received by the Dominican Government gives the latter a larger and more regularly paid cash income than any administration had ever had at its disposal. Salaries paid promptly and armed forces begin to be put on better footing.

May 11.—Admiral Bradford replaces Sigsbee in Dominican waters.

June 1.—Lamarche made minister of interior and Leonte Vasquez of public works.

June 9.—Law providing for rural guard on Cuban system passed.

June 21.—American gold made legal standard.

June 24.—Epifanio Rodriguez resigns as minister of war to take governorship of La Vega in place of Guayabin, who is disgruntled with Morales because the latter has not protected him from criticism in Congress on account of alleged arbitrary acts. Perez takes war portfolio.

July 1.—Candelario de la Rosa heads small insurrectionary movement in Barahona Province; suppressed in few weeks.

August 7.—Montolio, formerly Morales's private secretary, succeeds Pelegrin Castillo as minister of justice.

September.—Under modus vivendi administration running with smoothness unprecedented in Dominican history; power now being worth having and permanency of Government assured; rival ambitions in ruling combination begin to clash. Sanchez, Perez, B. Pichardo, and Montolio line up with Morales, giving him five of the eight votes in the executive council. The straight-out Horacista ministers, Velasquez, Lamarche, and Leonte Vasquez, fear they will be dismissed, but know they can count on the support of Caceres and Horacio Vasquez, a majority of Congress and the much-feared Horacista generals from the Cibao, as well as the dominant element in the capital.

October 20.—Caceres, having become convinced that Morales is intriguing to expel Horacistas from participation in the administration and to replace them with Jimenistas or independents, suddenly visits the capital and demands the dismissal of Perez and B. Pichardo. Morales yields with bad grace. Perez sent as governor to Puerto Plata. Luis Tejera and Eladio Victoria enter cabinet, giving straight-out Horacistas control of executive.

November 6.—Small insurrectionary outbreak near Macoris headed by Berroa Canelo, nominally in Jimenez's interest, but is suspected of having secretly fomented by Morales. Suppressed within ten days.

November.—Strained relations between Morales and Horacista having become publicly known, the former receives many assurances of Jimenista support. A representative of Arias and Rodriguez comes to capital and president makes secret arrangement with him. Minister Lamarche goes to Cibao to rouse Horacistas to a sense of the threatening danger. President discusses publicly with friends the advisability of reorganizing the cabinet; makes tentative offers of positions in it.

November 26.—President requests minister of war to dismiss the commanding officer of the Santo Domingo garrison. On refusal he verbally announces his intention of dismissing all the Horacista ministers.

November 27.—Minister of war closes gate of fort and gives orders that no resistance be made if American forces are landed to protect American lives and the custom-house. President retires to his residence. Street conflict imminent, with chances decidedly against President. Contending factions request American minister to be present at interview between leaders with view of facilitating compromise. Agreed that garrison commander be dismissed and that all positions outside of Monte Christi be held by known Horacistas. Caceres arrives and Morales renews former agreement to consult him before making any changes in cabinet. Luis Tejera made garrison commander and Ginebra takes war portfolio.

December 5.—At Caceres's request majority of Congressmen caucus and agree in writing to vote for ratification of convention providing it be so modified as to provide that American intervention to preserve order can not be invoked without the consent of Congress.

December 6.—Many Horacistas believe that Sanchez is counseling Morales to make up a coup d'état, suspend constitution, and make himself dictator. Threats of killing Sanchez made by radical Horacistas; he sends word to Admiral Bradford that he is in danger of his life and that street fighting is imminent. Admiral sends landing parties from *Olympia* and *Des Moines* to *Scorpion*, which is anchored inside the river. Populace flies to arms, believing that the Americans are about to attack city and forcibly sustain Morales. Band of armed men enter palace with intention of killing President, who, they believe, has requested such intervention. American minister is present and at his request Caceres induces mob to leave palace. Sanchez takes refuge in American consulate. Great excitement, but no further disorder. Admiral withdraws landing parties. Lives of all resident Americans threatened by excited and irresponsible Dominicans. Sanchez resigns.

December 18.—E. Tejera made minister of foreign affairs.

December 22.—Perez takes measures to hold Puerto Plata for Morales, expecting to receive word of definite breach immediately.

December 23.—Morales consents to cabinet decree removing Perez, but secretly sends him word not to obey it.

December 24.—Morales clandestinely leaves capital with small party; intends to go to Monte Christi either overland or by gunboat, if the latter can pick him up on the coast. Commander of gunboat unable immediately to act with Morales because of orders from minister of war sending troops on board for transportation.

December 25.—Perez surrenders governorship of Puerto Plata to government nominee and sails for Monte Christi to join Jiministas there.

December 26.—Morales breaks his leg trying to cross the Hiana River only 10 miles west of capital. Local "jefes" of Jaina resist government forces sent to capture Morales. He escapes into the woods near the road from the city to Jaina and lies concealed. With him is Enrique Jimenez, whom he had sent for to take position in his proposed new cabinet.

December 26.—Arias, Pichardo, Navarro, and Rodriguez pronounce Monte Christi. Gunboat deserts Government with arms and money on board and takes them to Monte Christi.

1906.

January 1.—Special session of Congress impeaches President and calls on vice-president to exercise his functions pending trial.

January 2.—Rodriguez, Perez, and Deschamps, having landed forces brought from Monte Christi on gunboat near Puerto Plata, attack latter town. Bloody fight; 700 engaged; losses 162; insurgents defeated after entering town and Rodriguez killed. Same day Pichardo and Navarro, having marched up valley on Santiago, attack that town; they are easily defeated by superior numbers.

January 5.—Gunboat lands force under Barba and Perez on Samana peninsula; Sanchez attacked.

January 10.—Pichardo and Navarro defeated by Guayabin at Guayacanes and driven back on Monte Christi.

January 11.—Morales takes asylum in American legation.

January 12.—Morales resigns and is taken to San Juan by U. S. S. *Dubuque*, Captain Fechteler.

January 13.—Gunboat surrendered to Government in Samana Bay. Good offices of U. S. S. *Paducah*, Captain Winterhalter, asked by both sides and successfully given.

January 15.—Government forces enter Monte Christi, and Ariás and others take asylum on board American war ships. Are taken to San Juan by U. S. S. *Nashville*, Captain Chambers. Insurrection over except for operations of small bands in country districts.

January 22.—Band under Pedro Mota and Peguero cross Samana Bay to Seybo Province and they are relentlessly chased through the woods and hills by Rubirosa and Presbyterio Hernandez for a month and are finally killed, captured, or dispersed.

January 27.—Barba surrenders on Samana peninsula.

January 31.—The two bands out in Barahona Province surrender.

February 10.—Cepin starts insurrectionary movement near Dajabon. Caceres announces his intention of resigning and calling Congress together to elect Vasquez, on account of pressure on him to dismiss Velasquez, minister of finance, brought to bear by merchants and military leaders in the Cibao.

February 15.—Dandelario de la Rosa starts an insurrectionary movement in Barahona Province. Zenon Ovando drives him into Haiti.

February 19.—Caceres agrees to serve out his term or at least until convention shall be ratified; this on account of urgent desire of more conservative and cautious element of his party.

March 7.—Vasquez arrives at Santo Domingo; his first visit for three years. He puts himself in accord with Caceres-Tejera-Valesquez programme in regard to convention ratification and economy in administration.

March 7.—Cepin killed in course of negotiations between Guayabin and insurgents for agreement as to local authorities at Dajabon, Guayabin, and Sabaneta. Insurgents under Mauricio Jimenez determine to make uncompromising resistance to Government. Mauricio is quickly joined by several hundreds, but is not able to undertake aggressive or extensive operations owing to lack of ammunition.

March 14.—Montolio retires from cabinet and his place taken by Bido.

April.—Guayabin leaves Monte Christi for visit to capital in order to get more money and reach understanding with central authorities. Insurrection gains ground.

April 20.—Congress passes law exempting sugar from taxation after August 1.

May 19.—Government buildings rushed in in night by 20 men.

June 9.—Velasquez goes to the United States in order to make arrangement facilitating a quick voluntary settlement or refund of debt immediately on the ratification of the convention and without compelling all creditors to await the completion of the investigations of a commission. Success would relieve current stringency beginning to be felt on account of heavy remittances to New York by receiver-general.

June.—Congress passes resolution declaring Italian protocols invalid; Italian consul protests.

Limardo takes Guayabin's place as delegate in Monte Christi.

July.—Limardo's conciliatory offers rejected by insurgents. Camacho's attempts to catch and decisively defeat them also fruitless. Government troops desert in large numbers.

August 6.—Thurston and Milbourn, Americans in employ of general receiver, are killed by smugglers at Las Matas, a town near the Haitian frontier and

for generations a center for contraband trade from Port-au-Prince. Ringleaders are allowed by local authorities to escape into Haiti, where they are captured by Haitian officials and sent to Port-au-Prince.

August.—Navarro lands on Monte Christi coast; Pichardo comes out of his hiding place in the interior; both join Mauricio. Insurgents take the aggressive and capture ammunition at Dajabon and Guayabin.

August 20.—Archbishop and ex-President Merino dies; Adolfo Nouel, coadjutor archbishop, succeeds him.

September 20.—Large reenforcements sent to Monte Christi with Zenon Ovando, Justan Diaz, Zenon Toribio, and Presbyterio Hernandez as generals to assist Camacho. Government abandons policy of conciliation.

September 28.—Velasquez returns successful from the United States.

September 30.—Chief murderers of Thurston and Milbourn brought to Santo Domingo from Port-au-Prince.

The Acting Secretary of State to Chargé Pollock.

DEPARTMENT OF STATE,
Washington, October 31, 1906.

SIR: I have to acknowledge the receipt of Mr. Dawson's No. 309, of the 18th instant, stating that he had prepared and left on file at the legation a chronological statement of political events in the Dominican Republic since the independence of the country, and inclosing a copy of it for the department's files.

The department commends the care and labor bestowed upon the preparation of this valuable paper.

I am, etc.,

ROBERT BACON.

**BOUNDARY QUESTION BETWEEN THE DOMINICAN REPUBLIC AND
HAITI.**

Minister Dawson to the Secretary of State.

No. 261.]

AMERICAN LEGATION,
Santo Domingo, June 16, 1906.

SIR: I have the honor to inclose you a memorandum on the Dominican-Haitian boundary question.

The material for this memorandum I have obtained from numerous sources during the last year and a half—principally conversations with the former and present Dominican ministers of foreign affairs and the Haitian minister plenipotentiary here accredited.

There seems to be no disposition on the part of either Government to press the matter at the present moment, but you will observe that the question is in such a condition that it might, without warning, assume an acute phase.

I have, etc.,

T. C. DAWSON.

MEMORANDUM ON THE BOUNDARY QUESTION BETWEEN HAITI AND SANTO
DOMINGO.

[Extracts.]

SANTO DOMINGO, June 16, 1906.

About the middle of the eighteenth century the French settlements on the island of Santo Domingo occupied nearly one-third its area. They covered a

strip 20 to 30 miles wide extending all around the western coast from the river Massacre on the north to the Pedernales on the south, and also the two great peninsulas which stretch out toward Cuba and Jamaica, the one ending at Mole St. Nicolas and the other at Cape Tiburon. Most of this territory was highly cultivated and thickly inhabited, the population being about 100 to the square mile. The number of whites and mulattoes was small in comparison with that of the negro slaves who formed the mass of the population, and but few negroes were free. French, or a patois derived from it, was the universal language.

The Spanish settlements were thinly scattered over the rest of the island, there being not more than 5 persons per square mile. This scanty population was largely concentrated near the interior town of Santiago and on that coast plain near Santo Domingo City. However, small villages existed at several points close to the French frontier, and there was a thriving port at Monte Christi, just east of the Massacre. The free population outnumbered the slave; many negroes had been freed, and white blood predominated, although much mixed with the black. Spanish was the language universally used.

Prior to 1777 the boundary was undetermined. The French authorities had repeatedly advanced claims to the territory east as far as the rivers Guayabin and Neyba, but had never succeeded in getting permanent possession of any part of this additional tract. Its few inhabitants were Spanish.

By a treaty signed at Aranjuez in 1777 the boundary between the respective possessions of the two nations was fixed substantially at the edge of the French settlements, and the line exactly surveyed and marked by joint commissioners.

In 1791 a sanguinary race war broke out in the French part, the whites fighting as royalists to maintain the régime of special privileges, and the mulattoes striving for the rights granted them by the laws of the French convention. Both sides armed the negro slaves, and soon many of the latter were operating on their own account. Spain and England being then at war with France, British troops attacked the French coast towns, while Spanish forces advanced over the land frontier. Many of the independent negro bands had fled into the sparsely settled regions on the Spanish side of the line, and some of these cooperated with the Spaniards and Englishmen, making their headquarters often in Spanish territory, especially in the districts of San Rafael and San Miguel, towns lying within the apex of the great northwest angle made by the boundary.

In 1794 Toussaint L'Ouverture and most of the other powerful negro chiefs abandoned the Spanish side and the former accepted a commission as brigadier-general in the French army. The feeble Spanish authorities in Santo Domingo were unable to maintain even a respectable defense against their former allies, now combined with the regular French officials and forces, and the negro bands made incursions far within the 1777 boundary, advancing as far as the Guayabin-Neyba line across the island. The whole frontier was laid waste and the Spanish inhabitants of San Rafael, San Miguel, Hinchá, Banica, and Las Caobas abandoned their homes and fled for their lives, leaving nearly the whole of the upper Artibonite Valley a desert.

In 1795, by the treaty of Bale, Spain formally ceded to France her part of the island. Toussaint and the negroes had become virtual masters of the interior of the original French part, although nominally acting under French commissions. But for five years Toussaint was so occupied expelling the British from the French coast towns and reducing rival negro chiefs to obedience to himself, that he left the Spanish authorities in undisturbed possession of the inhabited portion of the eastern end, nor did he take any steps to establish regular government or settlement in the deserted Spanish frontier. In 1798 the English troops withdrew, and in 1799 and 1800 Toussaint put down the last independent negro chiefs, reducing the whole of the French end to a comparatively tranquil state. In the latter part of 1800 he marched at the head of a large army to Santo Domingo City, which surrendered without resistance in January, 1801, leaving him supreme in all the Spanish as well as the French part of the island as French general in chief.

One year later Napoleon sent a strong expedition to reestablish a regular French government on the island. It landed at Samana Bay in the extreme east, whence detachments quickly took possession of all the principal towns of the Spanish part. In the French end Toussaint at first resisted, but he soon submitted, professing himself satisfied with the terms offered by Napoleon's generals. Troubles, however, quickly broke out again. Toussaint was thrown

into prison and carried to France. The negroes resumed their war of extermination against the whites. Yellow fever decimated the French troops crowded into the Haitian coast towns, and by the end of 1803 those who survived in the French end were compelled to withdraw. The only French troops left behind were the small, isolated detachments garrisoning the far distant towns of the Spanish end whose inhabitants had peacefully accepted and willingly continued under the rule of the French officers, which they vastly preferred to that of the dreaded Haitian negroes.

January 1, 1804, the negro commonwealth of Haiti issued a formal declaration of independence, asserting in its constitution that its territory included the whole island. In 1805 two considerable Haitian armies invaded the present Republic of Santo Domingo, encountering no resistance until they reached the capital. The French general, Ferrand, had concentrated his few troops in that city; the place was reasonably well fortified; the surrounding Spanish-speaking population was secretly hostile to the Haitians; Dessalines found difficulty in provisioning his besieging army; and the opportune arrival off the port of a French fleet forced his withdrawal. Once in retreat he did not stop until he had passed the old boundary between French and Spanish territory, and he left no Haitian officials behind him except, perhaps, in San Rafael and San Miguel.

Shortly after his return to Haiti proper Dessalines was killed in a mutiny, and in the civil wars which followed his dominions were broken up into two and later into three independent portions. About 1808 we encounter the earliest definite proof of regular and permanent Haitian occupation of San Miguel and San Rafael. At that date these towns already formed integral parts of Christophe's "Empire." Between them and the nearest Spanish settlements for more than 40 miles stretched the region which had been depopulated in 1794.

The isolated French general's rule over the Spanish-speaking part continued until 1809, when it was ended by a revolt of the Creoles. The Spaniards at home were then fighting against the usurpation of Joseph Bonaparte, and the Seville Junta promptly accepted the offer of the Dominicans to return to their old allegiance. In 1814 Spain's possession was legalized by one of the clauses of the treaty of Paris which ceded the territory in 1795.

In 1820 President Boyer succeeded in uniting the French-speaking part of the island, and began to plan the incorporation of the Spanish-speaking part. The civil war that broke out in Spain that year deprived the authorities in Santo Domingo of any hope of receiving aid from home, and Bolivar's recent successes in Colombia and Venezuela had weakened Spanish prestige throughout the Caribbean region. Feeble in numbers and resources, the Dominican Creoles did not hope to be able to achieve or maintain their independence, and with Spanish power in America tottering to its fall only two courses laid open to them. One party favored incorporation with the Colombian Confederation, and another annexation to Haiti. The former temporarily prevailed at Santo Domingo City, but with the arrival of President Boyer and a Haitian army in the beginning of 1822 the whole eastern portion of the island peacefully became an integral part of the Haitian Republic.

In 1825 the French Government conceded full and complete independence to the inhabitants of the French part of the island, and in 1830 the Spanish Government made a formal demand upon that of Haiti for a delivery of the former Spanish part. It was refused, and Spain took no steps to enforce it.

The whole island being now under one government, no obstacle was placed in the way of free intermigration. The Spanish Creoles—and more especially those of them who lived near the old frontier—were engaged in cattle herding rather than agriculture; they were few in numbers, and not crowded for room. Few or none of them migrated into Haiti proper. On the other hand, being agricultural in their habits and inhabiting a densely populated territory, the French-speaking negroes were more inclined to emigration and permanent settlement in new regions. Advancing southeast from San Rafael and San Miguel, their villages had become scattered over the fertile valley of the upper Artibonite as far east as a line drawn from Banica to the Massacre before the end of the period of union. The chief town of this district is Hincha.

A similar movement east from Mirebalais made the town of Las Caobas and the banks of the lower Artibonite French speaking as far as Los Puertos. But neither on the northern frontier, where the strong Spanish settlement of Dajabon on the Massacre dammed the stream of immigration, nor in the narrow and arid defiles between the lakes and mountains east of Port au Prince, nor on the

rarely visited southern coast beyond the Pedernales, did the Haitians cross the old frontier and make settlements. A few Haitian officials established themselves in some of the large towns, and scattering individuals came in here and there, but no traces of their presence remain except a few family names and an occasional person who still remembers something of the Haitian patois. As a matter of fact, throughout the twenty-two years during which the whole island was under a single government, Haitians and Dominicans showed no disposition to coalesce socially or industrially. Intermarriages, unknown now, were rare then, and administrative contact seems not to have diminished the mutual repugnance of the two people—a repugnance which is nearly as strong among Dominican negroes as among Dominican whites.

During the year 1843 revolts against Boyer broke out in Haiti proper, and the movement spread to the Spanish-speaking part. Boyer's governor at Santo Domingo City was overthrown by a mixed Junta of anti-Boyer Haitians and ambitious Dominicans. But Herard, who had been proclaimed dictator at Port au Prince, justly suspected some of these Dominican leaders of plotting independence and others of desiring a Spanish protectorate. His sudden visit to Santo Domingo delayed the execution of the Dominican plans, but shortly after his return to Port au Prince, where revolutionary disorders continued, independence was declared (February 27, 1844) and the Haitian authorities expelled from all the territory within the 1777 line except San Rafael, San Miguel, Híncha, and Las Caobas. The declaration of independence and the new Republic's first constitution claimed as the limits of its territory the line which in 1793 divided the Spanish from the French possessions. All Haitians were expelled and their property confiscated.

There are four principal routes from Haiti into Santo Domingo:

(1) That of Dajabon near the northern coast. This leads from Cape Haitien through Dajabon up the Yaqui Valley to Santiago.

(2) That of Banica. This leads southeast from San Rafael and San Miguel down the Guayamuco—a principal affluent of the Artibonite—through Híncha to Banica. Thence it continues into Dominican territory, joining the Comendador road at Las Matas.

(3) That of Comendador. This leads up the main stream of the Artibonite from Mirebalais to Las Caobas; skirts the mountains on the south of that valley; crosses the spur of Los Puertos, and runs through Rancho Mateo, Veladero, and Cachiman to Comendador. Thence it continues through Spanish-speaking territory to Las Matas, crosses the watershed between the Artibonite and Neyba river systems to San Juan, and thence runs south to Azua and along the southern coast to Santo Domingo City.

(4) The Tierra Nueva route follows the northern edge of the chain of brackish lakes that extends east from the neighborhood of Port au Prince to near the mouth of the Neyba. Crossing the line of 1777 where the latter traverses the Laguna del Fondo, it passes through Tierra Nueva, La Caleta, and Postrer Río to the large Dominican town of Neyba, whence one branch leads to Azua and another to Barahona.

For military purposes the second of these routes may be left out of consideration because the distance by it to the Spanish settlements is so great from the Haitian centers of population and bases of supplies.

Notwithstanding that their country continued in an unsettled state, in 1844 the Haytians invaded the revolted provinces by all three routes. By way of Dajabon they advanced as far as Santiago, where they met with a decisive defeat and retreated immediately to their home territory. On both the Comendador and Tierra Nueva routes the Dominicans were at first compelled to retire beyond Azua, but the Haitian forces meeting formidable resistance near that town and being hampered by the civil war at home, soon abandoned all these temporary conquests in Spanish-speaking territory. In 1845 the war was renewed on the central route, and though Dominican detachments at first entered Las Caobas and Híncha, the arrival of Haitian reinforcements soon compelled them to retreat. When, however, the pursuing Haytians invaded Spanish-speaking territory they were in turn unsuccessful, and active operations ceased with Santo Domingo still in possession of Comendador, and Banica and Haiti of Las Caobas and Híncha. The intervening desolated and uninhabited strip was in the effective possession of neither.

Skirmishes, ambushings, and raids continued, but there was no further serious fighting until 1849, when the Emperor Soulouque, having overpowered his rivals, began a series of determined efforts to reconquer the Spanish part of the island.

His main army advanced by the central route through Las Matas, San Juan, and Azua, but was defeated between the latter place and Santo Domingo City. Thereupon the Haytians precipitately retired through Las Matas to Las Caobas, leaving the frontier wasted, the towns burned, and most of the cattle gone. They also retreated through Neyba on the Tierra Nueva route to the 1777 line.

In 1850 the British, French, and American agents at Port au Prince offered their mediation with a view of procuring a recognition by Haiti of Dominican independence, or at least a truce. But it was not until Soulouque had made another unsuccessful invasion the following year—this time only along the southern route—that he consented to a truce of a year. In 1855 Spain formally recognized the independence of the Dominican Republic "with all the territories that actually constitute it," renouncing in its favor all rights to the territory "formerly known as the Spanish part of the island of Hispanola."

In the latter part of the same year, taking advantage of internal quarrels in Santo Domingo, and France and England's absorption in the Crimean war, the Emperor Soulouque renewed his effort to incorporate the lost provinces. But his invasions were more promptly repelled than those of former years had been. Although at the outset his troops drove the Dominicans out of Neyba, on the southern route, and back to San Juan, on the central route, they never got beyond the latter place, and, after a defeat, retired to their own territory. The war ended with an equally unsuccessful invasion along the Dajabon route.

Shortly thereafter Soulouque fell from power and these campaigns of 1855 and 1856 were the last ones undertaken by Haiti against the Dominican Republic. The twelve years of fighting had changed little, or not at all, the de facto boundaries as they had existed immediately after the declaration of independence in 1844. In the north the Massacre River furnished a well-defined line, with Spanish-speaking people on one side and French-speaking on the other. From its headwaters south to Banica the country was so sparsely inhabited that the exact limits of occupation were uncertain. Banica was Dominican and Fort Biassou, on the other bank of the Artibonite, was Haitian. Thence southwest across the southern half of the Artibonite Valley and the mountains there were uncertainty. Comendador was the last village occupied by Dominicans on the only east and west road traversing the region, but several miles intervened between this place and Los Puertos, where the most easterly Haitian settlement was encountered. South of the mountains, on the Tierra Nueva road, the Haitians had no posts east of the 1777 line, and the same was true on the southern coast, which, however, was very sparsely inhabited from the Pedernales east to Petit Trou.

Although hostilities ceased in 1856, never again to be resumed, no treaty of peace or recognition of Dominican independence was concluded for several years. In 1861, impelled thereto by financial difficulties, factional quarrels, and the menace of Haitian invasion, the Dominican Government applied to Spain for incorporation. In the plebiscite held to ratify the treaty of annexation the towns of Dajabon and some villages near the frontier do not appear to have taken part. Some Haitian writers contend that this shows that these places were then under Haitian jurisdiction—a statement contradicted by their Dominican opponents. In 1862, Santo Domingo being then an integral part of the Spanish dominions, the Spanish Government formally notified that of Haiti to evacuate all territory east of the 1777 line, but the request was not complied with. On the contrary those Dominicans who refused to accept Spanish annexation received open aid from the Haitian Government and people. Insurrectionist bands were organized and fitted out on Haitian soil, and one of these—that of August 16, 1863—stirred up a revolt which, after two years of war, compelled the Spaniards to withdraw. Among other services rendered the revolting Dominicans by the Haitians was the occupation of certain points in Spanish-speaking territory. On one occasion at least Dajabon was in Haitian possession, and the same was true of other frontier posts of less importance. It appears that they were all voluntarily evacuated after the departure of the Spaniards.

Dominican independence, so far as Spain and all the rest of the world except Haiti was concerned, was completely reestablished in 1865, and the relations of the then Government of Haiti with the new Dominican Government began on a very friendly footing. The more enlightened among Haitian statesmen thought it wiser to recognize Dominican independence than to maintain a hostile attitude, which might at any moment force Santo Domingo to throw herself again into the arms of a foreign power, thus giving the negro republic a

preponderantly strong instead of a weak neighbor. Accordingly, in 1867, the executives of the two countries signed a treaty of peace and friendship. One of its clauses stipulated that a subsequent treaty should fix the permanent boundary and that meantime each country should remain within its then possessions. This fixing of a permanent boundary by treaty seemed inconsistent with the constitutions of both countries, seeing that that of Santo Domingo specified the line of 1777 as the limits of the republic, and Haiti's provided that that country included the whole island. The treaty was, however, promptly ratified by the Dominican Congress, but before similar action could be taken by the Haitian Congress there occurred a change in Haiti's policy. She now determined to hold the question open with the idea of seizing a favorable opportunity to renew the attempt to reincorporate Santo Domingo. She refused to ratify; the hope of a definite peace vanished for the moment; and as an act of retaliation the Dominican constitution was amended so as to remove any doubt that might previously have existed as to the impossibility of fixing the boundary by treaty alone. The adoption of this amendment was in effect an ultimatum notifying Haiti that the Baes Government, then in power at Santo Domingo, proposed to insist upon the 1777 line.

Meanwhile civil war again broke out in Santo Domingo. The revolutionary party, known as the "Blues," were assured of Haitian aid and cooperation, while President Baez committed himself to the policy of annexation to the United States. The expeditions of the "Blues" were organized and equipped on Haitian soil, and their operations conducted in the Dominican provinces adjoining the frontier. At the request of "Blue" leaders, Haitian troops occupied various places along the line, especially those situated on the Comendador road between the latter place and Los Puertos.

Civil war continued with few intermissions from 1868 to 1874. The definite failure of the annexation treaty in the American Senate weakened Baez, and although he had been able at all times to repulse the attacks from the Haitian frontier, an uprising of the populous northern provinces late in 1873 quickly compelled him to give way to Gonzalez.

But the new Dominican Government was greatly hampered by factional quarrels and want of money. Hardly had it been established according to constitutional forms than Gonzalez abolished the existing constitution at the petition of his own partisans, assuming to act as representatives of the nation. He was invested with dictatorial powers under the title of Supreme Chief. The relations of the Haitian Government with Gonzalez were extremely cordial. It was willing to recognize Dominican independence and advance money to Gonzalez, and the latter stood ready to make a satisfactory boundary treaty and to leave Haiti in at least temporary possession of the district recently occupied, as well as of the regions settled by Haitians before 1844. In order to remove the legal obstacle presented by the claim to the whole island embodied in the Haitian constitution, that instrument was amended so as to provide that Haiti's limits should be the line of her actual possessions. The similar difficulty offered by the former Dominican constitution did not seem likely to be serious, since it had been abolished, and it was certain that the new constitution about to be framed by a convention summoned by Gonzalez would adopt a boundary clause consistent with a settlement with Haiti.

Accordingly plenipotentiaries were sent to Port au Prince and an elaborate treaty of peace, friendship, and commerce signed November 9, 1874. Three of its articles affect the subject of this memorandum:

Article 12 obligates the Haitian Government to advance to that of Santo Domingo \$150,000 annually for the term of eight years. Nominally this was to reimburse the latter for the greater advantage Haiti was expected to derive from the mutual free trade provided for in another article, but the real purpose was to make up to Santo Domingo the \$150,000 annually coming to her for the lease of Samana to an American company. This contract had been made by the Baez government and Gonzalez was under pledge to annul it.

Article 3 obligates both nations never to cede any part of their respective territories nor to solicit or consent to foreign domination or protectorate.

Article 4 reads as follows:

"The high contracting parties formally agree to establish, in the manner most in conformity with equity and the reciprocal interests of the two peoples, the frontier lines which separate their present possessions.

"This necessity will be the subject of a special treaty, and commissioners will be named as soon as possible for this purpose."

Simultaneously with the signature of the treaty Supreme Chief Gonzalez summoned a constitutional convention and to this body it was submitted for ratification. When it came up for consideration a few members objected to the fourth article, on the ground that it might be construed as definitely settling the boundary at the *uti possidetis* of 1874. Thereupon a resolution was adopted stating that in voting to ratify the treaty the convention did not intend to establish a definite and permanent boundary or to commit the country on the boundary question. No amendment was incorporated in the treaty, nor any explanatory protocol signed. The convention voted unanimously for ratification and inserted a clause in the new constitution explicitly stating that the boundary with Haiti should be determined by a future special treaty with that country.

The Haitian Congress ratified without comment or amendment. Two years later there was, however, another revolution in Haiti, followed by a complete change of policy. The new Government declared all the acts of the outgoing administration, including the Dominican treaty, null and repealed, and refused the demand of the Dominican Government for payment of the subvention stipulated in article 12. Thereupon the boundary clause in the Dominican constitution was promptly changed back to what it had been before the Gonzalez régime.

Diplomatic relations were not resumed until after the pacification of Santo Domingo by General Heureaux in 1880. Then a preliminary convention looking toward a revision and modification of the 1874 treaty was signed. While neither Government was willing to formally denounce the 1874 treaty, the only legal basis upon which the relations of the two countries rested, it had become evident that serious theoretical and practical difficulties existed as to many of its provisions, and especially that the interpretations of the boundary clause differed so widely that it could not peacefully be carried into execution. Haiti contended that it established the *uti possidetis* of 1874 as the definite boundary, and that the special treaty referred to would be only for the purpose of arranging the mechanical details of the demarcation of a line already indicated. Dominican public opinion insisted that the 1874 boundary clause did not touch the ultimate claim of either country to the disputed territory; that it was intended only to provide a provisional boundary on the basis of the status quo, and that the special treaty would determine the definite boundary. Most Dominicans further believed that if the Haitian interpretation were the true one the clause was unconstitutional and its acceptance by the Gonzalez Government *ultra vires*. Many Dominicans also insisted that the expression "actual possessions" did not refer to the *uti possidetis* of 1874, but to that of 1856, the date on which hostilities ceased, and that an evacuation of territory usurped between the ending of the war and the signing of the treaty of peace was a condition precedent to putting it into effect. Others contended that a payment by Haiti of the subvention provided for by article 12 was also a condition precedent.

On the other hand the Haitians insisted that this subvention provision should not be carried out, at least until statistics had demonstrated that Haiti had, in fact, derived greater benefit than Santo Domingo from the free-trade arrangement. No statistics had been kept and the relative advantage of the two countries was as yet undeterminable.

The net result of all these divergencies was that the preliminary convention of 1880 was never ratified or put into execution.

In 1883, Heureaux being then president and firmly entrenched as the dominant leader in Dominican politics, plenipotentiaries met at Port au Prince to discuss the revision of the treaty and the framing of a new one as to the establishment of a permanent boundary. Their efforts, however, were fruitless. Four years later Heureaux felt so assured of his power at home and of the strength of his Government relative to that of Haiti—the latter being hampered by internal troubles—that he vigorously renewed negotiations with a view of securing a practical settlement. In 1887 he sent a confidential agent to Port au Prince who offered to concede the disputed territory west of the *uti possidetis* of 1856 in consideration of a cash indemnity. The Haitian Government was willing to accept the principle of cash compensation but insisted that the boundary be so drawn as not to include territory occupied by Haitians, and altogether did not meet Heureaux's advances in the same direct and business-like fashion in which he made them. He thereupon disavowed the proposition of his confidential agent, reiterated the Dominican claim of right to the whole territory east of the 1777 line, and proposed arbitration. The Government of

President Salomon answered evasively, the Dominican agent was withdrawn, and shortly afterwards civil war broke out in Haiti.

During this war certain Dominicans who were acting with the Legitimate faction obtained possession of the Haitian frontier posts of Cacmillian and Biasou—the first being immediately west of Comendador and the latter of Banica. When hostilities ceased with the victory of Hippolyte over Legitimate they were in the hands of the Dominican Government. Hippolyte promptly demanded their evacuation and Heuresaux was forced to consent in order to avoid a war, protesting, however, that this act must not be considered as prejudicing Santo Domingo's right to insist on the *uti possidetis* of 1856 as the provisional boundary under the treaty of 1874, nor its ultimate rights to all the territory east of the 1777 line.

In 1890 Heuresaux and Hippolyte signed a memorandum by which they agreed to begin negotiations looking toward a definite settlement of the boundary controversy. But this fresh attempt came to nothing as had the previous ones. Indeed, the Haitian Government almost immediately ordered full duties to be collected on goods imported from Santo Domingo—a direct violation of article 13 of the treaty of 1874.

Not until 1894 were negotiations renewed. Haiti initiated them by a request that commissioners be appointed to carry out the boundary provision of the 1874 treaty. As a matter of fact President Heuresaux had assured the Haitian Government that if it would pay him a satisfactory money indemnity he would consent that it retain permanently most of its conquests. Officially, however, the Dominican Government replied that it would join in the naming of such commissioners if Haiti would agree to advance to accept the *uti possidetis* of 1856 instead of that of 1874 as a provisional boundary, and to consent that the 1874 treaty be revised so as to clearly provide for an equitable permanent boundary. But the latter would imply a renunciation of the Haitian contention that that treaty had already established the basis according to which the permanent boundary should be drawn. The Haitian Government shrank from explicitly yielding this vital point, while President Heuresaux realized that Dominican public opinion might become dangerously excited by the announcement that he was contemplating abandoning for a mere money consideration a national claim sustained through so many years.

Finally an apparent agreement was reached—Haiti consenting that the true interpretation of article 4 be submitted to the arbitration of the Holy See, and Heuresaux abandoning the contention for the *uti possidetis* of 1856. The Dominican President privately assured the Haitian Government that in case the arbitral decision should be in favor of the Dominican interpretation, he would accept a money indemnity for the territory occupied by Haiti up to 1874, but in order to conciliate the public opinion which insisted that a concession of territory in any form would be *ultra vires* and unconstitutional, reserved the privilege of submitting the making of the proposed treaty of arbitration to a popular vote.

Accordingly on May 16, 1895, he convoked a plebiscite to determine the following questions:

"1. Whether the *uti possidetis* contended for by the Government of Haiti ought to be accepted, or whether the opposing interpretations of article 4 advanced by the two Governments should be submitted to arbitration?"

"2. Whether in case arbitration should be accepted the Dominican Government might confide the function of arbiter to His Holiness?"

"3. Whether in case the decision were favorable to the Dominican Government the latter should be authorized to fix territorial compensations, or another line (than that of 1777) to serve as a permanent boundary?"

"4. Whether in case of an adverse decision the Dominican Government might accept it in all its parts?"

In the plebiscite all four questions were affirmatively voted, but the congressional resolution based upon this vote and authorizing the executive to proceed was drawn in the following limited form:

"The executive is authorized to submit to the arbitration of the Pope the Dominico-Haitian dispute occasioned by the different interpretations given to article 4 of the treaty of 1874. The executive, in accordance with the opinion expressed by the people (in the plebiscite), will make all provisions relating to the arbitration, informing Congress opportunely of the result."

Thereupon—July 3, 1895—a treaty was signed which provided that the interpretation of said article 4 should be submitted to the arbitration of the Holy

See. If the decision was favorable to the Haitian contention Santo Domingo was to agree to the marking of a permanent frontier following the line of the posts actually occupied by Haiti in 1874. If favorable to the Dominican contention, Santo Domingo was to agree that Haiti retain possession of the territory west of the same line upon receiving just pecuniary or territorial compensation.

Both countries sent their plenipotentiaries to Rome, who submitted their respective evidence and argument to Cardinal Rampolla, papal secretary of state. The latter, however, refused to advise the Holy Father to act as arbiter under the treaty as drawn, at the same time stating that he would accept if the whole boundary case should be submitted in a form permitting his decision to be a final determination of the whole question at issue. As a matter of fact, the Dominican plenipotentiaries did not want an arbitral decision merely on the meaning of article 4, knowing that grave difficulties would subsequently arise in regard to the amount of pecuniary compensation and the demarcation of the *uti possidetis* of 1874. They earnestly desired an opportunity to maintain their country's right to the ancient boundary of 1777 on the broadest historical and legal basis. So Cardinal Rampolla's determination to refuse to act under the treaty of July 3, 1895, was eminently satisfactory to them.

In 1898 a treaty was signed and ratified by which the countries agreed to submit the boundary question to the Holy See without restrictions.

After this treaty had been signed neither Government showed any disposition to proceed with the arbitration. Commissioners were named to demark the line of the *uti possidetis* of 1874, but hardly had begun their labors when they disagreed and returned to their respective capitals. In 1899 President Heuraux and the Haitian Government signed another secret agreement during a visit the former made to Mole St. Nicolas. This agreement is said to have been more favorable to Santo Domingo than the secret treaty of 1898, but information as to its exact terms is not obtainable. It does not appear to have been ratified or even to have been drawn in the form of a formal treaty.

That same year President Heuraux was assassinated, and the succeeding administration showed no disposition to continue his Haitian policy. Accordingly Haiti took steps to push the arbitration and sent plenipotentiaries to Rome. But the Dominican Government failed to take similar action; Haiti did not insist; and no advance has since been made toward a solution of the controversy. Public opinion in Santo Domingo is overwhelmingly opposed to yielding to the Haitian demand for the line of 1874, and insistent that equitable territorial as well as pecuniary compensation be given in a final settlement; the short-lived governments which have succeeded one another since Heuraux's death have never been strong enough, even if they were so disposed, to hope to force a settlement through Congress or a plebiscite, as he did. On the other hand, Haiti is not anxious for a definite settlement unless it can be obtained on the basis of the 1874 line and no further pecuniary compensation. She is already in possession of the disputed territory, and believes she has everything to lose and nothing to gain by any arbitral decision.

When the present Horacista government came into power late in 1903 its members, being notoriously opposed to an acceptance of the Haitian interpretation of the treaties of 1874 and 1898, sent ex-President Gonzalez as minister to Port au Prince in the belief that he, being the author of the treaty of 1874, would be regarded with particular favor by the Haitian Government and be able to prevent the question from reaching an acute phase. In July, 1905, the Haitian minister at Santo Domingo indicated his Government's willingness to resume immediately the demarcation of the 1874 line. The Dominican answer was evasive, asking for time to study the matter, and in subsequent correspondence reserving the privilege of discussing the constitutional status and international validity of the treaties. But both sides carefully avoided pushing this correspondence to an ultimatum, and it was soon dropped.

The real peril of the situation lies in the ever-present possibility that Haitian authorities or individuals on the frontier will take action which would be construed by the Dominican public as an aggression or invasion. Not only did Haitian officials take and keep possession of the region between Comendador and Los Puertos in the years previous to 1874, but they also then or subsequently occupied several villages north of Banica, others southwest of Comendador, and still others south of Lake Enriquille. Besides these official acts of occupations large numbers of individual Haitians, who for the most part were fleeing from the arbitrary rule of the local military chiefs of their home villages,

have crossed over into uninhabited Dominican territory. For example, the populous village of Restauracion is inhabited entirely by French-speaking negroes immigrated from Haiti, although they have obeyed a Dominican official since Heureaux's time.

Several times in the last twenty years the report of real or supposed aggressions or invasions into Dominican territory has brought the countries to the verge of war. Such a report always arouses Dominicans of all classes, and bands of volunteers offer themselves to the Government, and sometimes even march for the frontier without that formality. Once during President Jimenez's administration the news that Haitians had occupied an insignificant and uninhabited place east of the Massacre occasioned the instantaneous mobilization of two or three thousand men, and without the prompt intervention of the present Haitian minister to Santo Domingo and of Vice-President Vasquez grave results would have followed.

The Acting Secretary of State to Minister Dawson.

No. 120.]

DEPARTMENT OF STATE,
Washington, July 11, 1906.

SIR: I have to acknowledge the receipt of your No. 261, of the 16th ultimo, reporting on the Dominican-Haitian boundary controversy.

The intelligence and industry shown by you in the preparation of your report are highly commended.

I am, etc.,

ROBERT BACON.

ENFORCEMENT OF THE SUGAR PRODUCTION TAX.

[Continued from Foreign Relations, 1905, pp. 391-394.]

Minister Dawson to the Secretary of State.

No. 205.]

AMERICAN LEGATION,
Santo Domingo, January 17, 1906.

SIR: Referring to the subject of your No. 48, of March 23,^a the collection of the sugar production tax, I have the honor to confirm your telegram as follows:

WASHINGTON, December 31, 1905.

Referring to your telegram 16th last March and department's 48 of March 23. Please report status of suit then proposed to be brought to collect sugar tax.

In view of this Government's course in not taking action while the treaty is pending you may in a friendly way intimate to Dominican Government that until the question is judiciously determined it would be appropriate and courteous to defer collection of the tax by seizure of sugar or by detention of steamers awaiting this season's crop or by other forcible measures.

ROOT.

and to say that I immediately called upon the minister of finance, who was then acting as minister of war ad interim and whom I found absorbed in the then pressing duties of that portfolio. He said that he would be able later to give the matter proper consideration, and assured me that until we had further discussed it the prohibition of the export of sugar by persons in default on the sugar tax would be

^a Printed in Foreign Relations, 1905, p. 393.

suspended, and that the ships then loading at Macoris would not be interfered with.

Accordingly I telegraphed you as follows:

SANTO DOMINGO, *January 1, 1906.*

Sugar tax suit pending supreme court on appeal by Bass. The Dominican Government promises not to interfere with shipments this week.

DAWSON.

I confirm your reply as follows, which on account of the interruption of telegraphic communication during the fighting at Puerto Plata did not reach me until January 5.

WASHINGTON, *January 3, 1906.*

Promise not to interfere with shipments this week not understood. Such a limitation not available, illusory, and not responsive to the attitude of this Government in refraining from pressing isolated matters pending complete adjustment under the treaty.

ROOT.

On its receipt I visited the minister of foreign affairs, who called in the minister of finance. They gave the assurance suggested by you and I accordingly telegraphed as follows:

SANTO DOMINGO, *January 5, 1906.*

Dominican minister for foreign affairs further promises that sugar exportation will be permitted until final decision supreme court. Negotiations for amicable settlement are pending.

DAWSON.

A few days later the managers of the Santa Fé and Cristobal Colon estates came to this city and had several conferences with the minister of finance looking to a concession of time for the payment of the accumulated tax. The minister made them a proposition which they agreed to submit to their principals.

The minister said that he would prefer that the whole amount in question be deposited in the hands of third parties pending the decision of the case now pending before the supreme court, but if the resources of the Santa Fé and Colon estates made this inconvenient he would consent that the arrears be paid in installments.

I ascertain from various deputies and cabinet members that it is the intention of Congress to abolish the sugar-production tax immediately upon its assembling in regular session on February 27. Although they expressly assert that their action in this respect will not be affected by the attitude taken by the sugar planters in regard to the payment of arrears in case the decision of the Supreme Court is in favor of the Government, it is probable that this attitude will nevertheless have its effect when the time actually comes to repeal the present law.

I herewith inclose a note sent by me to the minister of foreign affairs by which our verbal understanding made in pursuance of your telegraphic instructions is made a matter of record.

The only important point which seems to remain open is the form of security to be given by the sugar planters pending the judgment in the court of last resort. Minister Valasquez gives me to understand that he has communicated to Señor Joubert powers to arrange as to it.

I have, etc.,

T. C. DAWSON.

[Inclosure.]

*Minister Dawson to the Minister for Foreign Affairs.*AMERICAN LEGATION,
Santo Domingo, January 17, 1906.

MR. MINISTER: Confirming our recent conversation, at which His Excellency the minister of finance assisted, I have the honor to inform your excellency that I am sure my Government will appreciate the action of your Government in deferring enforcing the collection of the sugar tax by seizure of sugars, detention of steamers, or other forcible measures pending the judicial determination of the main question. My Government believes that this attitude of the Dominican Government is just and responsive to the friendly attitude of the American Government in refraining on its part from pressing through the diplomatic channel isolated matters pending a complete adjustment under the convention now being considered by the American Senate and the Dominican Congress.

I improve the opportunity to renew, etc.,

T. C. DAWSON.

Minister Dawson to the Secretary of State.

No. 208.]

AMERICAN LEGATION,
Santo Domingo, January 29, 1906.

SIR: Continuing the subject of my No. 205 of the 17th instant, the collection of the sugar-production tax, I have the honor to report that on the 25th instant the ministers for foreign affairs called me in for a verbal conference with him and the minister of finance in regard to my note to the former of January 17. (See inclosure with No. 205 of January 17.)

It seemed that the minister of finance was inclined to think the terms used therein too comprehensive. He called my attention to the fact that the only suit now pending is the one against W. L. Bass, and said that he feared the other producers would not consent to be bound by the decision in that case. As against Bass or any producer consenting to abide by the decision, he was willing to waive the Government's right to levy a judicial attachment or enforce the tax by a seizure of sugars, but he did not understand that, in the case of a decision in the Bass case in favor of the Government, the other producers ought to be exempted from any legal consequence of suits which the Government might be forced to bring against them.

In other words, if he wins the suit against Bass he does not want to be obliged to bring a succession of suits involving the same question against the other planters, suits in which he could not attach sugar, thus permitting the planters to decline to pay or give security until each of the suits shall be decided in the court of the last resort.

I told him that I did not think it was the intention of the planters to filibuster or undergo the expense incident to a series of suits undertaken merely for delay. I would ask the department to ascertain from those of them who had invoked its friendly intervention whether they would consent to abide by the decision in the Bass case. I added that if the decision were adverse to the planters the payment of the tax would, nevertheless, be under protest, and be made without prejudice to whatever right it may hereafter appear they have to institute judicial or diplomatic proceedings to recover damages for the breach of the exemption contract of December, 1903. The min-

isters then renewed their assurances that no seizure of sugars would be made pending the decision of the Bass case, at least until they were advised by me that the other planters would continue to refuse payment after it may have been decided in favor of the Government.

I therefore respectfully suggest that the department ascertain from Messrs. Kelly and Bartram Brothers their position with reference to the Bass suit.

Inclosed you will find a copy and a translation of Señor Tejera's reply to my note of the 17th and a copy of a note from me confirming the conversation above referred to.

I have, etc.,

T. C. DAWSON.

[Inclosure 1.]

Minister for Foreign Affairs to Minister Dawson.

[Translation.]

DOMINICAN REPUBLIC, MINISTRY OF FOREIGN RELATIONS,
Santo Domingo, January 29, 1906.

Mr. MINISTER: I duly received your excellency's communication of the 17th instant, relating to the collection of the sugar tax. I have sent a copy of it to the minister of finance and commerce in order that he may have it in his hands when he resolves to take action in this matter.

I improve this opportunity to renew to your excellency the testimonies of my distinguished consideration.

E. TEJERA.

[Inclosure 2.]

Minister Dawson to the Minister of Foreign Affairs.

AMERICAN LEGATION,
Santo Domingo, January 29, 1906.

Mr. MINISTER: Confirming the conversation which on the 25th instant I had the honor of having with your excellency and with his excellency, the minister of finance, I take pleasure in informing you that I have written to the Department of State requesting that it ascertain the attitude of the other American sugar planters toward the suit brought against W. L. Bass by this Government to compel the payment of the sugar-production tax.

My Government will, I am sure, be gratified at the renewed assurances given that shipments will not be interfered with or sugars seized pending the decision of the Bass case, at least until your excellency shall be advised through me that the other sugar planters intend to refuse payment even in the event of that decision being favorable to this Government.

I improve the opportunity to renew, etc.,

T. C. DAWSON.

Minister Dawson to the Secretary of State.

[Extracts.]

No. 213.]

AMERICAN LEGATION,
Santo Domingo, February 3, 1906.

SIR: Referring to the subject of my Nos. 205 and 208, of the 17th and 29th ultimo, the collection of the sugar-production tax, I have the honor to inclose herewith a copy and translation of a note from

the minister of foreign affairs acknowledging the receipt of my note of January 29.

I also confirm your telegram, as follows:

WASHINGTON, *January 31, 1906.*

[Referring to] your [dispatch] No. 205. Interested parties here represent that Dominican Government requires payment and proposes seizure of sugar in violation of promise, reported in your dispatch of January 5. Urge that this should not be done.

Root.

This came on the evening of its date, and the next morning I called on the minister of foreign affairs. His Government had taken no action in violation of its promise and proposed to take none.

[At his suggestion] I telegraphed to one of the proprietors of the Santa Fe estate, who is also the manager of the dock company, as follows:

SANTO DOMINGO, *February 1, 1906.*

Have representatives Government taken any action lately about embargoing sugar? Answer.

DAWSON.

To this I received the following reply:

SAN PEDRO DE MACORIS, *February 1, 1906.*

Not up to this afternoon. Shipments going on without interruption.

Ross.

In the course of my conversation in the morning with the ministers of foreign affairs and finance the former had begged me to make as clear as possible to my Government the attitude of his own and its views of the facts.

The following memorandum of his statement has been submitted to him and the minister of finance, and they find it correct:

The minister of finance, finding this sugar-tax law on the statute books when he took office, thinks, and has always thought, that it is his duty to enforce it, without prejudice, however, to the legal rights of the producers to attack its constitutionality in the courts. The usual method of enforcing the collection of taxes is by a seizure and sale of the taxed article, a process practically equivalent to an attachment under the common law, and called in civil law an "embargo." In February, 1905, he ordered an embargo of sugars belonging to the "Porvenir" estate, but at the request of the American Legation ordered the process discontinued in order to give the State Department an opportunity to decide whether it wished to intervene.

In May he proposed to the united planters of Macoris to bring a test case against any one of them to determine once for all the validity of the tax. In said suit there would be no embargo, but the planters were to give security for their compliance with a decision by executing obligations payable in the event that the suit went against them. This proposition was accepted by some of the local sugar estate managers ad referendum, but was finally rejected. Shortly subsequently the Government brought suits for the recovery of the tax against the Cristobal Colon, the Santa Fe, the Porvenir and Consulo estates. In these suits no embargo was levied. W. L. Bass, the proprietor of the Consuelo, answered to the merits. The other three defendants plead in abatement, contending that as foreign

residents they could not be served with process in this country. The lower court dismissed the latter three suits, and the Government promptly appealed. The supreme court in October reversed the lower court as to the Porvenir and Sante Fe, holding that being corporations with their principal place of business here they could be served in this country. As to the Cristobal Colon the decision was affirmed because the proprietors are natural persons residing abroad. The minister of finance is not advised that new suits have been begun against the Porvenir, Sante Fe, and Cristobal Colon.

Meanwhile the merits were being argued in the Bass case and about November the lower court gave judgment against him. Before he began an appeal the sugar exporting season came on and he and the other producers prepared to make shipments without paying the tax. In December the minister of finance issued an administrative order prohibiting the exportation of sugars which had not paid. Bass then appealed from the decision of the lower court and the minister of finance suspended the order prohibiting exportations.

No subsequent steps to enforce the tax, beyond a preparation of the case for the supreme court, have been taken by this Government and none are in contemplation. If the decision is against Bass the Government proposes to enforce collection against him and the other planters by all legal means, including embargo, and thinks that the American Government ought not to ask it to refrain from using all remedies and processes given by Dominican law. Further, if any or all other planters now declare their intention not to be bound by the Bass case and to compel the beginning of separate suits against them, this Government suggests that it would not be unjust for it immediately to begin suits aided by the embargo, but it has no immediate intention of so doing and in no event will bring such suits until after the planters have had ample opportunity to indicate their attitude toward the Bass suit.

I have, etc.,

T. C. DAWSON.

Minister Dawson to the Secretary of State.

No. 229.]

AMERICAN LEGATION,
Santo Domingo, March 7, 1906.

SIR: Referring to the subject of my No. 213, of the 3rd ultimo, the collection of the sugar production tax, I have the honor to confirm your telegram, as follows:

WASHINGTON, *February 22, 1906.*

Department does not wish you to take any part in the proposed settlement between the sugar planters and Dominican Government looking to twenty years exemption from taxation, on immediate payment of one hundred thousand dollars. We have no right to interfere against any agreement that planters may make with Dominican Government, but we look with disfavor on that kind of agreement.

Roof.

In this connection the Department may be interested in the fact that some two months ago the matter of making a large cash payment in consideration of the Dominican Government's granting concessions to the paying planters to produce sugar for twenty years without liability to taxation, was discussed among persons in this Republic in-

terested in the production and exportation of sugar. They had a conversation on the subject with the minister of finance with a view to ascertaining whether he would accept such a proposition and guarantee its receiving the sanction of the proper legislation. He answered that he had no authority nor desire to enter on any arrangements for this or any other compromise; that personally he did not favor the Government's tying the hands of future administrations. His duty was confined to endeavoring to collect the tax already due, and his power did not extend beyond that of granting an extension of time. He could not grant a reduction of amount, nor would he recommend that Congress grant one. He did believe, however, that the tax imposed by the present law was an undue burden on the sugar industry, and he would be glad if Congress on its own initiative should repeal it at the approaching session.

I have reason to believe that the minister has not since changed his views on any of these points.

I have the further honor to confirm your telegram, as follows:

WASHINGTON, *February 24, 1906.*

Kelly & Co. report sugar central Ansonia Co., Azua, refused shipment until tax paid for the year and previous years. Appears to be in violation of assurance given you no action would be taken pending termination Bass suit.

BACON.

I confirm my telegraphic reply to you as follows:

SANTO DOMINGO, *February 27, 1906.*

Dominican Government repeats that it has not given and will not give orders to prevent sugar shipments Azua or elsewhere pending termination Bass suit.

DAWSON.

The present status of the Bass suit in the supreme court is as follows: Having appealed to the supreme court from the judgment on the merits rendered against him in the lower court, he failed to appear in the former when the case was called. Default was taken, and a notice of that fact served on his attorneys. But it appears that under the practice here he has a right to suspend the enforcement of the judgment of affirmation by answering this notice, and thereafter to be heard on the merits in spite of his default. Having filed this answer, or notification of an intention to defend, the case is therefore now pending before the supreme court.

I have, etc.,

T. C. DAWSON.

Minister Dawson to the Secretary of State.

No. 250.]

AMERICAN LEGATION,
Santo Domingo, May 21, 1906.

SIR: Referring to the subject of my No. 229, of March 7, 1906, the collection of the sugar production tax, I have the honor to report that on the 14th instant the supreme court rendered a decision in the case of the Dominican Government *v.* W. L. Bass. I have not yet been able to obtain a copy of the court's opinion, although one will be given me as soon as possible.

I am informed that the decision is completely adverse to Mr. Bass, dismissing as unfounded his contention that the decree of December

18, 1903, and the contract of the same date under which \$10,500 was paid this Government, constitute in law a prohibition against placing any tax on sugar for twenty years from that date. The practical effect of the decision is to make Mr. Bass immediately responsible for a tax of 10 cents per hundred pounds for all sugars manufactured by him during the last two years. He will also be liable for the same tax on all sugar manufactured from the present time until August 1st, the date on which the sugar duties are abolished by the recent law.

By the next mail I will forward a copy and translation of the decision.

I have, etc.,

T. C. DAWSON.

Minister Dawson to the Secretary of State.

No. 253.]

AMERICAN LEGATION,
Santo Domingo, June 2, 1906.

SIR: Continuing the subject of my No. 250, of May 21, the sugar production tax, I have the honor herewith to inclose you a copy and translation of the supreme court decision adverse to Mr. William L. Bass.

I have also obtained and carefully read the argument of Mr. Bass's attorneys and have endeavored, with the aid of conversations with persons learned in Dominican law and practice, to reach an exact understanding of the contentions on both sides and the opinion of the court.

It appears that the defendant's attorneys allowed the various defaults to be taken with a view of gaining time and that they did not prejudice the ultimate trial of the cause on the merits. This is usual in hard-fought cases and in accordance with the practice of the best Dominican lawyers. One default seems to be allowed before each court as a matter of form, and the cause may thereafter be reopened for trial on the merits as a matter of course without prejudice to the defaulted party.

The essential part of the decision is that the contract of December 18, 1903, by which the minister of finance agreed in the name of the provisional government to exempt sugar from taxation for twenty years, was invalid and unenforceable because it attempted to limit the action of subsequent legislative bodies. The supreme court holds that future legislative action is not a proper matter for contract with private individuals, and that a provisional government's power in this respect is not greater than that of a constitutional government.

Mr. Bass's alternative prayer was for damages equal to the amount he would have to pay if the contract were enforced. This prayer was denied as was his principal prayer that the tax law subsequently passed be declared invalid. The reasoning of the court on this question of damages is not explicit, but it seems it was held that the contract being void ab initio as against public policy no action for damages on account of its violation would lie.

If the department desires copies of the voluminous arguments of the counsel on both sides I will procure and send them.

I inclose herewith copies of requests made by the resident manager for Mr. Bass that I intervene to prevent the execution of the judgment of the supreme court and of my reply to him.

I have, etc.,

T. C. DAWSON.

[Inclosure 1.—Decision.—Translation.]

Fermin Rodriguez Gonzales, secretary of the supreme court of justice, certify that in the records under his charge there exists a decision, word for word as follows:

In the name of the Republic—In the city of Santo Domingo on May 14, 1906, sixty-third year of independence and forty-third of the restoration—the supreme court of justice duly convened in the room where it holds its hearings, composed of the Magistrates Rafael J. Castillo, president; Leovigilde Cuello, and Martin Rodriguez Mueces, members; Manuel de J. Gonzalez Marrero, fiscal member; assisted by the undersigned secretary, has given the following decision and judgment in its civil jurisdiction:

In the matter of exception taken by Mr. William L. Bass, proprietor of the estate "Consuelo," situated in San Pedro de Macoris, who has as his duly constituted attorneys among those practicing before the courts of the Republic, Moises Garcia Mella and Jacinto B. Peynado, said exception having been taken to the judgment of default rendered by this supreme tribunal on the 5th of February of this year against the State.

The roll having been read by the Alguacil de Estrados, and the argument of the attorneys of the opposition having been heard, which terminates as follows:

"Therefore, and in virtue of articles first, second, 1134, 1135, 1156, 1157, 1158, 1161, 1184, 1234, 1352, 2044, and 2052 of the Civil Code; 25, 36, 91, 102, and 103 of the constitution; and 157 and 130 of the Code of Civil Procedure: Be pleased, first, to listen to Mr. William L. Bass, who opposes the execution of the decision rendered against him by this supreme court on February 5, 1906, and which has been notified to him on the 17th of said month and year. Be pleased, second, to discharge him from all judgments pronounced against him, both in the decision given by your authority and in the decision given by the court of first resort of San Pedro de Macoris, on the 26th of May and 6th of November, 1905, respectively; to reverse all these judicial decisions; and holding to the contrary to declare that the principal action of the Dominican State against Mr. William L. Bass for the collection of the disputed tax is ill founded and unenforceable because the State wants right and interest in the bringing of such action; Be pleased, third, likewise, in deciding upon the adverse considerations advanced by Mr. William L. Bass in the lower court, to declare one of two things, either that the Dominican Government is required to hold Mr. William L. Bass during twenty years exempt from paying all public taxes upon the sugars he may produce on and export from the estate "Consuelo," situated in San Pedro de Macoris, and this not only in consequence of the rights acquired by virtue of laws prior to the decree of April 30, 1904, but also as an execution of the contractual transaction of December 18, 1903; or that, rescinding said contractual instrument (sanction of article 1184 of the Civil Code) you declare that the Dominican State, being a debtor unfaithful to the execution of what was agreed upon, ought to pay Mr. William L. Bass, not only because it has failed to fulfill the guarantee of exemption decreed on August 12, 1902, and December 18, 1903, but also because it has not carried out the aforesaid contractual transaction, an indemnity equal to the sums of money which have successively been required of Mr. William L. Bass on account of the disputed tax or any other public taxes which may directly or indirectly fall upon his sugar enterprise; and, fourth, that you condemn the Dominican State to the payment of all the costs."

And the argument of the attorney for Bass, Moises Garcia Mella, amplifying the defense and terminating by ratifying its conclusions, having been heard;

And the arguments of the solicitor general and of Dr. José Lamarche having been heard which terminates as follows:

"For all the reasons set forth, and those which will be added by the attorney for the State, Dr. José Lamarche, and for others which you will deign

to supply in your high judicial learning, and in virtue of the dispositions of articles 6, 1111, 1112, 1115, 1117, 1131, 1133, 1128, and 2045 of the Civil Code; 130 of the Code of Civil Procedure; and the decrees of March 14, 1903, and April 30, 1904, the Dominican State at the instance of the treasury administrator of San Pedro de Macoris, concludes respectfully praying that, first, you dismiss the exception taken by Mr. William L. Bass as unfounded and frivolous; second, that you confirm in all its parts your judgment of default rendered on February 5, 1906; and, third, that you condemn Mr. William L. Bass to the costs of this action."

And the attorney, Dr. José Lamarche, having been heard in the reading of his argument employing the defense which terminates by ratifying the former conclusions;

And the records being examined:

It appears that on March 14, 1903, the provisional government presided over by Gen. Horacio Vasquez gave a decree establishing a tax of 10 cents gold upon each hundred pounds of sugar produced in the Republic; that on December 18, 1903, the minister of finance, representing the provisional government, party of the first part, and the managers of the different sugar estates, parties of the second part, entered into an agreement to which they gave the name of contract, by which the Government undertook to free sugars from all taxes or duties during twenty years, and the managers of the estates, in the names of their respective owners, agreed to pay each one the sum of \$1,500 gold in settlement of the tax in so far as it corresponded to the production of 1902; that on the same date (December 18, 1903) the provisional government gave a decree by which the sugar which might be produced in the country for the term of twenty years was freed from all taxes; that on April 30, 1904, the provisional government issued a decree concerning export duties by which the decree of March 14, 1903, establishing the tax of 10 cents on each hundred pounds of sugar was declared to be in force; that on May 4, 1905, the treasury administrator of San Pedro de Macoris summoned Mr. William L. Bass before the court of first resort of said judicial district to hear himself condemned to pay into the treasury office the sum to which his proportion of the tax of 10 cents gold on each hundred pounds of sugar might amount, said sugar being produced by his estate "Consuelo" from the day upon which he ceased to pay it according to the last settlement, and to the payment of the costs; that on May 26, 1905, the court of first resort gave a judgment in default in said cause because said defendant had not appeared, accepted the considerations advanced by the plaintiff, and consequently condemned Mr. William L. Bass to pay into the treasury office the aforesaid sum, and further condemned him to payment of the costs; that on June 23, 1905, Mr. William L. Bass filed an exception against the said default judgment pronounced against him on May 26 of the same year; that in the session held for the purpose on October 6 the discussion of the cause took place, and the judge gave judgment by which he dismissed the exception of Mr. Bass, and his demand for damages and losses, confirmed in all respects the previous judgment, and condemned the defendant to pay the costs, and said defendant not accepting this judgment appealed therefrom in due time and form; that the period fixed by the law having run the hearing for the discussion of the cause before the supreme court was fixed for the 24th of January, 1906, and the appellant not having appeared the public law department, representing the state, prayed for a default and that its considerations be judicially ratified because well founded and resting on legal proofs; that on February 5, 1906, this supreme court rendered judgment affirming the judgment appealed from and to whose conclusions Mr. William L. Bass had entered formal exception; that the requisites of the law having been complied with the hearing of the cause took place again in the session of March 16.

And the supreme court after having deliberated,

Considering that *de facto* governments are not invested with full sovereignty which always resides in the people; that their extraordinary power only results from the accumulation of legislative and executive functions; that therefore they can change laws, suspend them, and repeal them in their legislative capacity, but can not validly infringe those laws whose existence they have respected, and ought to adjust their acts to them because such laws are legitimate or obligatory for the nation; considering that an agreement founded upon an illicit consideration can produce no effect whatever (article 1131 of the Civil Code); that the consideration is illicit when prohibited by law or contrary to public interest (article 1133 of the Civil Code); that only things which are commercial can

be the subject of contracts (article 1128 of the Civil Code), and that the laws which concern the public interest can not be repealed by private contracts (article 6);

Considering that to be valid contractual transactions must unite within themselves the general conditions requisite to the validity of contracts, and further those which are especially required for them by the Civil Code; that to be able to contract it is necessary to have power to dispose of the subject-matter of the transportation (article 2045 of the Civil Code);

Considering that the contractual transactions celebrated the 18th day of December between the minister of finance, representing the Government, party of the first part, and the managers of the sugar estates of Macoris, parties of the second part, can have no validity in law on account of its consideration being illicit, seeing that by it was stipulated the remission of the sums owed up to that date by the sugar producers on account of the tax of 10 cents gold on each hundred pounds they produced, which was created on the 14th of March, 1908, by the decree of the provisional government, which they were not willing to comply with, and further because there was stipulated the removal of all taxes from sugar for a period of twenty years, all this in consideration of the sum of \$10,500 which the estates had paid one for all to the Government; that the first stipulation is illicit, seeing that it gave sanction to the resistance of the estate proprietors to the payment of a tax legally established, and made the subject of contract things which are not commercial, being the public revenues, and the power of legislation to create, modify, or suppress taxes in conformity with the requirements and necessities of the nation;

Considering that laws which suppress a tax for a definite or indefinite time are of a public nature like those which create them and may in any case be modified, revoked, or repealed, without giving the right to those whose interests may be harmed to interpose in opposition as a vested right and privilege of exemption which they have been enjoying and hoped to continue enjoying, and that in such a case it can not be truly said that the law has a retroactive effect because it only touches the future;

Considering that in the present case the decree of December 18, 1903, was virtually repealed by that of April 30, 1904, which reestablished the tax of 10 cents gold upon each hundred pounds of sugar produced in the country; that no court can ignore the obligatory character of this decree while it continues in force—that is to say, until the first of August, the date upon which it will cease to be effective by virtue of the decree of the National Congress of date April 21 of the current year;

Considering that although it is true that the National Treasury has always enjoyed the privilege of undertaking the collection of taxes without the necessity of going before the courts, it is not prohibited from preferring the course of the ordinary courts because such a method is entirely favorable to the person being collected from;

Considering that every party who fails ought to be condemned in costs:

Therefore, and in view of articles 1, 6, 1128, 1131, 1133, and 2045 of the Civil Code, and 130 of the Code of Civil Procedure, of the decrees of March 14, 1903, and April 30, 1904,

The supreme court, administering justice in the name of the Republic, but authority of law, and in virtue of the cited articles, holds that it ought to dismiss and does dismiss the exception taken by Mr. William L. Bass to the judgment rendered by this supreme court on February 5, of the current year, and consequently confirms in all its parts said decision and condemns the defendant to all the costs of the present cause, and by this same decision definitely judging the matter order is thus given and thus signed.

(Signed) R. J. Castillo, Martin Rodriguez Mueses, Leovigildo Cuello, Fermin Rodriguez Gonzalez, Secretary. Registered in Santo Domingo May 17, 1906, in Book Letter B, folio 220, No. 633, \$2 gold being the fixed fee. (Signed) Rogelio A. Rodriguez, Director of Register. I have taken notice. (Signed) Jose G. Garcia, Municipal Treasurer. It is a faithful and exact copy. Consequently the Republic orders and requires any Alguacil legally requested thereto to put these presents in execution by the Fiscal Officers of the Courts of First Resort and by the General Solicitor to be caused to be executed, and by the authorities, civil as well as military, to whom shall be entrusted the public forces to lend their aid if it shall be legally required. In faith of which this copy has been signed and sealed by me in order that it may serve as an efficient authorization to the Fiscal Minister, on this the 17th day of May, 1906 (Signed) Fermin Rodriguez Gonzalez, Secretary. (There is a seal.)

In the city of Santo Domingo, on the 18th day of May, 1906, at the request of the Dominican State, and solicitation and diligence of the Treasury Administrator of San Pedro de Macoris, his duly authorized attorneys being the Solicitor General of the Republic, and Dr. Don Jose Lamarche, I, Eduardo Guatreau, the undersigned, Alguacil de Estados, of the Supreme Court of Justice, expressly went to the office of Don Jacinto B. Peynado and Don Moises Garcia Mella, attorneys authorized by Mr. William L. Bass, situated in the 19th of March street, house No. —, and have notified them and left a copy, speaking with Jacinto B. Peynado, of the adverse decision pronounced by the Supreme Court of Justice on the 14th day of the said month and year as the date of this instrument. Of all which we have written out these presents, whose costs, including copies, paper and registry is \$17.50 gold. I gave faith. (Signed) Eduardo Guatreau.

[Inclosure 2.]

Mr. Gustav Stiernstam to Minister Dawson.

SAN PEDRO DE MACORIS, *May 24, 1906.*

MR. MINISTER: As per "mandamiento de pago," notified yesterday this estate has been condemned to pay to the Dominican Government within twenty-four hours the amount of, more or less, \$24,000 on account of the 10-cent taxes.

As I am without means to satisfy this demand, I take liberty of bringing this fact to your knowledge.

I have, etc.,

GUSTAV STIERNSTAM,
Resident Manager of the Estate Consuelo.

[Inclosure 3.]

Mr. Gustav Stiernstam to Minister Dawson.

SAN PEDRO DE MACORIS, *May 30, 1906.*

MR. MINISTER: Referring to my letter dated May 24 last, I beg now to inform you that the Dominican Government has put an embargo on all the sugars on deposit in our store, including sugars not belonging to the estate. Since the embargo of these sugars would cause more litigations, I beg you to save us out of these new troubles.

I have, etc.,

GUSTAV STIERNSTAM,
Resident Manager of the Estate Consuelo.

[Inclosure 4.]

Minister Dawson to Mr. Gustav Stiernstam.

AMERICAN LEGATION,
Santo Domingo, June 2, 1906.

SIR: I am in receipt of your letters of May 24 and 30 in regard to the demand of the Dominican Government for the payment of the 10-cent sugar tax by the estate under your management.

As you are doubtless aware the embargo you mention was made under the decision rendered on May 14 by the supreme court against the Consuelo, and appears by the statement of the government authorities of whom I have inquired to be the regular and usual process.

They deny that they have seized sugars not produced by the Consuelo. It might be well for you to give me the particulars as to your contention in regard to this point—where the sugar was produced, to whom it belongs, how it came in your storehouse, etc. If it was sugar manufactured by you from cane grown by "colonos" under contracts by which the growers of the cane were to receive a certain proportion and the estate the remainder, I fear that the question as between you and the "colonos" can not be settled without litigation.

The wording of the contracts between your estate and the "colonos" may be an element in its determination.

In the absence of instructions from the Department of State I am not authorized to protest against the enforcement of the decision of May 14, and the data in my possession as to the sugar embargoed which is not your property is not sufficient for me to venture to express an opinion.

I will send the Department of State copies of your letters as well as a copy of the decision, and I presume that Mr. Bass, who I understand is in the United States, will take steps to bring the matter before the Secretary of State.

Yours, truly,

T. C. DAWSON.

Minister Dawson to the Secretary of State.

[Extracts.]

No. 255.]

AMERICAN LEGATION,
Santo Domingo, June 9, 1906.

SIR: Referring to the subject of my No. 253, of June 2, the sugar-production tax, I have the honor to report that on the 5th instant I had a short and informal talk with the minister of finance on the subject of the sale of sugar from Mr. Bass's estate in satisfaction of the judgment against him rendered May 14. The minister said that the Government desired to keep alive its rights under this judgment, but not unnecessarily embarrass the resident managers. He was willing that only a nominal amount of sugar should be sold at present and to entertain a proposition looking to the payment of the arrears in installments, but not a proposition to receive less than the legal tax. His duty as an administrative officer was confined to collecting the tax due under the law and the decision did not extend to accepting less than the amount so due.

Neither he nor the minister of foreign affairs said anything to me of negotiations pending in the United States between the Dominican minister resident and the sugar planters. My impression is that they had not then received news from Mr. Joubert that such negotiations were pending.

This morning I received from you the following telegram dated yesterday:

WASHINGTON, June 8, 1906.

In view of the pending negotiations of sugar-estate owners with Joubert regarding terms of payment of arrears of production tax you will urgently request Santo Domingo Government suspension of any proceedings of seizure and sale. We understand sugar of one estate advertised to be sold on the 10th instant.

Root.

I immediately called on the minister of foreign affairs, who sent for the minister of finance. Upon my making the request as instructed, the latter said that he had given orders that only a nominal amount—to wit, 500 bags—should be sold to-morrow; that his purpose was only to keep legally alive all the rights the Government had acquired against Mr. Bass by the decision of May 14; that he feared that the sale advertised for to-morrow could not be abandoned without destroying or weakening those rights; that he would consult the attorney-general as to the point, but feared that apart from the legal difficulties the time was too short to comply with your request.

The minister of finance also told me that a telegram had been received from Sr. Joubert submitting a proposition by the sugar planters to pay \$100,000 in installments running over five years. This was not satisfactory; as he had said before, he was authorized to concede time but not to reduce the amount; only Congress could do the latter.

I thereupon wrote Mr. Stiernstam, Mr. Bass's resident manager, informing him of the probable postponement of the sale. A copy of my letter is inclosed.

I also confirm my telegram to you as follows:

Suspension of sugar sale promised. * * *
SANTO DOMINGO, June 9, 1906.

DAWSON.

Since the minister of finance is going to Washington by way of New York to-night he will have an opportunity to see the estate owners in person and will come to a definite conclusion with them of this long-pending controversy.

I have, etc.,

T. C. DAWSON.

[Inclosure.]

Minister Dawson to Mr. Gustav Stiernstam.

AMERICAN LEGATION,
Santo Domingo, June 9, 1906.

SIR: Referring to the subject of your letter to me of May 24 and 30 and mine of June 2, I have to say that I was informed to-day by the minister of finance that it had not been the intention of the Government to sell to-morrow more than 500 bags in pursuance of the judgment of the supreme court of May 14, nor to include in the sale any sugar as to the ownership of which there might be a question. The Government's idea seems to have been not so much to enforce the immediate payment of the whole amount as to assert their rights under the judgment. The minister also informs me that the procurador general is of the opinion that the sale should be postponed so that the nominal amount seized may be offered as the law provides in a market—that is to say at Macoris and not at the estate.

Negotiations are pending between your principal and the Government as to the terms and time of payment, and the postponement of the sale seems to best suit the interests of both parties.

Yours, truly,

(Signed) T. C. DAWSON.

ECUADOR.

REVOLUTION.

Minister Lee to the Secretary of State.

[Extracts.]

No. 7.]

AMERICAN LEGATION,
Quito, January 13, 1906.

SIR: I regret to inform you that a revolution against the constitutional Government broke out on January 1 between here and the coast. It has since spread to the north along the Colombian border. It is considered likely that Quito may be entered at any time. Four battalions of federal troops have gone over to the opposition. There have been several engagements and many killed and wounded.

There has been no communication either by mail or telegraph since January 1. As Quito is a day and a half by mule back or wagon from the end of the railway—and there has been no communication for two weeks—supplies and provisions have advanced to a tremendous extent, and there is great suffering among the lower classes.

I have, etc.,

JOSEPH W. J. LEE.

Minister Lee to the Secretary of State.

[Extracts.]

No. 10.]

AMERICAN LEGATION,
Quito, January 20, 1906.

SIR: I have the honor to report that after several engagements Gen. Eloy Alfaro, a former President of Ecuador and now leader of the revolutionists, entered Quito and took possession January 17, 11 a. m.

The constitutional President to whom my letter of credence was addressed, Mr. Lizardo Garcia, took refuge in the legation of Colombia, but before doing so he issued a decree, according to the constitution, removing the capital of the Republic to Guayaquil and transferring the executive power to the Vice-President, who resides in that city. Also a strong cabinet was re-formed there.

The insurgents entered in more or less order. There was little disturbance.

The federal opposition, after the defection of the four battalions noted in my No. 7 of January 13, seems to have melted here like snow in the sun. However, Guayaquil, which controls the monetary situation, is reported loyal to the constitutional Government, and Gen-

eral Plaza is there preparing his troops for the retaking of Quito. Before the entry of the insurgents, and after receiving a copy of President Garcia's decree transferring the capital, the diplomatic corps met at the house of the dean, Mr. Micahelles, the German minister, and finally adopted my suggestion that they defer all official treaty with the power in possession until instructions are received. Yesterday I received a communication from the insurgent government requesting me to inform you that General Alfaro had assumed entire charge of the Republic. I await instructions before replying; in the meantime a week or so may change the situation radically.

Prices are soaring and there has been no communication with the coast for twenty days. This dispatch and others go forward by a second attempt to send a diplomatic post through. The first returned.

I have, etc.,

JOSEPH W. J. LEE.

Minister Lee to the Secretary of State.

No. 13.]

AMERICAN LEGATION,
Quito, February 16, 1906.

SIR: I have the honor to inclose herewith replies^a from the Government of Ecuador to the letter of recall of Mr. Sampson and to my letter of credence.

General Alfaro is in control of the Republic as Supreme Chief, and seems likely to remain so. He has appointed a cabinet and filled the public offices.

After waiting one month and after receiving the inclosed documents, and as former President Garcia has relinquished his position and is on his way to Europe, I requested an audience with the Supreme Chief. He received me at 2 p. m. yesterday (15th), and I thus put an end to a situation which was becoming intolerable. The visits of the remainder of the diplomatic corps will follow. General Alfaro was plainly very much pleased with my visit. He seems an ardent admirer of the United States. The situation is quiet and a period of peace appears to be at hand.

I have, etc.,

JOSEPH W. J. LEE.

VISIT OF SECRETARY ROOT TO SOUTH AMERICA.

The Ecuadorean Minister to the Secretary of State.

[Translation.]

LEGATION OF ECUADOR,
Washington, D. C., May 25, 1906.

MR. SECRETARY: Agreeably to the gratifying conference I had yesterday with your excellency, I take pleasure in confirming, in writing, the invitation extended to your excellency by the Government and people of Ecuador, kindly to honor the Republic with your visit after the Rio de Janeiro conference.

^a Not printed.

My country desires that your excellency, as Minister of Foreign Relations of the United States, be given opportunity of satisfying yourself, by personal observation, of the good will and sympathy of Ecuador toward the American Government and people.

The commercial relations between our two countries have been enlarged so much of late that your excellency will be able to estimate the grand future that is in store for the commerce between the two Republics when the much desired opening of the Panama Canal shall have become a fact and enhanced the luster of your excellency's country.

Better acquaintance begets higher esteem among the nations; thus will your excellency's visit to the Republics of the South be beneficial in every respect, since it will open the way to relations of perfect harmony among the States of this continent.

Your excellency was good enough to tell me that the time of which you could dispose for your long voyage was very limited, but you gladly accepted the invitation to go to Guayaquil, in any event, and hoped to proceed to Quito, if circumstances permitted, and gratify the wish of the undersigned that your excellency be enabled to form an accurate idea of the immense resources of the country, in both the coast and Andes regions.

The legations of Ecuador accredited to Brazil, Chile, and Peru shall be instructed by my Government to confer with your excellency touching the particulars of your voyage so that our chancellery may be advised of the date of your excellency's arrival in the Gulf of Guayaquil. As the war ship that is to carry your excellency is a 10,000-ton vessel, an Ecuadorean cruiser will meet your excellency at the island of Puna and convey you to the city. The other details can easily be arranged at interviews I shall have hereafter with the Department of State.

I will not close this note without thanking your excellency, in the name of my Government and my own, for accepting the invitation I have the honor to tender to you with the assurance that your excellency's high position, and the gifts of distinguished statesmanship with which you are graced, will contribute to draw close the bonds that unite Ecuador and the United States of America.

Hoping that your visit to my country will be enjoyable, I have the pleasure of expressing to your excellency the sentiments of high consideration of

Your obedient and true servant,

(Signed)

L. F. CARBO.

The Secretary of State to the Ecuadorean Minister.

No. 4.]

DEPARTMENT OF STATE,

Washington, June 20, 1906.

SIR: I duly received your polite note of the 25th ultimo, an answer to which has been delayed in the hope that I might find it practicable to accept the very kind and most courteous invitation thereby extended on behalf of the Government and people of Ecuador to visit their capital during my forthcoming trip to South America.

It is with regret that I must now admit that the engagements which I had already made before I had the honor of receiving this invitation will make it impossible, in the time at my disposal, to do more than touch at Guayaquil for a few hours. Believing with you that "better acquaintance begets higher esteem," it will be to me a sincere pleasure and an occasion of gratification to meet such of the officers of your Government as may then find it perfectly convenient to be at Guayaquil. I shall seasonably advise the American minister beforehand of the time when I shall probably arrive at that port.

I beg that, in communicating this information to your Government, you will at the same time do me the favor to convey to it an expression of my best thanks for the invitation and of the great disappointment I feel at not being able to make my visit to Ecuador as extended and prolonged as I should wish.

Accept, etc.,

ELIHU ROOT.

The Ecuadorean Minister to the Secretary of State.

[Translation.]

LEGATION OF ECUADOR,
October 26, 1906.

MR. SECRETARY: Confirming the agreeable interview I had with your excellency I have the pleasure to repeat in this note that I have received instructions from the foreign office at Quito to state how much the Government and people of Ecuador regretted to be deprived of your excellency's visit on your recent trip to South America.

My Government regrets that conditions beyond your excellency's control prevented your reaching Guayaquil, where Ecuador would have had the hoped-for opportunity to express their high esteem for your excellency and for the great Republic which you so worthily represent.

I beg your excellency to be pleased to accept, etc.,

L. F. CARBO.

The Secretary of State to the Ecuadorean Minister.

No. 15.]

DEPARTMENT OF STATE,
Washington, October 31, 1906.

SIR: I have the honor to acknowledge the receipt of your kind note of the 26th instant expressing the regret felt by your Government at my inability to visit Guayaquil during the recent trip which I made to South America.

May I venture to ask you to be good enough to convey to your Government an expression of my sincere appreciation of its courtesy and my deep regret that circumstances rendered it impossible for me to visit Ecuador and to meet its distinguished statesmen?

Accept, etc.,

ELIHU ROOT.

SANITATION OF GUAYAQUIL.

Minister Lee to the Secretary of State.

No. 23 B.]

AMERICAN LEGATION,
Quito, April 30, 1906.

SIR: I have the honor to inform you that yesterday, while conversing with General Alfaro, the Supreme Chief of the Republic of Ecuador, he showed me a letter which he had addressed to Colonel Gorgas at Panama requesting relief in regard to the yellow fever situation at Guayaquil. I had spoken of the matter before and am glad to know that the suggestion has been taken seriously. The situation at Guayaquil is a serious one and naturally menaces the port of Panama (Ancon).

If the Public-Health and Marine-Hospital Service can take the letter of General Alfaro to Colonel Gorgas into serious consideration I am sure that the Government of Ecuador will be most grateful. Doctor Lloyd, of the above-mentioned service, is already installed in Guayaquil and does all that he can under limitations. The idea of the Government of Ecuador, however, seems to be to enlarge the powers of the quarantine officers of the United States. I regret that I can not inclose a copy of the letter. It was sent to Panama a week ago.

I have, etc.,

JOSEPH W. J. LEE.

The Secretary of State to the Ecuadorean Minister.

[Extract.]

No. 3.]

DEPARTMENT OF STATE,
Washington, May 28, 1906.

SIR: I have the honor to confirm the conversation which took place between us to-day in respect of the desirability of united effort on the part of the authorities of the United States who are now charged with the sanitary work in the city of Panama and in the Canal Zone of the Isthmus, and the authorities of Ecuador, for the more perfect reciprocal protection of each against contagious and epidemic diseases.

It will give the authorities of the United States very great pleasure to unite in friendly cooperation with the authorities of Ecuador to this mutually beneficial end to carry out the suggestion.

Accept, etc.,

ELIHU ROOT.

OFFICIAL ENCOURAGEMENT TO INDUSTRIAL, AGRICULTURAL,
AND OTHER ENTERPRISES.*Minister Lee to the Secretary of State.*AMERICAN LEGATION,
Guayaquil, July 19, 1906.

SIR: I have the honor to inclose herewith (in duplicate) a résumé of a decree issued by the Government of Ecuador for the purpose of

fostering industries, manufactures, agriculture, pisciculture, and other similar enterprises in the Republic.

This decree is looked upon by the people as a very important measure, and it is hoped that ample results will follow.

I have, etc.,

JOSEPH W. J. LEE.

DECREE FOR THE PROTECTION OF INDUSTRIES, MANUFACTURES, AGRICULTURE, PISCICULTURE, AND OTHER SIMILAR ENTERPRISES IN ECUADOR.

Considering that it is necessary to encourage the introduction and development of new industries in Ecuador; that agriculture in its several branches merits special protection; that the numerous mountain streams and waterfalls in the country offer abundant means of providing motive power and electric lights, favorable to the economical establishment of manufacturing industries; that it is indispensable to grant such guarantees and security as may inspire confidence and attract foreign capital for investment in the Republic; it is decreed:

ARTICLE 1. To concede the free use of the streams, waterfalls, and all natural waterways to all who may start in the country new manufactories employing hydraulic or electric force. This concession not to interfere with existing rights nor with the right to draw off water for irrigation purposes, as provided by the civil code.

ART. 2. To grant all such establishments concessions of vacant government lands up to 25 hectares of land with at least 200 meters frontage on the water supply used by the enterprise. If the factory be started upon private lands these can be expropriated legally by paying the value of such land as may be acquired, according to the valuation of two appraisers, as provided by law.

ART. 3. To grant 200 hectares of land to all who agree to start the cultivation of sisal hemp, ramie, flax maguey, or other plant which produces material for textile fabrics.

ART. 4. Those who dedicate themselves to the cultivation of cereals or vines will have the concession of 50 hectares of land.

ART. 5. Those who engage in the raising of swine shall have permission to import animals for breeding purposes free of fiscal or municipal dues for the space of ten years.

ART. 6. All permanent lakes in the provinces of the interior which are more than 100 meters in extent shall be considered as national property and their use shall be conceded for a term of ten years to those who devote themselves to pisciculture. The lakes of Yaguarocha and San Pablo which are already stocked with fish are excepted from this concession. After the expiration of ten years fishing in the lakes will be open to the public. It shall be prohibited to draw off water for irrigation, etc., from such lakes.

ART. 7. Admits free importation of seeds and plants for ten years, but should such seeds and plants be offered for consumption, otherwise than for planting, they shall be considered contraband.

ART. 8. Exemption from military services of owners and employees of such factories, except as regards Ecuadorean citizens in case of foreign war.

ART. 9. From January 1, 1907, and for ten years thereafter, import dues and surcharges on manufactured articles imported into the country shall not be reduced in any case where similar goods are manufactured in the country already.

ART. 10. The same condition as in article 9 applies to any new industry which may be established hereafter from the date of its beginning and for ten years thereafter.

ART. 11. Refers to the same question of import dues.

ARTS. 12 and 13. Provide that duties on raw materials required for manufactures established or to be established in Ecuador shall not be raised or altered for a period of ten years.

ART. 14. Provides that goods manufactured in Ecuador can not be taxed to an extent more than 50 per cent of the total import duties charged on similar foreign goods and that goods produced from raw material grown in Ecuador shall not be liable to any tax or impost whatever for ten years from January 1, 1907, except in the case of sugar cane and tobacco products.

ART. 15. Provides that all people who have obtained concessions of government lands on the pretext of establishing industrial factories and who do not fulfill their project within two years of the date of the grant shall lose their concessions and the land shall revert to the Government.

ART. 16. Provides for registry of such industries, etc.

ART. 17. Provides for the exhibition of the products of such factories, etc., once in every three years.

ART. 18. That a government commission be appointed to study and encourage the establishment of new branches of industry.

ART. 19 to 21. Certain provisions as to cases where concessions are applied for by two or more persons, or by persons without sufficient capital, etc.

ART. 22. Provides that so far as may be applicable this decree shall be considered as incorporated in the custom-house law.

ELOY ALFARO,

Supreme Chief of Ecuador.

JULY 3, 1906

RAILWAY BUILDING IN ECUADOR.

No. 36.] *Minister Lee to the Secretary of State.*

GUAYAQUIL, July 23, 1906.

SIR. I have the honor to report that the following-named railways are in operation or in project in the Republic of Ecuador:

(1) The Guayaquil and Quito Railway, a corporation holding a charter under the laws of the State of New Jersey. The construction of this line has been met by the issue of bonds and preferred stock, placed principally in the European market and guaranteed by the Republic of Ecuador. The annual payments amount to about \$800,000. The Government of Ecuador has been borrowing money from local banks to fulfill their obligation in this respect. The road passes through tropical forests up the slopes of the Andes and through vast mountain gorges until it reaches the city of Rio Bamba, about 10,000 feet. This station is approximately 130 miles from Quito, the capital, and so far it is the last station on the road. The rest of the journey must be made in diligence or on horseback over the side of Chimborazo and across high rolling country to Quito.

(2) Bahia de Caraquez to the cocoa district of Chone. The road has been partially built (by funds locally provided by taxes on imports and exports) from the terminus for 2 or 3 miles in the direction of Chone, but is not yet in a condition to render any service in the conveyance of produce or merchandise.

(3) The Curaray Railway, from the interior to the Amazonian region of Ecuador. This road is also to be built with special funds set apart for the purpose and administered by local authorities. No actual work has as yet been done on this line. A staff of American engineers has been occupied in laying out the route and drawing up a report as to the course of the line and the probable cost. The difficulties are great.

(4) Manta and Santa Ana Railroad. A private enterprise obtained by a local firm, Messrs. Volcker & Guzenbach (German and Swiss), to run from the port of Manta through the tagua and coffee districts of the northern province of Manabi. It is said to have been taken up by a London firm. The low value of the principal product, tagua, offers little encouragement for the building of a railway.

(5) A railway from Guayaquil to Salinas, on the Pacific coast (cable station) has been proposed. The measure was carried through Congress in 1904 by a lawyer of Guayaquil, acting as representative of a foreign syndicate. Large concessions of land were granted to the company. The district is well adapted to raising of cotton and the line would pass through a tract of country prolific in pitch and asphalt wells (conceded to the company) to Salinas, where the salt supply of the Republic is obtained. Such a road would also obviate the necessity of the long and tiresome journey up the Gulf of Guayaquil and the River Guayas to the city. So far nothing has been undertaken.

(6) Santo Rosa to Zaruma. A concession obtained by a French syndicate and passed through Congress. No work has been done.

The line of the Guayaquil and Quito Railway (marked No. 1 in this dispatch) has been surveyed and leveled as far as the city of Quito. The progress of the work is delayed on account of the non-arrival of materials, rails, engines, etc.

I have, etc.,

JOSEPH W. J. LEE.

FRANCE.

ELECTION OF THE PRESIDENT OF THE FRENCH REPUBLIC.

The French Ambassador to the Secretary of State.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC TO THE UNITED STATES,
Washington, February 1, 1906.

MR. SECRETARY OF STATE: The president of the council, minister of foreign affairs of the Republic, advises me that the Senate and Chambers of Deputies, convened on the 17th of January in a National Assembly to the end of electing the President of the Republic, in accordance with article 3 of the Constitution, have elected Mr. Armand Fallières, President of the French Republic, for the term of seven years from the moment when President Loubet's term of office expires.

By order of my Government, I have the honor to bring the decision of the National Assembly to the knowledge of the Federal Government.

I may be permitted to express on this occasion the wish, the fulfillment of which can not be doubted, that the period during which Mr. Fallières will preside over the destinies of France shall but prolong the series of years, now numbering more than a hundred, during which the friendship and sympathy of our two countries have been affirmed.

Be pleased to accept, Mr. Secretary of State, the assurances of my high consideration.

JUSSERAND.

The Secretary of State to the French Ambassador.

DEPARTMENT OF STATE,
Washington, February 9, 1906.

SIR: I have received with pleasure your note of the 1st instant announcing the election of Mr. Armand Fallières as President of the French Republic, and I join most cordially in the wish you express for the continued strengthening, under Mr. Fallière's presidency, of the ties of friendship and sympathy that bind our two countries.

Accept, etc.,

ELIHU ROOT.

PROTECTION OF VENEZUELAN INTERESTS IN FRANCE.^a

FRANKLIN CELEBRATION IN PARIS.

Ambassador McCormick to the Secretary of State.

No. 131.]

AMERICAN EMBASSY,
Paris, May 4, 1906.

SIR: I have the honor to report that in spite of the fall of Rouvier's government, almost immediately after my return to Paris, which made it necessary for me to await the formation of a new cabinet to complete arrangements for the participation of the French Government in the Franklin celebration; in spite of the excitement and political agitation accompanying the execution of the law with reference to the inventories of church property, and the Courrieres mines disaster, culminating in widespread, although unwarranted apprehension of serious disturbances on May 1, and, added to these untoward events, the San Francisco catastrophe, the celebration turned out to be a great success. A large audience, between 3,500 and 4,500, assembled in the palace of the Trocadero and listened with sympathetic and unflagging interest to addresses delivered by Prof. Albert Henry Smyth and Mr. Barthou, minister of public works, post and telegraph, representing the French Government.

The interest taken in the celebration all over France, the warm expressions of good will it drew forth in the provincial as well as in the Parisian press, the pleasure manifested by Government and municipal officials in a "joint celebration" fully confirmed my judgment in taking the initiative in this matter.

The character of Professor Smyth's address was in full keeping with the occasion, and its genuine merits received full recognition from the press. More than this, at the closing of the unveiling ceremonies of the statue of Franklin given by Mr. Harjes to the city of Paris, Mr. Barthou, in the name of the French Government, conferred on Professor Smyth the Cross of the Legion of Honor, "as the representative of the Government of the United States for the Franklyn fete, as an American scholar and author, and in recognition of his services to history and literature in giving to the world the 'Life and writings of Benjamin Franklyn.'" ^b

I inclose clippings ^b from leading newspapers which will show the interest taken in the event, as above indicated.

I have, etc.,

ROBERT S. McCORMICK.

^a See correspondence with Venezuela.

^b Not printed.

PRESENTATION OF THE BENJAMIN FRANKLIN GOLD MEDAL TO
THE FRENCH GOVERNMENT.

The Secretary of State to the President.

DEPARTMENT OF STATE,
Washington, December 20, 1906.

Under your direction I had the pleasure, at Philadelphia, on April 20, 1906, of fulfilling the wish of the Congress of the United States as expressed in its act approved April 27, 1904, by presenting to the French Government, through its accredited ambassador to the United States, the impression on gold of the medal which, in pursuance of the act referred to, was struck to commemorate the two hundredth anniversary of the birth of Benjamin Franklin.

I have the honor to submit herewith, with a view to their transmission to the Congress for the information of that body, a copy of the remarks which I made on that occasion, a copy of the reply of the French ambassador, and a translation of a note from him showing the very appropriate disposition which the French Government had made of the medal.

Respectfully submitted.

ELIHU ROOT.

SPEECH OF THE SECRETARY OF STATE PRESENTING THE MEDAL.

EXCELLENCY: On the 27th of April, 1904, the Congress of the United States provided by statute that the Secretary of State should cause to be struck a medal to commemorate the two hundredth anniversary of the birth of Benjamin Franklin, and that one single impression on gold should be presented, under the direction of the President of the United States, to the Republic of France.

Under the direction of the President I now execute this law by delivering the medal to you as the representative of the Republic of France. This medal is the work of fraternal collaboration by two artists whose citizenship Americans prize highly, Louis and Augustus Saint-Gaudens. The name indicates that they may have inherited some of the fine artistic sense which makes France preeminent in the exquisite art of the medalist.

On one side of the medal you will find the wise, benign, and spirited face of Franklin. On the other side literature, science, and philosophy attend while history makes her record. The material of the medal is American gold, as was Franklin.

For itself this would be but a small dividend upon the investments which the ardent Beaumarchais made for the mythical firm of Hortalez & Co. It would be but scanty interest on the never-ending loans yielded by the steady friendship of de Vergennes to the distressed appeals of Franklin. It is not appreciable even as a gift when one recalls what Lafayette, Rochambeau, de Grasse, and their gallant comrades were to us, and what they did for us; when one sees in historical perspective the great share of France in securing American independence, looming always larger from our own point of view in comparison with what we did for ourselves.

But take it for your country as a token that with all the changing manners of the passing years, with all the vast and welcome influx of new citizens from all the countries of the earth, Americans have not forgotten their fathers and their father's friends.

Know by it that we have in America a sentiment for France; and a sentiment, enduring among a people, is a great and substantial fact to be reckoned with.

We feel a little closer to you of France because of what you were to Franklin. Before the resplendence and charm of your country's history—when all the world does homage to your literature, your art, your exact science, your philosophic thought—we smile with pleasure, for we feel, if we do not say: "Yes, these are old friends of ours; they were very fond of our Ben Franklin and he of them."

Made more appreciative, perhaps, by what France did for us when this old philosopher came to you, a stranger, bearing the burdens of our early poverty and distress, we feel that the enormous value of France to civilization should lead every lover of mankind, in whatever land, earnestly to desire the peace, the prosperity, the permanence, and the unchecked development of your national life.

We, at least, can not feel otherwise; for what you were to Franklin we would be—we are—to you; always true and loyal friends.

SPEECH BY THE FRENCH AMBASSADOR ON RECEIVING THE FRANKLIN MEDAL, PHILADELPHIA, APRIL 20, 1906.

On behalf of the French Republic, with feelings of deepest gratitude, I receive the gift offered to my country, this masterful portrait of Franklin, which a law of Congress ordered to be made and which is signed with the name, twice famous, of Saint-Gaudens.

Everything in such a present powerfully appeals to a French heart. It represents a man ever venerated and admired in my country—the scientist, the philosopher, the inventor, the leader of men, the one who gave to France her first notion of what true Americans really were. "When you were in France," the Marquis de Chastellux wrote later to Franklin, "there was no need to praise the Americans. We had only to say: Look; here is their representative."

The gift is offered in this town of Philadelphia, where there exists a hall the very name of which is especially dear to every American and every French heart—the Hall of Independence—and at a gathering of a society founded "for promoting useful knowledge," which has remained true to its principle, worthy of its founder, and which numbers many whose fame is equally great on both sides of the ocean.

I receive it at the hands of one of the best servants of the State which this great country ever produced, no less admired at the head of her diplomacy now than he was lately at the head of her army; one of those rare men who prove the right man, whatever be the place. You have listened to his words, and you will agree with me when I say that I shall have two golden gifts to forward to my Government—the medal and Secretary Root's speech.

The work of art offered by America to France will be sent to Paris to be harbored in that unique museum, her Museum of Medals, where her history is, so to say, written in gold and bronze from the fifteenth century up to now, without any ruler, any great event, being omitted. Some of the American past is also written there—that period so glorious when French and American history were the same history, when first rose a nation that has never since ceased to rise.

There, awaiting your gift, are preserved medals struck in France at the very time of the events, in honor of Washington, to commemorate the relief of Boston in 1776; a medal of John Paul Jones, in honor of his naval campaign of 1779; another medal representing Washington, and one representing General Howard, to commemorate the battle of Cowpens in 1781; one to celebrate the peace of 1783 and the freedom of the thirteen States; one of Lafayette; one of Suffren, who fought so valiantly on distant seas for the same cause as Washington; one, lastly, of Franklin himself, dated 1784, bearing the famous inscription composed in honor of the great man by Turgot: "Eripuit cælo fulmen, sceptrumque tyrannis."

My earnest hope is that one of the next medals to be struck and added to the series will be one to commemorate the resurrection of that great town which now, at this present hour, agonizes by the shores of the Pacific. The disaster at San Francisco has awakened a feeling of deepest grief in every French heart, and a feeling of admiration, too, for the manliness displayed by the population

during this awful trial. So that what will be commemorated will not be only the American nation's sorrow, but her unflinching heroism and energy.

Now, your magnificent gift will be added to the collection in Paris; it will be there in its proper place. The thousands who visit this museum will be reminded by it that the ties happily formed long ago are neither broken nor distended, and they will contemplate with a veneration equal to that of their ancestors the features of one whom Mirabeau justly called one of the heroes of mankind.

The French Ambassador to the Secretary of State.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC TO THE UNITED STATES,
Washington, December 15, 1906.

MR. SECRETARY OF STATE: When I had the honor, on the 20th of April last, to respond to the speech with which your excellency in never to be forgotten words tendered to me for transmission to the Government of the Republic the one copy of the Franklin medal struck by direction of Congress, I intimated that my Government would doubtless wish to have this memento of the Franco-American friendship placed in the National Museum of Medals, where it would be surrounded by other souvenirs of this same friendship.

Referring to previous correspondence of this embassy with the Department of State, I make it my duty now to acquaint your excellency with the manner in which the intent was finally carried out.

In the center of the Hall of Honor of the Museum of Medals at Paris stand four ancient show cases of the time of Louis XVI. One of these has been selected exclusively for the Franklin medal, which has been surrounded with the medals herein below enumerated which were deemed the fittest to make up a worthy retinue, if the phrase be permissible.

First. Washington medal, struck in commemoration of the relief of Boston, March 17, 1776, bearing the inscription, "Georgio Washington Supremo duci exercituum, adsertion libertatis," by Duvivier.

Second. Commemorative medal of the battle of Cowpens, recording the part of cavalry, January 17, 1781, with a portrait of William Washington, by Duvivier.

Third. Another medal, by the same, of the battle of Cowpens (part of infantry), with a portrait of Gen. J. E. Howard.

Fourth. Gen. Daniel Morgan at the battle of Cowpens, by Augustus Dupré.

Fifth. Paul Jones medal, with a representation of the capture of the *Serapis*, September 23, 1779, on the reverse, by Dupré.

Sixth. Franklin medal, bearing the famous Latin verse written in his honor by Turgot and an inscription stating that the medal was engraved by Dupré and by him dedicated to Franklin in 1784.

Seventh. A variant of the same Franklin medal, dated in 1786.

Eighth and ninth. Medal struck in honor of General Gates and commemoration of the Saratoga capitulation, dies engraved by Gatteaux.

Tenth. A replica of the reverse of the medal offered to Maj. John Stewart for the storming of Stony Point.

Eleventh. Lafayette medal, by Duvivier, with the inscription: "Vengeur de la liberté dans les deux mondes, Major-Général dans les armées des Etats-Unis d'Amérique en 1777, Maréchal de Camp, Vice-Président de l'Assemblée Nationale le 12 Juillet, Commandant de la Garde Nationale Parisienne, 15 Juillet, 1789."

Twelfth. Another Lafayette medal with the inscription: "Objet tour à tour d'idolâtrie et de haine, on ne se rappelle aujourd'hui que ses malheurs et les services qu'il a rendus à la liberté des deux Mondes."

Thirteenth and fourteenth. Lafayette medals by Dumarest and by Montgomery.

Fifteenth. "Bailli de Suffren" medal, 1784, by Dupré.

Sixteenth. Lafayette dollar with the busts of Washington and Lafayette (presented by the ambassador of the United States at Paris).

Lastly, in order that the occasion for bringing all these souvenirs together be for all time reminded to the visitors of the Museum, the address delivered

by your excellency at Philadelphia has been reprinted at the national printing office, framed, and placed in the same case beside the medal presented to France by the United States.

I am instructed to deliver to your excellency a copy of the address, also framed, and to beg you to keep it as a modest memento of your intervention in that memorable juncture.

My Government hopes that the arrangements thus made by it will meet the wishes of Congress. They were, at all events, prompted by sentiments entirely akin to those by which that high assembly was actuated when it voted the gift of France of the work of art now conserved in a place of honor among our national collections.

Be pleased to accept, etc.,

JUSSERAND.

The Secretary of State to the French Ambassador.

No. 355.]

DEPARTMENT OF STATE,
Washington, December 20, 1906.

EXCELLENCY: I have the honor to acknowledge with thanks and appreciation the receipt of your note of the 15th instant, by which you inform me of the very appropriate disposition which has been made by the Government of France of the gold medal commemorative of the two hundredth anniversary of the birth of Benjamin Franklin, which, on April 20, 1906, at Philadelphia, I had the honor to present, through you, to the Government of the French Republic in pursuance of the act of the Congress of the United States of April 27, 1904.

I have taken pleasure in submitting a translation of your note, together with copies of the remarks which we made on that occasion, to the President with a view to their transmission to the Congress for the information of that body.

In advising you of this action, I beg at the same time to express to you my thanks for the framed facsimile of the print of our speeches which you inform me has been placed in the case beside the medal. This souvenir I have directed to be publicly exhibited in the library of the department.

Accept, etc.,

ELIHU ROOT.

REMOVAL OF THE REMAINS OF ADMIRAL JOHN PAUL JONES.

[Continued from Foreign Relations, 1905, pp. 417 et seq.]

The Acting Secretary of State to Ambassador McCormick.

No. 125.]

DEPARTMENT OF STATE,
Washington, March 5, 1906.

SIR: The date of the formal removal of the remains of John Paul Jones at the United States Naval Academy, Annapolis, Md., has been fixed for April 24 next. It is the present intention of the Navy Department to have present on that occasion a naval force consisting of the second and fifth divisions of the United States Atlantic Fleet, the former composed of four battle ships and the latter of four cruisers. The second division is commanded by Rear-Admiral

Charles H. Davis, and the fifth division by Rear-Admiral R. B. Bradford, the former being the senior. The superintendent of the Naval Academy is Rear-Admiral J. H. Sands, U. S. Navy, who as senior officer present will have general charge of the arrangements of the naval ceremonies to be observed on that date.

You will communicate these facts to the French Government and request the courtesy of an attendance at Annapolis on that occasion of such French naval forces as it may deem convenient and desirable to send; and you will advise the department of the names of the vessels that may be sent and the name and rank of the officer commanding.

I am, etc.,

ROBERT BACON.

Ambassador McCormick to the Secretary of State.

No. 117.]

AMERICAN EMBASSY,
Paris, April 6, 1906.

SIR: Referring to Mr. Bacon's No. 125, of March 5, directing me to acquaint the French Government with the intention of our Navy Department to have present at Annapolis on April 24, on the occasion of the formal removal of the remains of Admiral John Paul Jones, a naval force consisting of four battle ships and four cruisers, and to request the courtesy of an attendance at that place on said day of such French naval forces as it may deem convenient and desirable to send, I have now to inform the department that the French Government has gracefully yielded to the request.

I inclose herewith a copy and a translation of the note from Mr. Bourgeois giving this information, with the names of the vessels and their officers.

I have, etc.,

ROBERT S. McCORMICK.

Mr. Bourgeois to Ambassador McCormick.

[Translation.]

PARIS, *April 2, 1906.*

MR. AMBASSADOR: On the 19th of this month your excellency was good enough to acquaint me with his Government's desire to see the French navy represented at the ceremonies in connection with the transfer of the remains of Admiral Paul Jones, which are to take place at Annapolis on April 24 next.

I take much pleasure in informing your excellency that the Government of the Republic, which is happy to join in this ceremony, has decided to send to Annapolis, where it will arrive on April 20, a division of armed cruisers composed of *La Marseillaise*, *Le Condé*, and *L'Amiral Aube*.

This naval force will be placed under the orders of Rear-Admiral Campion. *La Marseillaise*, bearing the rear-admiralty flag, is commanded by Captain Guepratte; there are 20 officers on board.

Le Condé is commanded by Captain Huguet and carries 17 officers.

L'Amiral Aube, commanded by Captain Lefèvre, has 20 officers.

Besides, the staff of Rear-Admiral Campion is composed of 5 officers, of which Commander Batellet is chief of staff.

La Marseillaise, *Le Condé*, and *L'Amiral Aube* are vessels of 10,014 tons each. Accept, etc.,

LÉON BOURGEOIS.

The French Ambassador to the Secretary of State.

[Translation.]

FRENCH EMBASSY TO THE UNITED STATES,
Washington, April 1, 1906.

MR. SECRETARY OF STATE: Referring to my letter of the 7th of last month, relative to the removal of the remains of John Paul Jones, I have the honor to inform your excellency that, in response to the courteous invitation of the Federal Government, the Government of the Republic has decided to send to Annapolis, for the occasion, a naval detachment of cruisers, under command of Rear-Admiral Campion.

This detachment will be composed of the *Marseillaise*, the *Conde*, and the *Amiral Aube*. It will reach Annapolis by the 20th of April.
 Please accept, etc.,

JUSSERAND.

The Acting Secretary of State to the French Ambassador.

No. 296.]

DEPARTMENT OF STATE,
Washington, April 7, 1906.

EXCELLENCY: I beg to acknowledge the receipt of your note of the 1st instant, and to express the gratification and high appreciation felt by this Government at the expedition of three cruisers to represent the French Government at the ceremonies attending the removal of the remains of John Paul Jones.

I have taken pleasure in advising the Secretary of the Navy of your Government's courteous action, and have informed him that the *Marseillaise*, the *Condé*, and *L'Amiral Aube* will reach Annapolis on the 20th instant.

Accept, etc.,

ROBERT BACON.

President Roosevelt to the President of France.

THE WHITE HOUSE,
Washington, April 24, 1906.

On the occasion of the formal reception at Annapolis of the body of John Paul Jones I wish to thank you, and through you the great French nation, for its distinguished courtesy in connection with this event, a courtesy of a kind which serves to keep even more vividly before us the invaluable aid rendered by France to this country at what was well nigh the most critical period of its history. France holds a peculiar place in the heart of the American people, and on behalf of that people I wish all success, prosperity, and happiness to the mighty Republic over which you preside.

THEODORE ROOSEVELT.

DISASTER IN FRENCH MINES.

President Roosevelt to the President of the French Republic.

[Telegram.]

WASHINGTON, *March 12, 1906.*

I have learned with sorrow of the terrible calamity which has befallen France, and tender to its Government and the afflicted families the sincere sympathy of the Government and the people of the United States.

THEODORE ROOSEVELT.

President Fallières to President Roosevelt.

[Telegram.]

PARIS, *March 13, 1906.*

The sympathy so cordially expressed by you in the name of your Government and of the United States nation for the families of the victims of the terrible catastrophe of Courrières touches me very sincerely, and in the name of the Government of the Republic I express to you my very deep gratitude.

A. FALLIÈRES.

GERMANY.

RECIPROCITY AGREEMENT BETWEEN THE UNITED STATES AND GERMANY.

The German Ambassador to the Secretary of State.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, November 29, 1905.

MR. SECRETARY OF STATE: I had the honor to inform your excellency in my verbal note of the 4th instant,^a with a statement of the grounds therefor, that the Imperial Government is constrained to terminate the German-American commercial agreement of July 10, 1900, at the close of the 28th day of February, 1906. I communicated at the same time my Government's proposal to enter into negotiations for the conclusion of a new treaty.

With reference thereto I have the honor, in pursuance of instructions received, to give the three months' notice terminating on the 1st of March, 1906, the commercial agreement between the German Empire and the United States of July 10, 1900, in accordance with section III of the same.

I have respectfully to beg that your excellency will acknowledge the receipt of this notice of termination.

Accept, etc.,

STERNBURG.

The Acting Secretary of State to the German Ambassador.

No. 297.]

DEPARTMENT OF STATE,
Washington, December 2, 1905.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 29th ultimo, in which, referring to your excellency's note verbale of the 4th ultimo, you give notice under instructions from your Government of its intention to terminate on March 1, 1906, the commercial agreement of July 10, 1900, between the United States and Germany, as provided in section 3 of the said agreement.

Accept, etc.,

ROBERT BACON.

[Reprint of pertinent part of H. Report No. 1833, 59th Congress, 1st session.]

The Secretary of State to the German Ambassador.

DEPARTMENT OF STATE,
Washington, February 16, 1906.

EXCELLENCY: I have received from the Secretary of the Treasury a formulation of the various changes in the Customs Laws and Regulations, to which

^a Not printed.

the Treasury gives its assent, upon the several points as to which you desire changes.

1. You said in your letter of November 21^a: "It is now almost entirely the rule that the exporter has to appear personally before the American consul in order to get his invoice legalized. Could the rule be made the exception?"

I inclose herewith, marked "A," a proposed amendment of section 678 of our consular regulations, which I think accomplishes what you desire.

2. You say: "Would it be possible to have the invoice legalized, at the choice of the exporter, in the district where the goods have been bought or in the district where the importer lives?"

The proposed amendment of regulation 678, above referred to, also provides that the invoice may be legalized, at the choice of the exporter, in the district in which the goods were bought or in the district where they were manufactured. This I understand to be a substantial compliance with your wish.

3. You say: "Could, under certain circumstances, the American consul in making his inquiries about the dutiable value be instructed to cooperate with competent German chambers of commerce?"

I inclose a proposed amendment of consular regulation No. 680, making it the duty of consular officers to confer with the German chambers of commerce and making it their duty also to report the communications which they may receive from such bodies, so that their views and action shall be before the appraising officers in this country. The proposed amended regulation 680 is marked "B."

4. You say: "Could the special agents or commissioners sent by the United States to Germany (special Treasury experts and agents), in order to investigate in cases of special importance the market value, be notified to the German Government and in certain cases cooperate with the competent German chambers of commerce?"

I inclose a proposed instruction to the agent of our Treasury Department charged with such matters in Germany which I think will accomplish what you desire. It is marked "C."

5. You say: "Could, in certain cases, in which the accuracy of the value declared by the importer had been rendered probable by certificates of German official chambers of commerce, the importer be allowed, if, nevertheless the American customs authorities do not accept his declaration, the possibility of defending himself in a more efficient way than he now can? Could the appraisers be instructed to give the motives of their decisions in all cases in which they decide against the certificate of these chambers of commerce?"

I inclose a proposed rule or order from the Secretary of the Treasury to the Board of General Appraisers, which requires them to make the hearing in such cases open and in the presence of the importer or his attorneys whenever the public interests will not be prejudiced thereby. It is believed that this will accomplish what you desire as fully as is practicable. It does not seem to be practicable to require a regular trial, as in a court of law, upon every case of appraisement. That would be something unknown to the administration of customs laws anywhere in the world and wholly incapable of practical operation. The whole theory under which our customs laws are administered is that the appraising officer shall reach a conclusion as to the value upon the best information that he can get. The rule now proposed goes as far in the direction of turning this ascertainment of value into a trial as our Treasury thinks it is possible to go. This proposed rule is marked "D."

6. You say: "Could it be arranged that an additional duty be levied only in case the appraised value exceeds the declared value more than 10 per cent?"

This would require congressional action. I inclose, marked "E," a proposed recommendation, from the Secretary of the Treasury to Congress, which applies the rule for which you ask to the extent of 5 per cent and as to the remaining 5 per cent gives the Secretary of the Treasury authority to waive or remit the additional duty upon a certificate that the undervaluation was the result of honest difference of opinion—that is to say, under the proposed rule the additional duty would be imposed only in case the appraised value exceeds the declared value more than 5 per cent and could then be remitted up to the point of a 10 per cent difference upon a certificate of good faith.

7. You say: "Could goods on consignment be treated like goods that have been sold as regards the reexamination of costs of production?"

You will recall that in an interview with Baron Bussche he indicated this was intended to call for an application of section 7 of the customs administration

^a Not printed.

law which permits the owner or consignee of purchased merchandise at the time of entry an addition to the cost or value given in the invoice, so as to raise the invoice value to the actual market value or the wholesale price of such merchandise at the time of exportation to the United States. The second paragraph of the proposed recommendation by the Secretary of the Treasury, marked "B," contains a further recommendation for the necessary amendment of section 7 to comply with your wish regarding consigned goods.

I beg you to believe, my dear Baron, that in our treatment of all these subjects we have been actuated by a strong desire to comply with the wishes of your Government and to obviate any annoyances or hindrances to German producers and merchants in the conduct of their trade with the United States. We would greatly deplore any interference with that trade, and we are anxious to avoid, so far as it can possibly be done, every occasion for irritation on the part of the persons engaged in it. We sincerely hope that the trade between our countries may continue and increase upon both sides with mutual satisfaction and profit.

Accept, etc.,

ELIHU ROOT.

A.

CONSULAR REGULATIONS.

Section 678. Invoices of merchandise purchased for export to the United States must be produced for certification to the consul of the district at which the merchandise was purchased, or in the district in which it was manufactured; but as a rule a consular officer shall not require the personal attendance, at his office, of the shipper, purchaser, manufacturer, owner, or his agent, for the purpose of making declarations to invoices, but he shall certify invoices sent to him through the mails or by messenger. To conform to the statute which requires that merchandise shall be invoiced at the market value or wholesale price of such merchandise as bought and sold in usual wholesale quantities at the time of exportation to the United States, in the principal markets of the country whence imported, consuls will certify to invoices, the additional cost of transportation from the place of manufacture to the place of shipment whenever the invoice is presented to be consulated in a country other than the one from which the merchandise is being directly exported to the United States.

B.

CONSULAR REGULATIONS.

680. When the invoice and declaration are received by the consul, it is his duty to examine carefully each item and satisfy himself that it is true and correct. In aid of this examination it shall be the duty of such consular officer to confer with official chambers of commerce and other trade organizations in his district, and he shall report any and all written communications from such commercial bodies and trade organizations that may be submitted to him in writing, together with all schedules of prices furnished him officially for that purpose, and the consul is authorized, in his discretion, to call for the bills of sale of merchandise purchased for export to the United States; to inquire into the cost of production of merchandise not obtained by purchase; to demand samples; and, if the conditions require it, to examine the entire consignment. Whenever an invoice is offered for certification which covers consolidated shipments consisting of the productions of different manufacturers, the consul may demand the submission of the manufacturers' bills relating thereto. Even when the merchandise has been purchased for export and the invoice sets out truly the price paid, the consul should ascertain whether the price represents the market value of the goods.

C.

In conducting investigations for purposes of discovering market value or cost of manufacture of merchandise produced within your district, you are directed to confer with chambers of commerce and other trade organizations and to report to this department all information you derive from these sources, together with price lists submitted and approved by such organizations.

D.

You are hereby directed that in reappraisal cases pending before a board of three the hearing shall be open and in the presence of the importer or his attorney whenever in the judgment of the board the public interest will not be prejudiced thereby.

E.

I beg to recommend the following amendments and modifications of the customs administrative act of June 10, 1890:

1. That section 7 of the customs administrative act of June 10, 1890, be so amended as to permit at the time entry is made such addition to the cost or value given in the invoice of consigned merchandise as in the opinion of the consignee or his agent may raise the same to the actual market value or wholesale price thereof the same as is by said act permissible of merchandise actually purchased.

2. I further recommend that section 7 be so amended as to impose no additional duty for undervaluation unless such undervaluation shall equal 5 per centum of the market value of the merchandise, and that the Secretary of the Treasury be authorized to remit all additional duty whenever the undervaluation is less than 10 per centum of the value of the imported merchandise, provided the Board of General Appraisers shall certify that in its opinion the undervaluation is the result of good faith, differences of opinion, or error.

The German Ambassador to the Secretary of State.

IMPERIAL GERMAN EMBASSY,
Washington, February 18, 1906.

MR. SECRETARY: As the American Government has not found it possible to arrive at a decision on my memorandum of November 4,^a the German Government, fully recognizing the difficulties of the American Government in dealing with the question, is ready to fulfill the desire which has been expressed to me by the President and by yourself, and recommended by me to my Government. The German Government is willing to grant to the United States for a certain period those reduced customs duties which have been fixed by the treaties concluded in 1904 and 1905 between Germany on one side and Belgium, Italy, Austria-Hungary, Russia, Roumania, Switzerland, and Servia on the other side. To-day a bill will be introduced in the Reichstag with a view to authorize the Federal Council (Bundesrath) to grant to the United States of America until 30th of June, 1907, these reduced duties. In making this concession the German Government expects that Germany will enjoy, after March 1, 1906, the reduced duties of Section III of the Dingley tariff, as heretofore.

May I ask you, Mr. Secretary, to favor me with a written confirmation of this at your earliest convenience, and also to state that the President will issue a proclamation with regard to Section III in due time.

The negotiations in the Reichstag will begin on Tuesday next.

The German Government further hopes that the existing severity and rigidity of the American customs administration will be lessened and that during the time granted the negotiations which have been entered into will continue, and finally lead to a conclusion satisfactory to both parties.

Believe me, Mr. Secretary, yours, most sincerely,

STERNBURG.

The Secretary of State to the German Ambassador.

DEPARTMENT OF STATE,
Washington, February 19, 1906.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of February 18, advising me that the German Government is willing to grant to the United States for a certain period those reduced customs duties which have

^a Not printed.

been fixed by the treaties of 1904 and 1905 between Germany, Belgium, Italy, Austria-Hungary, Russia, Roumania, Switzerland, and Servia, and that a bill is about to be introduced in the Reichstag with a view to authorize the Bundesrath to grant these reduced duties to the United States until June 30, 1907.

I beg to say that upon the accomplishment of the purpose thus stated, by the assurance to the United States of such reduced duties until the 30th of June, 1907, the President will promptly issue the necessary proclamation for assuring to Germany the reduced duties of section 3 of the Dingley tariff, as heretofore.

I hope that the communication which I had the honor of addressing to you Friday, the 16th instant, enumerating certain proposed changes in the customs administrative law and regulations, will be regarded by your Government as evidence of the President's strong desire to relieve our customs administration from everything which seems to German exporters to have any feature of severity. I hope also that during the period which, under the proposed action of the German Government, will continue until the 30th of June, 1907, a satisfactory way will be found to establish a permanent basis for the mutual trade of both countries upon terms satisfactory to both. I am sure that there could not be a more sincere and kindly purpose or more reasonable and open-minded views than have actuated the representatives of both countries in the treatment of this subject, and I feel great confidence that a continuance of the same attitude on both sides will lead to a conclusion in conformity with the strong desire for real friendship between the German and American peoples which we both entertain.

Accept, etc.,

ELIHU ROOT.

The Secretary of State to the German Ambassador.

FEBRUARY 21, 1906.

MY DEAR BARON: The President authorizes me to say that the regulation marked "C" in the memorandum handed me by you to-day can be modified in accordance with your suggestion by inserting the word "first," so that it will read:

"In conducting investigations for purposes of discovering market value or cost of manufacture of merchandise produced within your district, you are directed to confer, first, with chambers of commerce and other trade organizations and to report to this Department all information you derived from these sources, together with price lists submitted and approved by such organizations."

The other memorandum relating to inclusion of the first general appraiser in the provision relating to open hearings has been sent to the Secretary of the Treasury for an expression of opinion by him, and I hope to be able to advise you regarding that to-morrow.

Always faithfully, yours,

ELIHU ROOT.

The Secretary of State to the German Ambassador.

FEBRUARY 23, 1906.

MY DEAR BARON: Regarding the inclusion of the first general appraiser in the provision authorizing open hearing in reappraisal cases, the Secretary of the Treasury says that it can be done if you are specially urgent for it, but he thinks that I ought to say to you that he does not consider it probable that the first general appraiser will consider it practicable to give hearings which will be in the nature of court proceedings, and that he does not think the authority conferred in the new rule would be very much exercised by the first general appraiser; that is to say, he thinks that, if the authority were given, the appraiser would quite uniformly rule that the public interests would be prejudiced by the open hearing.

Referring to your letter of February 22, I have asked the Secretary of the Treasury to favor me with an expression of his views upon the questions which you ask, and I will communicate with you immediately upon hearing from him.

Very sincerely, yours,

ELIHU ROOT.

The German Ambassador to the Secretary of State.

IMPERIAL GERMAN EMBASSY,
Washington, February 24, 1906.

DEAR MR. SECRETARY: In reply to your letter of the 23d instant permit me to say that our people interested in the matter think that the possibility of open hearings before the first general appraiser is essential. They also believe that the first general appraiser will not uniformly rule that the public interests would be prejudiced by the open hearing if he is left entire discretion in this respect. I therefore would be greatly obliged to you if you would have the proposed modification inserted.

Believe me, Mr. Secretary, very sincerely, yours,

STERNBURG.

The German Ambassador to the Secretary of State.

IMPERIAL GERMAN EMBASSY,
Washington, February 26, 1906.

DEAR MR. SECRETARY: Permit me, in connection with my statements of this morning, to inclose a memorandum explaining the status of our new customs law. Could I ask you to be so kind as to send me a short notice of the date on which the proclamation of the President regarding section 3 of the Dingley tariff will be issued?

Believe me, Mr. Secretary, most sincerely, yours,

STERNBURG.

[Inclosure—Memorandum.]

The bill has come before the Bundesrath, and will immediately be submitted to the Emperor for signature. In the meantime the Bundesrath has made use of the power conferred upon this body and decided on Saturday last to grant, until further notice, to the products of the United States the rates of the German conventional tariff, without setting a term within the fixed time. As soon as the act has received the signature of His Majesty it will be published, together with the resolution of the Bundesrath.

IMPERIAL LAW BULLETIN. No. 11.

No. 3205.] *Law concerning the commercial relations with the United States of America, of February 26, 1906.*

[Translation.]

We, William, by God's grace German Emperor, King of Prussia, etc., hereby decree in the name of the Empire, after the consent has been given of the Bundesrath and the Reichstag, and for the time after February 28, 1906, the following:

The Bundesrath is hereby empowered to extend to the products of the United States of America up to June 30, 1907, those tariff rates which are granted to the following countries by the following-mentioned treaties:

Supplemental treaty to the commercial and tariff convention with Belgium of December 6, 891, dated June 22, 1904. (Imperial Law Bulletin, 1905, p. 599.)

Supplemental treaty to the commercial, tariff, and shipping convention with Italy of December 6, 1891, dated December 3, 1904. (Imperial Law Bulletin, 905, p. 413.)

Supplemental treaty to the commercial and tariff convention with Austria-Hungary of December 6, 1891, dated January 25, 1905.

Supplemental treaty to the commercial and shipping convention with Russia of February 10, 1894, dated July 28, 1904. (Imperial Law Bulletin, 1905, p. 35.)

Supplemental treaty to the commercial, tariff, and shipping convention with Roumania of October 21, 1893, dated October 8, 1904. (Imperial Law Bulletin, 1905, p. 253.)

Supplemental treaty to the commercial and tariff convention with Switzerland of December 10, 1891, dated November 12, 1904. (Imperial Law Bulletin, 1905, p. 319.)

Supplemental treaty to the commercial and tariff convention with Servia of August 21, 1892, dated November 29, 1904.

This law goes into effect on the day of its promulgation.

Witness our own signature and the imperial seal which is affixed.

Given at Berlin, in the Castle, February 26, 1906.

[L. s.]

WILHELM.

PRINCE VON BÜLOW.

No. 3205.] *Promulgation regarding the commercial relations with the United States of America, February 26, 1906.*

On the basis of the foregoing law, the Bundesrath has resolved to grant to the products of the United States of America until further change is made those tariff rates which are granted to the following-named countries by the following-mentioned treaties, respectively:

Supplemental treaty to the commercial and tariff convention with Belgium of December 6, 1891, dated June 22, 1904. (Imperial Law Bulletin, 1905, p. 599.)

Supplemental treaty to the commercial, tariff, and shipping convention with Italy of December 6, 1891, dated December 3, 1904. (Imperial Law Bulletin, 1905, p. 413.)

Supplemental treaty to the commercial and tariff convention with Austria-Hungary of December 6, 1891, dated January 25, 1905. (Imperial Law Bulletin, 1906, p. 143.)

Supplemental treaty to the commercial and shipping convention with Russia of February 10, 1894, dated July 28, 1904. (Imperial Law Bulletin, 1905, p. 35.)

Supplemental treaty to the commercial, tariff, and shipping convention with Roumania of October 21, 1893, dated October 8, 1904. (Imperial Law Bulletin, 1905, p. 253.)

Supplemental treaty to the commercial and tariff convention with Switzerland of December 10, 1891, dated November 12, 1904. (Imperial Law Bulletin, 1905, p. 319.)

Supplemental treaty to the commercial and tariff convention with Servia of August 21, 1892, dated November 29, 1904. (Imperial Law Bulletin, 1906, p. 319.)

Berlin, February 26, 1906.

COUNT VON POSADOWSKY,

Acting Imperial Chancellor.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the Government of Germany has taken action, extending, on and after March 1, 1906, and until June 30, 1907, or until further notice, the benefit of the German conventional customs tariff to the products of the soil or industry of the United States, by which action in the judgment of the President reciprocal concessions are established in favor of the said products of the United States:

Now, therefore, be it known that I, THEODORE ROOSEVELT, President of the United States of America, acting under the authority conferred by the third section of the tariff act of the United States, approved July 24, 1897, do hereby suspend, during the continuance in force of the said concessions by the Government of Germany, the imposition and collection of the duties imposed by the first section of said act upon the articles hereinafter specified, being the products of the soil or industry of Germany; and do declare in place thereof

the following rates of duty provided in the third section of said act to be in force and effect on and after March 1, 1906, of which the officers and citizens of the United States will take due notice, namely:

Upon argols, or crude tartar, or wine lees, crude, five per centum ad valorem.

Upon brandies, or other spirits manufactured or distilled from grain or other materials, one dollar and seventy-five cents per proof gallon.

Upon still wines, and vermouth, in casks, thirty-five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty-four bottles or jugs containing each not more than one pint, one dollar and twenty-five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

Upon paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.

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

Done at the city of Washington this twenty-seventh day of February, in the year of our Lord one thousand nine hundred [SEAL.] and six, and of the Independence of the United States of America the one hundredth and thirtieth.

THEODORE ROOSEVELT

By the President:

ELIHU ROOT

Secretary of State.

EXECUTIVE ORDER.

Paragraph 678 of the Consular Regulations is hereby stricken out and the following paragraph substituted:

Purchased goods, where certified—

Invoices of merchandise purchased for export to the United States must be produced for certification to the consul of the district at which the merchandise was purchased, or in the district in which it was manufactured, but as a rule a consular officer shall not require the personal attendance at his office of the shipper, purchaser, manufacturer, owner, or his agent, for the purpose of making declarations to invoices, but he shall certify invoices sent to him through the mails or by messenger. To conform to the statute which requires that merchandise shall be invoiced at the market value or wholesale price of such merchandise as bought and sold in usual wholesale quantities at the time of exportation to the United States, in the principal markets of the country whence imported, consuls will certify to invoices, the additional cost of transportation from the place of manufacture to the place of shipment whenever the invoice is presented to be consulated in a country other than the one from which the merchandise is being directly exported to the United States.

THEODORE ROOSEVELT.

WHITE HOUSE, *March 1, 1906.*

EXECUTIVE ORDER.

Paragraph 680 of the Consular Regulations is hereby stricken out and the following paragraph substituted:
Invoice and declaration to be verified—

When the invoice and declaration are received by the consul, it is his duty to examine carefully each item and satisfy himself that it is true and correct. In aid of this examination it shall be the duty of such consular officer to confer with official chambers of commerce and other trade organizations in his district, and he shall report any and all written communications from such commercial bodies and trade organizations that may be submitted to him in writing, together with all schedules of prices furnished him officially for that purpose; and the consul is authorized, in his discretion, to call for the bills of sale of merchandise purchased for export to the United States; to inquire into the cost of production of merchandise not obtained by purchase; to demand samples; and, if the conditions require it, to examine the entire consignment. Whenever an invoice is offered for certification which covers consolidated shipments consisting of the productions of different manufacturers, the consul may demand the submission of the manufacturers' bills relating thereto. Even when the merchandise has been purchased for export and the invoice sets out truly the price paid, the consul should ascertain whether the price represents the market value of the goods.

THEODORE ROOSEVELT.

WHITE HOUSE, *March 1, 1906.*

Ambassador Tower to the Secretary of State.

No. 905.]

AMERICAN EMBASSY,
Berlin, March 1, 1906.

SIR: I have the honor to acknowledge the receipt this morning of your telegram of February 28, reading as follows:

President by proclamation dated yesterday continues from 1st proximo the benefits of section 3 Dingley Act to German products specified in commercial agreement of July 10, 1900. Inform consuls.

In accordance with your instructions, I have to-day given notice of this proclamation by letter addressed to each of the American consular officers accredited to the German Empire.

I have, etc.,

CHARLEMAGNE TOWER.

MILITARY SERVICE CASE OF MAURICE KAHN.

(Continued from Foreign Relations, 1905, pp. 470-472.)

Ambassador Tower to the Secretary of State.

No. 876.]

AMERICAN EMBASSY,
Berlin, January 18, 1906.

SIR: I have the honor to acknowledge the receipt of your dispatch No. 438,^a of the 13th of December, 1905, relating to the case of

^a Printed in Foreign Relations, 1905, p. 471.

Maurice Kahn, a naturalized American citizen, born in Alsace, who has been fined 600 marks for nonperformance of military service and to whom permission to visit his birthplace has recently been refused by the German authorities on the ground that as he was a native of Alsace he is held to be still a German subject, notwithstanding his naturalization in the United States; and you instruct me in that dispatch to keep Mr. Kahn's case in mind and continue my efforts in his behalf, making it clear that the United States Government does not acquiesce in the contention of the German Government as to the nonapplicability of the Bancroft naturalization treaties to Alsace-Lorraine.

In compliance with these instructions, I have addressed a note, dated January 16, 1906, to the Imperial German minister for foreign affairs, a copy of which is herewith attached, in which I have recalled his attention to the case of Mr. Kahn, and whilst I have informed the minister for foreign affairs that by your direction I am to continue my efforts in behalf of the said Kahn, "making it clear that the United States Government does not acquiesce in the contention of the German Government as to the nonapplicability of the Bancroft naturalization treaties to the Alsace and Lorraine," I have asked him to take again into consideration the request of the said Maurice Kahn for permission to revisit his home in Germany, and that if the facts were found to be substantially stated by Kahn, and in view of his naturalization as a citizen of the United States, a permit may be granted to him to make such a visit.

I have, etc.,

CHARLEMAGNE TOWER.

[Inclosure.]

Ambassador Tower to the Minister for Foreign Affairs.

JANUARY 16, 1906.

The undersigned, ambassador of the United States of America, has the honor to recall the attention of his excellency Baron von Richthofen, minister of state and imperial secretary of state for foreign affairs, to the case of one Maurice (Moritz) Kahn, a naturalized American citizen of German birth, whose request for permission to revisit his former home in Alsace-Lorraine was presented to the imperial ministry for foreign affairs by the note F. O. No. 603, addressed to it by this embassy on the 25th of July, 1905, in which note the request was respectfully made that if the facts were found to be substantially in accordance with the statements made by the said Maurice Kahn, namely: That he was born at Biesheim, Ober-Elsass, Kreis Colmar, on June 30, 1879; he emigrated to the United States at the age of 12 or 13 years, and since then has never been in Germany; and that before his emigration he lived at Biesheim and at Ittersweiler, Unter-Elsass, his desire might be acceded to.

The reply to this note, which the ambassador of the United States has had to receive from the imperial ministry for foreign affairs in its note No. IIIb 1472765699, dated the 28th of October, 1905, informs him that "as Kahn is still a subject of Alsace-Lorraine, he requires no special permission to reside in his own country, but if he should return, he would be liable to fulfill the sentence passed upon him, as well as to the ultimate performance of his military service."

The ambassador of the United States has reported this reply to his Government and has received instructions which direct him to "keep Mr. Kahn's case in mind and continue the efforts in his behalf, making it clear that the United States Government does not acquiesce in the contention of the German Government as to the nonapplicability of the Bancroft naturalization treaties to Alsace-Lorraine."

Acting under these instructions, therefore, the ambassador of the United States has the honor to ask that the imperial ministry for foreign affairs will

take again into consideration the request of the said Maurice Kahn for permission to revisit his home in Germany, and that, if the facts are found to be substantially as stated by Kahn, and in view of his naturalization as a United States citizen, a permit may be granted to him to make such a visit.

The undersigned ambassador avails himself of this opportunity to renew to his excellency Baron von Richthofen, etc.,

CHARLEMAGNE TOWER.

The Secretary of State to Ambassador Tower.

No. 465.]

DEPARTMENT OF STATE,
Washington, February 15, 1906.

SIR: I have to acknowledge the receipt of your No. 876, of the 18th ultimo, in regard to the military case of Maurice Kahn, a naturalized American citizen, born in Alsace, who has been fined for nonperformance of military duty, and to whom permission to visit his former home has recently been refused by the German authorities. On the ground that he is a native of Alsace, he is held to be still a German subject, notwithstanding his naturalization in the United States.

The department approves your continuing, in compliance with instruction No. 438, of the 13th of December last, your efforts in Mr. Kahn's behalf and of your note to the minister of foreign affairs, a copy of which you transmit, in connection with this case, in which you make it clear that the United States Government does not acquiesce in the contention of the German Government as to the nonapplicability of the Bancroft naturalization treaties to Alsace and Lorraine.

I am, sir, etc.,

ELIHU ROOT.

Ambassador Tower to the Secretary of State.

No. 972.]

AMERICAN EMBASSY,
Berlin, May 30, 1906.

SIR: I have the honor to report to you the decision of the Imperial German Government in regard to the military case of Maurice Kahn, a naturalized American citizen, born in Alsace, who was fined for nonperformance of military duty and to whom permission to visit his former home was refused by the German authorities, on the ground that, as he is a native of Alsace-Lorraine, he is held to be still a German subject, notwithstanding his naturalization in the United States.

This case was reported upon to you by me in my dispatch No. 876 of the 18th of January, 1906, at which date I fulfilled the instructions contained in your dispatch to me No. 438, of the 13th of December, 1905, and addressed a note, dated January 16, 1906, to the imperial German minister for foreign affairs, in which I recalled his attention to the case of Mr. Kahn and informed the minister that by your direction I was to continue my effort in behalf of the said Kahn, "making it clear that the United States Government does not acquiesce in the contention of the German Government as to the nonapplicability of the Bancroft naturalization treaties to Alsace-Lorraine."

I have now received from Herr von Tschirschky und Bogendorff, imperial secretary of state for foreign affairs, in reply to my note to

him of the 16th of January, a note dated 22d of May, 1906, a copy and a translation into English of which are herewith respectfully inclosed, in which the German Government not only replies to my declaration that the United States Government does not acquiesce in its contention as to the nonapplicability of the Bancroft naturalization treaties to Alsace-Lorraine, but makes a specific statement as to its view of this question and as to the attitude in regard to it which the Imperial Government intends to assume from this time forth; that is to say:

Since the years 1880 and 1881, in which the Government of the United States of America was informed as to the understanding of the Imperial Government of the nonapplicability of the so-called "Bancroft treaties" to Alsace-Lorraine, no change of this point of view has taken place either in fact or in law. It was pointed out at that time, and accepted without dispute by the Government of the United States, that the provisions of these treaties can be extended to Alsace-Lorraine only by means of a treaty to be hereafter entered into by the United States of America and the German Empire. See the note dated the 28th December, 1881, of Mr. Sidney Everett, then chargé d'affaires of the United States.

The Imperial Government has now clearly announced, therefore, that it does not consider that the Bancroft naturalization treaties are applicable to Alsace-Lorraine, and it meets squarely the contention of the United States that they are so applicable.

Referring to the establishment by the two governments of a convention which shall decide this question by the consent of both of the high contracting powers, as he suggests, the imperial secretary of state for foreign affairs sums up in his note the relations of a native of Alsace-Lorraine naturalized in the United States, as follows:

So long as this has not taken place, a penalty for nonperformance of military service which has been duly imposed upon subjects of Alsace-Lorraine who have evaded the fulfillment of their military duty in Germany, can not be allowed to remain in abeyance in case of their return to Germany, even if they have become citizens of the United States of America.

The note of Mr. Sidney Everett, to which reference is made herein, was addressed by him as chargé d'affaires ad interim of the legation of the United States of America in Berlin to Count Hatzfeld, provisional secretary of state for foreign affairs, in the course of a discussion which was taking place at that time very much in the same manner as that of to-day, in regard to the naturalization in America of German subjects born in Alsace-Lorraine.

I have the honor to inclose to you herewith, for your information, a copy of Mr. Everett's note.

I have, etc.,

CHARLEMAGNE TOWER.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Ambassador Tower.

BERLIN, May 22, 1906.

The undersigned has the honor to inform his excellency Mr. Charlemagne Tower, ambassador extraordinary and minister plenipotentiary of the United States of America, in reply to his note of the 16th of January, 1906, F. O. No. 728, that the case of Kahn has been subjected to a reinvestigation; but that, to its regret, the Imperial Government can not make any change in the decision which it communicated to the embassy on the 28th of October, 1905, namely,

that if Kahn returns to Alsace-Lorraine, he will have to undergo the sentence passed upon him for the evasion of his military duties, and will also have to fulfill his military service.

Since the years 1880 and 1881, in which the Government of the United States of America was informed as to the understanding of the Imperial Government of the nonapplicability of the so-called "Bancroft treaties" to Alsace-Lorraine, no change of this point of view has taken place either in fact or in law. It was pointed out at that time, and accepted without dispute by the Government of the United States, that the provisions of these treaties can be extended to Alsace-Lorraine only by means of a treaty to be hereafter entered into by the United States of America and the German Empire. See the note dated the 28th of December, 1881, of Mr. Sidney Everett, then chargé d'affaires of the United States.

So long as this has not taken place, a penalty for nonperformance of military service which has been duly imposed upon subjects of Alsace-Lorraine who have evaded the fulfillment of their military duty in Germany, can not be allowed to remain in abeyance in case of their return to Germany, even if they have become citizens of the United States of America.

The undersigned avails himself of this opportunity, etc.,

VON TSCHIRSCHKY.

[Inclosure 2.]

[*Mr. Everett's note above referred to.*]

LEGATION OF THE UNITED STATES,
Berlin, 29th December, 1881.

The undersigned, chargé d'affaires ad interim of the United States of America, referring to his interviews of the 24th and 27th instant at the foreign office, has the honor now to inclose to his excellency Count Hatzfeldt, provisional secretary of state for foreign affairs, copies of the protocol signed by his excellency Mr. von Schlozer and the Hon. James G. Blaine at Washington on the 3d instant, as well as the letter of the latter to Mr. von Schlozer of the 29th ultimo, which led to the signing of the protocol.

The undersigned would state that in his interview with Count Limburg-Stirum on the 8th of December, 1880, alluded to in the Secretary's note, his excellency himself suggested that it was desirable if possible to avoid making a new treaty, or changing the present one, and it was with the intention of meeting these views of the German Government that the inclosed short and simple form was adopted. As regards Article I, to the form of which the undersigned understands there is some objection on the part of the foreign office, which states that "the provisions of the convention of 1868 with the North German Confederation were applicable to all the territories of the German Empire which have been acquired since the exchange of ratifications or which may hereafter be acquired," it was not forgotten probably either by his excellency Mr. von Schlozer or Mr. Secretary Blaine that Alsace-Lorraine had never formed part of the North German Confederation, and that, consequently, the treaties of 1868 did not include that province, as was fully explained in the honored note of his highness Prince Hohenlohe to this legation on the 5th of August, 1880, and which was transmitted to Washington at this time. The undersigned presumes, however, that in this article it was intended merely to express in that way that what is now a treaty with the North German Confederation becomes on the signing of the protocol a treaty with the Empire, and extended to all its provinces.

Previous to the above-mentioned note of Prince Hohenlohe and the subsequent interviews with Count Limburg-Stirum, the American Government had, indeed, imagined that as the North German Confederation has ceased to exist its treaties affecting military services were transferred to the German Empire as well as its military system of legislation, instructions, regulations and ordinances, as stated in No. 61 of the imperial constitution, and that they were consequently extended to Alsace-Lorraine when that province became a part of Germany as provided for by the imperial decree of 9th June, 1871, No. 2, and this misapprehension of the American Government was still further encouraged by the fact that the predecessors of Prince Hohenlohe in the foreign office had invariably decided all military cases of naturalized Americans in Alsace-

Lorraine according to the treaty of 1868. Otherwise it would seem to follow that naturalized Americans from any of the North German States would be liable to be seized as deserters if they were found in Alsace-Lorraine, because their treaty rights did not extend to that province.

It was to avoid all such misunderstandings that the Secretary of State, waiving all discussions of these questions of the application of the treaty, made the first overtures to the German minister for an amicable settlement of the difficulty, and the undersigned begs to call the attention of His Excellency Count Hatzfeldt to the sentence in the note of the Secretary of State which states that "the Government is not tenacious of the manner of settlement proposed, but will, if insisted upon by the Imperial Government, conclude a supplemental convention covering substantially the ground of the draft-declaration now submitted."

The undersigned, trusting that His Excellency Count Hatzfeldt will meet the inclosed proposals with the same friendly spirit in which they are offered, and facilitate an early settlement of this important matter, and also requesting that the legation may receive a copy of any proposed alteration in the protocol from the imperial foreign office, avails himself, etc.,

H. SIDNEY EVERETT.

The Acting Secretary of State to Ambassador Tower.

No. 555.]

DEPARTMENT OF STATE,
Washington, September 21, 1906.

SIR: I have to acknowledge the receipt of your No. 972, of the 30th of May last, relative to the military case of Maurice Kahn, a native of Alsace-Lorraine, and of your No. 1012, of the 16th ultimo, relative to that of Alois Boucher, also a native of Alsace-Lorraine.

The department approves your conduct in your endeavor to secure the exemption and release from military service of citizens of the United States born in Alsace-Lorraine who may have returned temporarily to the land of their nativity.

In your No. 972 attention is called to the contention of the German Government that the Bancroft treaty of 1868 does not apply to Alsace-Lorraine. In this reply, however, it is stated that the German Government is willing to enter into a convention by which the various Bancroft treaties may be extended to Alsace-Lorraine, or to negotiate an entirely new treaty covering the point in dispute.

You will express to the minister of foreign affairs the gratification produced by the proposal of his excellency that the United States and Germany enter into a treaty by the terms of which difficulties of a like nature may be avoided in the future.

You will use your discretion as to the time and manner of calling this matter to the attention of the German Government, and in so doing you will be careful to observe that the proposal at this time emanates from the German Government.

It is earnestly hoped by the department that the proposed regulation of the difficulty may be carried into effect at as early a period as practicable.

I am, etc.,

ALVEY A. ADEE.

PROHIBITION OF POTATOES.

The Acting Secretary of State to Ambassador Tower.

No. 514.]

DEPARTMENT OF STATE,
Washington, June 25, 1906.

SIR: The department has received a letter from Mr. Hugo Malmédie, claiming to be a citizen of the United States, residing at Bensberg, Germany, which reads as follows:

Would it not be advisable to inform the German Government, that sweet potatoes do not come under their law prohibiting the import of white potatoes?

I have here 2 packages of together about $6\frac{1}{2}$ pounds sweet potatoes as seed at the custom-house office, and they refuse to follow them out on account of quest (?) law.

The law here is against the potato bug, with which our sweet potato has nothing to do.

In relation to this communication the Secretary of Agriculture informs this department as follows:

I have the honor to acknowledge the receipt of your communication of the 2d instant, informing this department of the receipt of a letter from a correspondent in Bensberg, Germany, protesting against the prohibition of importation into Germany of American sweet potatoes. In reply I beg leave to respectfully inform you that the so-called "potato bug," or, as it is better known, the "Colorado potato beetle" (*Leptinotarsa decemlineata*) never, under any circumstances, breeds on sweet potato, nor could it subsist for any length of time on that plant. It is practically restricted to the genus *Solanum*, although it occasionally attacks related species of *Solanaceæ* when the normal food is lacking. (Sweet potatoes do not belong to the *Solanaceæ*, but to a very distinct family, *Convolvulaceæ*.)

The grounds upon which your correspondent bases his protest, i. e., the immunity of sweet potatoes from the potato bug, are therefore scientifically well founded.

You are instructed to investigate this matter, and, in case the facts as ascertained shall warrant, to make suitable representations to the German Government, with a view of securing the removal of any restrictions on the importation of American sweet potatoes.

I am, etc.,

ROBERT BACON.

Ambassador Tower to the Secretary of State.

No. 1016.]

AMERICAN EMBASSY,
Berlin, August 31, 1906.

SIR: In accordance with the instructions contained in Mr. Bacon's dispatch No. 514, of the 25th of June, 1906, in relation to the importation of sweet potatoes into Germany and to the tariff rates imposed upon them, which question was raised by Mr. Hugo Malmédie in a letter which he addressed to the Department of State, I have the honor to report to you that I have brought this subject to the attention of the German Government and have received a note from the imperial secretary of state for foreign affairs, dated the 23d of August, 1906, a copy and a translation into English of which are hereto attached. In this note the secretary of state for foreign affairs informs me that the governments of the German frontier States, as well as the Imperial Statthalter in Alsace-Lorraine, have been notified that the so-called "sweet potato" (*Ipomœa batatas*, *Convolvulus batatas*,

Batatas edulis) has no relation to the potato (*Solanum tuberosum*) and therefore is not included in the order of the 26th of February, 1875, which prohibits the importation of potatoes; and that instructions have been given to the authorities to bring this decision to the attention of the customs-house officers.

I have, etc.,

CHARLEMAGNE TOWER.

[Inclosure.—Translation.]

The Secretary of State for Foreign Affairs to Ambassador Tower.

BERLIN, August 23, 1906.

In reply to the note of the 14th of July, 1906, F. O. No. 854, the undersigned has the honor to inform his excellency Mr. Charlemagne Tower, ambassador extraordinary and plenipotentiary of the United States of America, that the governments of the federated frontier States, as well as the Imperial Statthalter in Alsace-Lorraine, have been notified that the so-called "sweet potato" (*Ipomœa batatas*, *Convolvulus batatas*, *Batatas edulis*) has no relation to the potato (*Solanum tuberosum*), and therefore is not included in the order of the 26th of February, 1875 ("Reichs-Gesetzblatt," p. 135), which prohibits the importation of potatoes.

Instructions have been given to the authorities to bring this decision to the attention of the customs-house officers.

The undersigned avails himself of this opportunity to renew to his excellency the ambassador the assurance of his highest consideration.

VON TSCHIRSCHKY.

COMMERCIAL TREATY BETWEEN GERMANY AND BULGARIA.

Ambassador Tower to the Secretary of State.

No. 874.]

AMERICAN EMBASSY,
Berlin, January 17, 1906.

SIR: I have the honor to inclose to you herewith three copies of the official "Reichs-Gesetzblatt" No. 1, of January 12, 1906, containing the text of a commercial, customs, and navigation treaty^a between the German Empire and Bulgaria, which was signed on August 1, 1905, and has now been duly ratified. A copy of this treaty was forwarded, upon its submission to the Reichstag, to the department in Mr. Dodge's dispatch No. 836, of the 13th of December, 1905.

I have the honor, etc.,

CHARLEMAGNE TOWER.

CITIZENSHIP OF PERSONS BORN IN THE UNITED STATES OF GERMAN PARENTS AND LIVING IN GERMANY.

The German Ambassador to the Secretary of State.

[Translation.]

GERMAN EMBASSY,
Washington, October 25, 1906.

MR. SECRETARY OF STATE: At the request of the Royal Bavarian government I have the honor to inquire of your excellency whether

^a Treaty on file at the department, not printed.

the United States Government recognizes and claims as an American citizen Jacob Bohn, said to have been born on February 16, 1885, at Jeffersonville, Ind., and at present at Ludwigshafen.

Jacob Bohn's father, Alexander Bohn, born March 17, 1862, at Gleisweiler, emigrated to America in October, 1881, being at the time a citizen of Bavaria. On July 22, 1882, a license was issued to him to marry Anna Maria Oeffler, of Ludwigshafen, but there is no proof at hand of the conclusion of the marriage itself, from which the aforementioned Jacob Bohn is said to have sprung. It has been ascertained by inquiry that there is no record of this marriage in the matrimonial records of Clark County. The birth of the son, Jacob Bohn, is likewise not recorded in the books of this county.

Alexander Bohn is said to have subsequently acquired American citizenship, but proof of this is also lacking. It was only possible to ascertain that Alexander Bohn had received his first papers (declaration of intention) in Clark County, but not that he had acquired American citizenship in Clark County. According to a written affirmation which has been lost, Bohn made his declaration of intention to become an American citizen before the proper authority on September 13, 1884.

In 1891 the said Alexander Bohn is said by his relatives to have died in America. In April, 1892, his widow returned with her children, including her son Jacob, to Ludwigshafen, where the family has resided ever since.

According to American laws, the son Jacob Bohn must have acquired American citizenship by being born in America (of which fact, as said before, there is no documentary proof), even though his father should not have been an American.

I take the liberty to respectfully request your excellency to kindly have the necessary inquiries made of the proper authorities, and to inform me of the result in due season.

Please accept, etc.,

STERNBURG.

The Acting Secretary of State to the German Ambassador.

No. 457.]

DEPARTMENT OF STATE,
Washington, November 20, 1906.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 25th ultimo, from which it appears that Alexander Bohn, a German subject, came to America in 1881, and married Anna Maria Oeffler, apparently also a German subject, in 1882, at Jeffersonville, Ind.; that Jacob Bohn was born to them at Jeffersonville, February 16, 1885; that Alexander Bohn seems to have made declaration of his intention to become a citizen of the United States, but whether or not he ever took out his final papers does not appear; that he died in 1891, and his widow returned to Germany in 1892, taking her children with her; among them was Jacob Bohn, who was seven years old at the time, and that since that time Jacob Bohn has resided with his mother at Ludwigshafen in Germany.

Inquiry is made on behalf of the Bavarian government whether the Government of the United States claims and recognizes Jacob Bohn as an American citizen.

While it would seem to be impossible to speak with certainty as to Mr. Jacob Bohn's status without a more detailed showing of facts than is made in the above statement, it gives me pleasure to inclose the following memorandum of the law officer of the department covering the principles upon which this department has acted in similar cases.

Accept, excellency, etc.,

ROBERT BACON.

MEMORANDUM.

Assuming that Alexander Bohn never became a citizen of the United States, Jacob Bohn was born of German parents in the United States. According to the Constitution and laws of the United States as interpreted by the courts, a child born to alien parents in the United States is an American citizen, although such child may also be a citizen of the country of his parents according to the law of that country.

Although there is no express provision in the law of the United States giving election of citizenship in such cases, this department has always held in such circumstances that if a child is born of foreign parents in the United States, and is taken during minority to the country of his parents, such child upon arriving of age, or within a reasonable time thereafter, must make election between the citizenship which is his by birth and the citizenship which is his by parentage. In case a person so circumstanced elects American citizenship he must, unless in extraordinary circumstances, in order to render his election effective, manifest an intention in good faith to return with all convenient speed to the United States and assume the duties of citizenship.

Inasmuch as it appears that Jacob Bohn was born on February 16, 1885, he became of age on February 16 of the present year. Whether he had made any election or done any act which amounts to an election of American citizenship, the department is not informed. Whether or not he intends in good faith to return within a reasonable time to the United States does not appear. The department can not say, in the absence of all information as to the circumstances of the case, that the mere lapse of time since February 16 of the present year, coupled with continued residence in Germany, is sufficient in its opinion to an election of German citizenship. In these circumstances, the department is unable to state whether or not Jacob Bohn is to be recognized as an American citizen.

In case it should appear that Alexander Bohn became an American citizen, the question of expatriation, rather than election of citizenship, would seem to arise. This Government has always recognized the right of expatriation on the part of both its natural-born and naturalized citizens. Expatriation was defined by Secretary Fish, perhaps as definitely as the nature of the subject admits, as "the quitting of one's country, with an abandonment of allegiance and with the view of becoming permanently a resident and citizen of some other country, resulting in the loss of the party's preexisting character of citizenship."

Whether or not Jacob Bohn has expatriated himself within the above definition it would, of course, not be possible to say, inasmuch as no facts appear which in themselves would work on expatriation.

Note that according to the treaty of 1868 between the United States and Bavaria naturalization in the United States plus five years uninterrupted residence in the United States either before or after naturalization confers American citizenship on a Bavarian subject. This may be lost by a renewal of residence in Bavaria without intent to return to the United States. The absence of intent to return is presumed after two years' residence (but this presumption is not conclusive).

**EXEMPTION FROM THE PAYMENT OF CHURCH TAXES IN
GERMANY.**

Ambassador Tower to the Secretary of State.

No. 896.]

AMERICAN EMBASSY,
Berlin, February 19, 1906.

SIR: I have the honor to call your attention to a note which I have received, under date of the 11th of January, 1906, from the Imperial German ministry for foreign affairs, in relation to the subject of the payment of church taxes by American citizens resident in Germany, a copy and a translation into English of which are respectfully herewith inclosed.

It has been the custom heretofore to exempt American citizens residing in Germany from the payment of church taxes here upon proof being made by them, usually through diplomatic channels, that they are members of an American or Anglican church situated in or near to the place of their residence. But under the provisions of a statute enacted in Prussia on the 14th of July, 1905, which will enter into effect on or about the 1st of April, 1906, a new system will be adopted for levying church taxes upon foreign citizens and subjects residing in Prussia. That statute provides that such foreign citizens and subjects resident here shall be exempt in future from the payment of church taxes in Prussia only in cases where the royal ministry of state shall have certified in the Prussian statutes that Prussian subjects are reciprocally exempt from the payment of church taxes in the native countries of such foreign citizens and subjects; and I am called upon by the Imperial German ministry for foreign affairs to answer the question whether Prussian subjects are exempt from payment of church taxes when resident within the United States of America.

As there is no state church in the United States, so there is no church tax imposed, in so far as I am informed, either by the Federal Government or the several State governments, and consequently Prussian subjects residing within the United States of America are exempt from the payment of church taxes. I have the honor to request that I may be instructed to make formal answer in this connection to the inquiry of the Imperial German ministry for foreign affairs. The ministry has requested that this answer may be given, if possible, before the 1st of April, 1906.

I have, etc.,

CHARLEMAGNE TOWER.

[Inclosure.—Translation.]

The Imperial Minister for Foreign Affairs to Ambassador Tower.

The undersigned has the honor to make the following communication to his excellency Mr. Charlemagne Tower ambassador extraordinary and plenipotentiary of the United States of America :

Citizens of the United States of America living in the old provinces of the Prussian monarchy who are members of an American or Anglican church situated in the place of their residence are, under the present regulations, exempt as such church members de facto or upon application made through diplomatic channels for such exemption, from the payment of the church taxes

levied for the support of the protestant church of the parish in which they reside. But, under the provisions of the law of the 14th of July, 1905, relating to the collection of church taxes throughout the congregations and parishes of the national evangelical church in the old provinces of the kingdom (Prussian Statutes 1904, page 77), which will enter into effect on or about the 1st of April, 1906, a new system will be adopted; for this law provides that appeals against the levying of church taxes shall no longer be considered by the fiscal authorities, but must be brought before the superior court for decision. It provides further that the exemption of a non-German resident from the payment of church taxes shall depend upon the fact that a similar exemption is reciprocally extended to Germans in the native country of such non-German resident; which fact shall be certified to by the royal ministry of the state.

Article IV, Paragraph I, section 3, of the law provides:

"The claims for exemption from the payment of church taxes which may be made by citizens or subjects of a non-German country, upon the ground that they are members of a church situated in or near to the parish in which they may reside, which said church is not supported by the parish funds, shall be allowed upon condition that the royal ministry of state shall have certified in the Prussian statutes that a similar exemption from church taxes is allowed reciprocally to Prussian subjects residing in the native countries of such non-German subjects or citizens, and if the said non-German subjects or citizens shall not have declared to the parish authorities their willingness to pay such taxes."

Therefore the exemption of citizens of the United States of America from the payment of church taxes shall be based hereafter upon a certificate setting forth that such exemption is reciprocally granted in the United States to the German Empire, or at least to the Prussian State and their citizens and subjects.

The question thus arises whether the German subjects resident in the United States of America, who are members of a church situated in or near to the parish in which they reside—such church not being supported by the funds of that parish—are exempt from the payment of church taxes; and if so, what steps are to be taken to prove such exemption.

An early reply to this inquiry is desired in order that the royal ministry of state may issue the necessary certificate in the Prussian statutes before the 1st of April, 1906.

The undersigned avails himself, etc.,

MUHLBERG.

The Secretary of State to Ambassador Tower.

DEPARTMENT OF STATE,
Washington, March 22, 1906.

SIR: I have to acknowledge the receipt of your No. 896, of the 19th ultimo, relative to the subject of payment of church taxes by non-German citizens and subjects resident in Germany. You state that you are called upon by the imperial ministry for foreign affairs to answer the question whether Prussian subjects are exempt from payment of church taxes when resident in the United States, and add that your understanding is that, as there is no state church in the United States, so there is no church tax imposed either by the Federal Government or the several state governments, and that consequently Prussian subjects residing within the United States are exempt from the payment of church taxes.

I confirm, in this connection, the department's telegram of the 20th instant, reading as follows:

Answering your eight ninety-six. You are correct in your understanding.

I am, sir, etc.,

E. Root.

Ambassador Tower to the Secretary of State.

No. 1014.]

AMERICAN EMBASSY,
Berlin, August 31, 1906.

SIR: In supplement to my dispatch No. 896, of the 19th of February, 1906, relative to the subject of the payment of church taxes by American citizens residing in Germany, I have the honor to report to you that I addressed a note to the Imperial German ministry for foreign affairs on the 23d of March, 1906, making the formal statement which was asked for by the German Government and which I was authorized to make by your telegram to me of the 20th of March, 1906, that, as there is no state church in the United States, so there is no church tax imposed either by the Federal Government or the several state governments of the United States of America, and German subjects residing within the United States are exempt there from the payment of church taxes. I have received a reply to this note from the imperial ministry, dated the 4th of August, 1906, informing me that, in view of the statement contained in my note of the 23d of March, 1906, the reciprocal treatment of Prussian subjects in the United States has been decided to be sufficient ground upon which to exempt here from the payment of church taxes such American citizens as may be members of a religious congregation established at or near to the Prussian parish in which they may reside. The religious services of said congregation are not supported by the authorities of the said Prussian parish.

A copy and a translation into English of this note from the ministry for foreign affairs are inclosed herewith.

I have the honor to inclose to you herewith also three copies of the "Gesetz-Sammlung für die Königlichen Preussischen Staaten." No. 32, dated at Berlin, the 11th of July, 1906, in which will be found printed on page 322 the official notice of the royal Prussian minister of state, dated June 30, 1906, making the announcement that citizens of the United States of America are exempt from the payment of church taxes.

I have, etc.,

CHARLEMAGNE TOWER.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Ambassador Tower.

BERLIN, August 4, 1906.

In view of the statement contained in the note of the 23d of March, 1906, the undersigned has the honor to inform his excellency Mr. Charlemagne Tower, ambassador extraordinary and plenipotentiary of the United States of America, that the reciprocal treatment of Prussian subjects in the United States of America has been decided to be sufficient ground upon which to exempt here from the payment of church taxes such American citizens as may be members of a religious congregation established at or near to the Prussian parish in which they may reside, the religious services of which said congregation are not supported by the authorities of the said Prussian parish.

The undersigned has the honor to inclose herewith one copy of the "Gesetz-Sammlung für die Königlichen Preussischen Staaten" for the year 1906, No. 32, in which, on page 322, will be found printed the notice of the royal Prussian ministry of state, and dated June 30, 1906, relating to the reciprocal exemption from the payment of church taxes of subjects of Prussia, on the one part, and the citizens of England, Wales, and Ireland as well as those of the United States of America on the other part.

The undersigned avails himself of this opportunity, etc.,

MUHLBERG.

GREAT BRITAIN.

NEWFOUNDLAND FISHERY QUESTION.

(Continuation of correspondence in Foreign Relations, 1905, pp. 489-502.)

Chargé Carter to the Secretary of State.

No. 111.]

AMERICAN EMBASSY,
London, December 21, 1905.

SIR: I have the honor to acknowledge your telegram of the 17th instant,^a a translation of which I inclose, with reference to the Newfoundland fisheries question. I also inclose a copy of Sir Edward Grey's note of the 19th, and, in the same and cognate connection, translation of my cipher cables of the 18th^b and 20th, respectively.

I further inclose a letter addressed to the minister of justice from Mr. Joseph O'Reilly, inspector of Newfoundland customs, dated November 30, which was handed to me as a memorandum at Sir Edward Grey's request, and was the basis of my telegram of the 20th instant, mentioned above.

I may mention that all your suggestions have been received in a spirit of the friendliest cooperation.

I have, etc.,

JOHN RIDGELY CARTER.

[Inclosure 1.—Paraphrase of telegram sent from embassy December 20, 1905.]

No. 28. Mr. Carter reports that Sir Edward Grey informs him that report received through O'Reilly, collector of customs in Newfoundland, stating that a United States vessel, *M. B. Stetson*, 98 tons, of Bucksport, Me., Captain Dorr, owned by T. M. Nicholson, both on board, arrived on 23d November at Woods Island. On 26th captain and owner engaged 9 fishermen at Woods Island and towed them in their boat to Lark Harbor, where they engaged 7 more fishermen to form a part of the crew of said vessel. On 29th two boats, one from Lark Harbor and one from Woods Island, with 16 men on board and accompanied by the *M. B. Stetson*, sailed outside 3-mile limit and shipped the men mentioned, and bought the two boats, with some nets and gear, which they took with them. The agreement made with the men was that they were to be found on board the vessel in gear, etc., and were to be paid \$1 for each barrel of herring caught by them, and in addition would be given the nets and dory used by them when the fishery season was over. Nicholson stated to O'Reilly 27th at custom-house, Lake Harbor, that he had come to engage some men and take them outside 3-mile limit and intended purchasing their nets and boats and ship the men as part of his crew, and bring them back to the arms of the Bay of Islands to fish herring and were to be paid at the rate mentioned. He also said was advised of this course by Alexander of the United States fishery ship *Grampus*, who told him if he would wait until the *Ingomar* and *Alhoa* went

^a Printed in Foreign Relations, 1905, p. 500.

^b Printed in Foreign Relations, 1905, p. 501.

outside to ship men he would go out in the *Grampus* with them. *Ingomar* and *Alhoa* did not go out and have not shipped any fisherman yet, nor did the *Grampus* go out with the *M. B. Stetson*. O'Reilly has the names of the men who went out and shipped on latter vessel, which has since reported at Lark Harbor and paid light dues under protest. Sir Edward Grey considers this a further instance of the proceedings which have given rise to well-founded complaint on the part of Newfoundland government, to which attention has been called in a memorandum handed to Mr. Reid by Lord Lansdowne on 30th ultimo, and embodied in Mr. Reid's telegram to the department (No. 15) of the 1st instant.

With reference to Mr. Root's telegram of the 17th, Sir Edward Grey states that on the 18th a strongly worded telegram was sent out from the colonial office to the Newfoundland authorities urgently instructing them to make fullest inquiries regarding cutting of nets and to take the utmost precaution to avoid any destruction of American property.

[Inclosure 2.]

The Foreign Office to Chargé Carter.

FOREIGN OFFICE, December 19, 1905.

SIR: I have the honor to acknowledge the receipt of your note of the 18th instant, from which I learn with satisfaction that the American Government concur in the view held by His Majesty's Government that the United States fishermen are not entitled to construct platforms for freezing herrings on the west coast of Newfoundland.

With regard to paragraph 2 of your note in which you state that information has reached the Department of State to the effect that the cutting of American nets in Newfoundland waters had begun, I lost no time in bringing the matter to the knowledge of the secretary of state for the colonies, who at once telegraphed to the governor of Newfoundland on the subject.

I have, etc.,

F. H. VILLIERS
(For Sir E. Grey.)

[Inclosure 3.]

Mr. O'Reilly, Inspector of Customs to the Minister of Justice.

NEWFOUNDLAND CUSTOMS,
REVENUE PREVENTIVE SERVICE, INSPECTOR'S OFFICE,
Steamship Fiona, November 30, 1905.

SIR: I beg leave to state that the United States fishing vessel *M. B. Stetson*, 98 tons, of Bucksport, Me., Capt, Fred L. Dorr, owned by T. M. Nicholson, who was on board.

This vessel arrived at Woods Island on Thursday the 23d November. She remained at anchor until Sunday. The captain did not report at the customs at Woods Island. The captain and owner engaged 9 fishermen at Woods Island, and towed them in their boat to Lark Harbor on Sunday evening. At Lark Harbor they engaged 7 more fishermen to form a part of the crew of the said vessel.

On Wednesday the two boats, one from Lark Harbor and one from Woods Island, with 16 men on board and accompanied by the *M. B. Stetson*, sailed outside the 3-mile limit and shipped those men, and, as they say, bought the two boats with some nets and gear that they took with them.

The agreement made with those men at Lark Harbor by the captain and owner was that the men were to be found on board the vessel in gear, etc., and were to be paid \$1 per barrel for each barrel of herring caught by them. They were also promised by the captain and owner that they would, in addition to the \$1 per barrel, be given the nets and dory used by them when the fishery season was over.

T. M. Nicholson stated to me on Monday the 27th at the customs-house, Lark Harbor, that he was here to engage some men and take them outside the 3-mile limit, and that he was going to purchase their nets and boats, and ship the men as part of the vessel's crew, and then bring them back again to the arms of Bay of Islands to fish herring for the vessel, and were to be paid at the rate of \$1 per barrel.

He also told me that he was advised to this course by Mr. Alexander, of the United States fishery ship *Grampus*, and further that Mr. Alexander told him that if he waited around until the *Ingomar* and *Alhoa* were going outside to ship men, he would go out in the *Grampus* with them.

The *Ingomar* and *Alhoa* did not go out, and have not shipped any fishermen yet.

The *Grampus* did not go out with the *M. B. Stetson*. We have the names of the men who went out and shipped on this vessel.

The *Stetson* has since reported at the customs, Lark Harbor, and paid light dues under protest.

I have, etc.,

JOSEPH O'REILLY, *Inspector.*

The Secretary of State to Chargé Carter.

No. 118.]

DEPARTMENT OF STATE,
Washington, January 3, 1906.

SIR: I have to acknowledge the receipt of your No. 107 of the 16th instant.^a You therewith inclose a copy of the British memorandum on which was based your telegram of that date with regard to the information received by His Majesty's Government, that fishermen of the United States were constructing platforms for freezing herring on the west coast of Newfoundland.

By an omission of part of the context of Article I of the treaty of 1818, the memorandum makes it appear that by that treaty the United States renounced the liberty to take, dry, or cure fish on any of the coasts, etc., of Newfoundland other than the southern coast between Cape Ray and the Rameau Islands; whereas, under the treaty, our fishermen have the right to take fish on the western and northern coasts of Newfoundland within certain described limits, as well as in certain other localities.

While I have no thought that there was any intention on the part of the framer of the memorandum to give it any such interpretation or that the meaning to be conveyed was other than that our fishermen by the treaty were excluded from drying and curing fish, so far as Newfoundland is concerned, elsewhere than on the southern coast, I deem it advisable that you should call Sir Edward Grey's attention to the misleading language of the memorandum.

That I understood by your telegram of December 16 that reference was had therein to the drying and curing of fish and not to the taking of fish, is shown by my wired reply of the same day's date that "our fishermen are not entitled to construct platforms for freezing herring on the west coast of Newfoundland."

I am, etc.,

ELIHU ROOT.

^a Printed in *Foreign Relations*, 1905, p. 501.

The Secretary of State to Chargé Carter.

No. 120.]

DEPARTMENT OF STATE,
Washington, January 4, 1906.

SIR: I have to acknowledge the receipt of your No. 111 of the 20th ultimo, confirming your telegram of the same date, which transmits information reported to Sir Edward Grey through the inspector of customs, Mr. Joseph O'Reilly, of the enlistment of Newfoundland fishermen by American vessels on the advice of Mr. Alexander, of the *Grampus*, and also inclosing a copy of Mr. O'Reilly's letter, upon which your telegram was based.

Your telegram was communicated in full to the Secretary of Commerce and Labor, who, in reply, stated that Mr. Alexander would be called upon for a statement in regard to the matter upon his return to Washington, where he is expected to arrive during the present week.

Meanwhile, under date of the 29th ultimo, Secretary Metcalf has transmitted to me a letter dated December 21, 1905, from Mr. Alexander, which, while not in direct reply to the allegations contained in your telegram of December 20, denies that at any time since this season's fishing began have Newfoundland fishermen been shipped by American vessels in territorial waters, or that men have been in any way assisted by American masters to cross the 3-mile limit for enlistment.

I inclose copy of this letter. Its contents may be made known to Sir Edward Grey.

I am, etc.,

ELIHU ROOT.

[Inclosure.]

*The Secretary of Commerce and Labor to the Secretary of State.*DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, December 29, 1905.

SIR: There is transmitted herewith copy of a letter just received from fisheries agent A. B. Alexander, dated Bay of Islands, Newfoundland, December 21, 1905.

V. H. METCALF.

[Subinclosure.]

*Mr. Alexander to the Commissioner of Fisheries.*BAY OF ISLANDS, NEWFOUNDLAND,
December 21, 1905.

SIR: Your letter of the 8th instant with inclosed copy of telegram from the American ambassador at London to the Secretary of State transmitted to the Secretary of Commerce and Labor, together with his reply addressed to the Secretary of State, was only received yesterday, it having been sent by mistake to St. Johns, causing a delay of several days.

In reply to the dispatch received by the Secretary of State I would repeat what has been stated in my letter of November 20 to the Secretary of Commerce and Labor that at no time since the herring fishery began this season at Bay of Islands have the laws of Newfoundland been evaded by shipping men on American vessels in the manner to which special attention is called. The schooners *Independence II* and *Oregon* enlisted Newfoundland men in the same manner that men were shipped on the schooners *Gossip*, *Carrie W. Babson*, and other American vessels engaged in the herring fishery this season.

In the dispatch considerable stress is laid upon alleged facts regarding taking men across the 3-mile limit for enlistment and bringing them back. In no instance has such a method been employed. The men, each time, have rowed and sailed in their own boats outside territorial waters, not going on board the vessel on which they were shipped until they were beyond the 3-mile limit, and were previously engaged by agents for owners and not by the masters of said vessels, neither was assistance rendered to either vessel in the enlistment of men other than being a witness that the transaction was legally performed. Not until the receipt of your letter was I aware that any question had been raised regarding the method of procedure. It will be remembered that at the time men were shipped on the schooner *Gossip* a report reached St. Johns, Newfoundland, and shortly after was sent to Washington and Gloucester that unlawful methods had been employed in enlisting the men. Whoever circulated the report had no grounds for making such charge. It may be that the second report, which is equally false, emanated from the same source.

A letter, dated December 16, from the Secretary of Commerce and Labor with inclosed copy of letter from the Secretary of State addressed to the Secretary of Commerce and Labor with reference to freezing herring on shore, fishing with various kinds of apparatus, etc., was received yesterday. The information bearing upon the points in question has been imparted to masters and owners of vessels. The American captains now fully understand the interpretation the Government places upon the questions involved, both as regards to curing on shore, methods of capture, etc., and conforming to days and seasons.

The vessels are now fishing in Middle and Goose arms, where, probably, they will remain until loaded. The captains will now have little or no communication with Birchy Cove, and only a limited amount of information concerning their movements and catches made can be obtained.

The herring fishery will end in about three weeks. Should vessels remain later, they are likely to be frozen in the arms. If a suitable steam vessel were on the ground near the end of the fishing season, she no doubt would be of considerable service. In past years vessels have frequently remained on the ground a day or two longer than they should in order to obtain full cargoes, and by so doing were caught in the ice, where they had to remain until the following spring. Had assistance been near, the cargoes would have been saved.

Fifteen American vessels have sailed with full cargoes and a number of others are nearly loaded. Ten American vessels this season have shipped 136 men outside 3-mile limit.

Very respectfully,

A. B. ALEXANDER.

The Acting Secretary of State to Chargé Carter.

No. 126.]

DEPARTMENT OF STATE,
Washington, January 15, 1906.

SIR: Supplementing the department's No. 120, of the 4th instant, in which you were instructed that Mr. A. B. Alexander, fisheries agent of the Department of Commerce and Labor, would be called upon for an explanation concerning information reported to Sir Edward Grey, through Mr. Joseph O'Reilly, Newfoundland inspector of customs, alleging the illegal shipment of Newfoundland fishermen by American vessels, particularly the *M. B. Stetson*, on the advice of Mr. Alexander, I now inclose copy of a letter from the Secretary of Commerce and Labor, transmitting a copy of Mr. Alexander's statement.

It will be noted that Mr. Alexander asserts that any inference from the reports in question that men were illegally shipped is unwarranted, and based on wholly untrustworthy information.

The contents of the inclosure may be made known to Sir Edward Grey.

I am, etc.,

ROBERT BACON,
Acting Secretary.

[Inclosure.]

The Secretary of Commerce and Labor to the Secretary of State.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, January 9, 1906.

SIR: I have the honor to acknowledge the receipt to-day of your communication of the 6th instant, transmitting a copy of the full text of a letter from Mr. Joseph O'Reilly, inspector of revenue preventive service of Newfoundland, in which allegation is made that Newfoundland fishermen were illegally shipped by American vessels, particularly by the *M. B. Stetson*, on the advice of Mr. A. B. Alexander, an agent of the Bureau of Fisheries in this department.

As you were advised on the 26th ultimo, your previous communication of December 22, 1905, regarding the same matter, was referred to the Bureau of Fisheries with instructions to have Mr. Alexander submit a statement relative to the allegations mentioned immediately upon his return to Washington. This statement has just been received, and in transmitting a copy herewith I beg to invite your attention to Mr. Alexander's assertion that the inference of Sir Edward Grey from reports received through Mr. O'Reilly that men were illegally shipped on the schooner *M. B. Stetson*, and that such course was advised by Mr. Alexander, is unwarranted and based wholly on untrustworthy information.

V. H. METCALF.

[Subinclosure.]

Mr. Alexander to the Commissioner of Fisheries.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, January 8, 1906.

SIR: A communication, dated December 27, from the chief clerk, Department of Commerce and Labor, to the Commissioner of Fisheries, transmitting a letter from the Secretary of State to the Secretary of Commerce and Labor, with an inclosed copy of a telegram from the American embassy at London to the Secretary of State, calling attention to alleged violation of the laws of Newfoundland by the schooner *M. B. Stetson*, of Bucksport, Me., was received January 5.

In reply, I have the honor to say the inference of Sir Edward Gray from reports received through Mr. J. O'Reilly, inspector of revenue protection service, of Newfoundland, that men were illegally shipped on the schooner *M. B. Stetson*, and that such course was advised by me, is unwarranted and based on wholly untrustworthy information.

Mr. T. M. Nicholson, owner of the vessel in question, previous to engaging men, came on board the *Grampus* and solicited my advice. He was told that he must not permit either men or boats on board his vessel within territorial waters nor must he afford any assistance to them in reaching a point beyond the 3-mile limit. This was fully understood by Mr. Nicholson.

Several days afterwards Mr. Nicholson came on board the *Grampus* and stated that on November 29 a native crew of fishermen had been shipped on the *Stetson*, and, furthermore, that he had complied with the law in every particular, and that Mr. O'Reilly had been a witness to the legality of the method employed. During our conversation Mr. Nicholson was asked if the men engaged to be enlisted had been taken on board or in any way given assistance previous to their being received on board outside the 3-mile limit. He stated that no assistance was rendered.

The second paragraph of the telegram, however, affirms that nine men were engaged at Wood Island, and that the vessel towed them in their boat to Lark Harbor. The weather being too stormy the *Grampus* did not go out and I was not a witness.

Previous to my arrival at Washington, I had not heard that the captain and owner of the *M. B. Stetson* had been charged with violating the law in the manner described. On the contrary, in conversation with Mr. O'Reilly, subsequent to the men being shipped on the *M. B. Stetson*, he asked me if I had heard it reported that Mr. Nicholson, owner of the *Stetson*, had towed

a fishing boat and crew from Wood Island to Lark Harbor that had been engaged for the herring fishing on that vessel. I replied that I had not heard such a report, and, furthermore, did not believe that Mr. Nicholson acted contrary to law, as he had informed me that he had been very particular to do nothing that would cause comment or place the Government in an embarrassing position. Mr. O'Reilly replied that he felt confident that Mr. Nicholson had committed no overt act. This would imply that Mr. O'Reilly had no positive knowledge of any infraction of the law on the part of Mr. Nicholson.

From October 5 until December 22, 43 American vessels arrived at Bay of Islands for salted and frozen herring. The captains and agents of these vessels were instructed before leaving the home port to obey the law in every particular, and in all cases where any doubt existed as to the proper methods to pursue, to exercise great caution and make the necessary inquiries regarding the wording and interpretation of the law before acting. I would state that the captains, owners, and agents of the said vessels frequently visited the *Grampus* for the purpose of gaining shore information relating to the law governing the herring fishery on the treaty shore of Newfoundland, and in no single instance, among all the American captains, have I observed or learned that the law had been transgressed; neither have the captains been advised to pursue methods or perform acts contrary to the treaty rights of 1818 as interpreted by the United States Government. Precaution was taken to prevent captains from violating the law through ignorance, and they in turn exhibited a disposition to gain all possible information bearing upon the subject in order to comply with the requirements.

Respectfully,

A. B. ALEXANDER.

Approved and forwarded:

GEO. M. BOWERS, *Commissioner*.

The Secretary of State to the British Ambassador.

DEPARTMENT OF STATE,
Washington, January 20, 1906.

MY DEAR SIR MORTIMER: I send you a copy of a letter which I have just received from Mr. Gardner, the Representative of Gloucester in the House, which indicates the kindly feeling happily existing between our American fishermen and the Newfoundland officials.

Faithfully, yours,

ELIHU ROOT.

[Inclosure.]

Representative Gardner to Mr. Root.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARTS AND EXPOSITIONS,
Washington, D. C., January 18, 1906.

DEAR MR. SECRETARY: I spoke to you to-day about the appreciation expressed by Gloucester people of the courteous act of Inspector O'Reilly, who by prompt action recovered American fishing gear and fish that would otherwise have been lost in the ice. I quote from a letter just received from William H. Jordan, collector of the port of Gloucester, Mass.:

"I thought you would be interested in knowing that a letter Mr. Merchant received yesterday from Doctor Webber at Bay of Islands, sent at the request of Captain Ross, stated that Inspector O'Reilly of the Newfoundland cutter *Fiona* went into Penguin and Goose Arm last Tuesday, which were frozen over, broke up the ice, and recovered all the fishing gear and a large haul of herring that would have been lost except for that act of courtesy on the part of Inspector O'Reilly."

Very truly, yours,

A. P. GARDNER.

The British Ambassador to the Secretary of State.

BRITISH EMBASSY,
Washington, January 24, 1906.

MY DEAR MR. SECRETARY: I am much obliged to you for your letter of January 20 inclosing a copy of a letter which had been addressed to you by Mr. Gardner, the Representative of Gloucester in the House, which indicates the kindly feeling happily existing between the American fishermen and the Newfoundland officials.

I have had much pleasure in sending a copy of your communication to the governor of Newfoundland.

Believe me to be, dear Mr. Secretary,
Very faithfully, yours,

H. M. DURAND.

Ambassador Reid to the Secretary of State.

No. 134.]

AMERICAN EMBASSY,
London, January 31, 1906.

SIR: With reference to Mr. Carter's dispatch of the 29th ultimo^a on the subject of the Newfoundland fisheries question, I have the honor to inclose herewith a copy of a report of Inspector O'Reilly to the minister of justice in Newfoundland, dated the 21st ultimo, which has been sent to me by Sir Edward Grey, confirming and extending the report already communicated in the dispatch above mentioned, and is to the effect that the complaint of malicious damage to American fishing nets and fishing tackle by the Newfoundland fishermen was unfounded.

I have, etc.,

WHITELAW REID.

[Inclosure.—Telegram.]

Inspector O'Reilly to Minister of Justice.

BIRCHY COVE, December 21, 1905.

Just in from Penguin Arm, where whole fleet are fishing. Have been at anchor there past ten days. No person came on board to make any complaints re loss or damage to nets or gear. There has been great loss of nets and gear, caused principally through the ignorance and carelessness of fishermen on board American vessels and through storms. *Colonial*, *Shea*, *Gloucester*, lost one night 56 nets. Some were afterwards creaped off the bottom. Fishermen brought here are unused to herring fishing and set their nets over other men's gear and foul them, causing loss and damage to both. We have been amongst the fishermen continuously, and only two official complaints made, and those were by two of our people re herring taken from nets and loss and damage to a fleet of nets. No truth in statement that any malicious damage or injury has been done to gear. Things are very quiet and the most kindly feelings seemingly prevail amongst the fishermen of all classes. Herring are not plentiful.

^a Printed in Foreign Relations 1905, p. 502.

Ambassador Reid to the Secretary of State.

No. 142.]

AMERICAN EMBASSY,
London, February 6, 1906.

SIR: I have the honor to forward herewith a copy of a letter received yesterday from Sir Charles Hardinge, the new permanent under secretary of state for foreign affairs, acting for Sir Edward Grey, and also of the memorandum to which it refers, together with a copy of the act of the Newfoundland legislature of 1893, therein quoted.

Under the impression that you would wish to take up the question soon, in the hope of bringing the discussion to some satisfactory result before the opening of the next fishing season, I thought you might find it a convenience to know the vital points of this memorandum before the arrival of the pouch, and am accordingly cabling you a synopsis, of which a confirmation copy is also inclosed [not printed].

I have, etc.,

WHITELAW REID.

[Inclosure.]

The Secretary of State for Foreign Affairs to Ambassador Reid.

No. 2993.]

FOREIGN OFFICE, *February 2, 1906.*

YOUR EXCELLENCY: The views of the United States Government with respect to the position of affairs on the coast of Newfoundland, and to the rights of American fishing vessels in those waters under the treaty of October 20, 1818, as set forth in Mr. Root's note to His Majesty's ambassador at Washington of the 19th of October last, and in your excellency's communication of the 23d of that month, have received the serious attention of His Majesty's Government.

I have now the honor to inclose a memorandum dealing seriatim with the six propositions formulated by Mr. Root, and with his observations with regard to some of the provisions of recent Newfoundland legislation for the regulation of the fisheries.

As, owing to the prompt measures adopted and to the conciliatory spirit displayed by both Governments, the fishing season has now closed without any collision between the British and American fishermen, or the development of any such friction as was at one time anticipated, it is unnecessary to deal more particularly with the latter portion of Mr. Root's note, which was devoted to that side of the question.

I have, etc.,

(For the Secretary of State)

CHARLES HARDINGE.

[Subinclosure.—Memorandum.]

Mr. Root's note to Sir M. Durand of the 19th October, 1905, on the subject of the United States fishery in the waters of Newfoundland under the convention of the 20th October, 1818, may be divided into three parts.

The first deals with complaints which had reached the United States Government to the effect that vessels of United States registry had been forbidden by the colonial authorities to fish on the treaty coast, the second with the provisions of "the Newfoundland foreign fishing-vessels act, 1905,"^a and the third with the possibility of a lawless and violent interruption of the United States fishery by the inhabitants of the Bay of Islands.

The complaints referred to in the first part of Mr. Root's note were at once brought to the notice of the government of Newfoundland, and they replied that there had been no attempt to prevent American fishermen from taking fish.

^a See appendix No. 9, p. 778.

The complaints in question appear to have been based on some misunderstanding, and the subsequent course of the fishery proved that the apprehensions on the part of the United States Government to which they gave rise were, fortunately, not well founded.

His Majesty's Government, however, agree with the United States Government in thinking that inasmuch as the privileges which citizens of the United States have for many years enjoyed of purchasing bait and supplies and engaging men in Newfoundland waters have recently been withdrawn and American fishermen have consequently, in Mr. Root's words, been thrown back upon their rights under the convention of 1818, it is desirable that a clear understanding should be reached regarding those rights and the essential conditions of their exercise, and they have accordingly given the most careful consideration to the six propositions advanced in Mr. Root's note as embodying the views of the United States Government on the subject.

They regret, however, that they are unable to record their assent to these propositions without some important qualifications.

Proposition 1 states:

"Any American vessel is entitled to go into the waters of the treaty coast and take fish of any kind. She derives this right from the treaty (or from the conditions existing prior to the treaty and recognized by it), and not from any permission or authority proceeding from the government of Newfoundland."

The privilege of fishing conceded by Article I of the convention of 1818 is conceded, not to American vessels, but to inhabitants of the United States and to American fishermen.

His Majesty's Government are unable to agree to this or any of the subsequent propositions if they are meant to assert any right of American vessels to prosecute the fishery under the convention of 1818 except when the fishery is carried on by inhabitants of the United States. The convention confers no rights on American vessels as such. It inures for the benefit only of inhabitants of the United States.

Proposition 2 states:

"An American vessel seeking to exercise the treaty right is not bound to obtain a license from the government of Newfoundland, and if she does not purpose to trade as well as fish, she is not bound to enter at any Newfoundland custom-house."

His Majesty's Government agree that the government of Newfoundland could not require that American fishermen seeking to exercise the treaty right should take out a license from the colonial government. No license is required for what is a matter of right, and no such license has, His Majesty's Government are informed, been, in fact, required.

With the last part of the proposition it will be more convenient to deal in conjunction with proposition 3.

Proposition 3 states:

"The only concern of the government of Newfoundland with such a vessel is to call for proper evidence that she is an American vessel, and therefore entitled to exercise the treaty right, and to have her refrain from violating any laws of Newfoundland not inconsistent with the treaty."

It has already been pointed out that the convention of 1818 confers no rights on American vessels as such, and that the exercise of the right of fishing under the convention is subject to the condition that the fishing is carried on by inhabitants of the United States. His Majesty's Government, however, agree that no law of Newfoundland should be enforced on American fishermen which is inconsistent with their rights under the convention.

Mr. Root's note does not give any indication of what laws of the colony would be regarded by the United States Government as inconsistent with the convention if applied to American fishermen. The opinion of His Majesty's Government on this point is as follows:

The American fishery, under Article I of the convention of 1818,^a is one carried on within the British jurisdiction and "in common with" British subjects. The two governments hold different views as to the nature of this article. The British Government consider that the war of 1812 abrogated that part of Article III of the treaty of peace of 1783 which continued to inhabitants of the United States "the liberty" (in the words used by Mr. Adams to Earl Bathurst in his note of the 25th September, 1815) "of fishing and drying

^a See appendix No. 1, p. 750.

and curing their fish within the exclusive jurisdiction on the North American coasts to which they had been accustomed while themselves forming a part of the British nation," and that consequently Article I of the convention of 1818 was a new grant to inhabitants of the United States of fishing privileges within the British jurisdiction. The United States Government, on the other hand, contend that the war of 1812 had not the effect attributed to it by the British Government, and that Article I of the convention of 1818 was not a new grant, but merely a recognition (though limited in extent) of privileges enjoyed by inhabitants of the United States prior, not only to the war, but to the treaty of 1783. Whichever of these views be adopted, it is certain that inhabitants of the United States would not now be entitled to fish in British North American waters but for the fact that they were entitled to do so when they were British subjects. American fishermen can not, therefore, rightly claim to exercise their right of fishery under the convention of 1818 on a footing of greater freedom than if they had never ceased to be British subjects. Nor consistently with the terms of the convention can they claim to exercise it on a footing of greater freedom than the British subjects "in common with" whom they exercise it under the convention. In other words, the American fishery under the convention is not a free but a regulated fishery, and, in the opinion of His Majesty's Government, American fishermen are bound to comply with all colonial laws and regulations, including any touching the conduct of the fishery, so long as these are not in their nature unreasonable, and are applicable to all fishermen alike. One of these regulations prohibits fishing on Sundays. His Majesty's Government have received information that several breaches of this regulation were committed by American fishermen during the past fishing season. This regulation has been in force for many years, and looking to the insignificant extent to which American fishermen have exercised their right of fishery on the treaty coast in the past, it can not be regarded as having been made with the object of restricting the enjoyment of that right. Both its reasonableness and its bona fides appear to His Majesty's Government to be beyond question, and they trust that the United States Government will take steps to secure its observance in the future.

As regards the treatment of American vessels from which American fishermen exercise the treaty right of fishery, His Majesty's Government are prepared to admit that, although the convention confers no rights on American vessels as such, yet, since the American fishery is essentially a ship fishery, no law of Newfoundland should be enforced on American fishing vessels which would unreasonably interfere with the exercise by the American fishermen on board of their rights under the convention. The United States Government, on their part, admit in Mr. Root's note that the colonial government are entitled to have an American vessel engaged in the fishery refrain from violating any laws of Newfoundland not inconsistent with the convention, but maintain that if she does not purpose to trade, but only to fish, she is not bound to enter at any Newfoundland custom-house.

Mr. Root's note refers only to the question of entry inward, but it is presumed that the United States Government entertain the same views on the question of clearing outward. At all events, American vessels have not only passed to the fishing grounds in the inner waters of the Bay of Islands without reporting at a colonial custom-house, but have also omitted to clear on returning to the United States. In both respects they have committed breaches of the colonial customs law, which, as regards the obligations to enter and to clear, makes no distinction between fishing and trading vessels.

His Majesty's Government regret not to be able to share the view of the United States Government that the provisions of the colonial law which impose those obligations are inconsistent with the convention of 1818, if applied to American vessels which do not purpose to trade but only to fish. They hold that the only ground on which the application of any provisions of the colonial law to American vessels engaged in the fishery can be objected to is that it unreasonably interferes with the exercise of the American right of fishery.

It is admitted that the majority of the American vessels lately engaged in the fishery on the western coast of the colony were registered vessels, as opposed to licensed fishing vessels, and as such were at liberty both to trade and to fish. The production of evidence of United States registration is therefore not sufficient to establish that a vessel, in Mr. Root's words, "does not purpose to trade as well as fish," and something more would seem clearly to be necessary. The United States Government would undoubtedly be entitled to complain if the fishery of inhabitants of the United States were seriously interfered with by

a vexatious and arbitrary enforcement of the colonial customs laws, but it must be remembered that, in proceeding to the waters in which the winter fishery is conducted, American vessels must pass in close proximity to several custom-houses, and that in order to reach or leave the grounds in the arms of the Bay of Islands, on which the fishery has been principally carried on during the past season, they have sailed by no less than three custom-houses on the shores of the bay itself. So that the obligation to report and clear need not in any way have interfered with a vessel's operations. It must also be remembered that a fishery conducted in the midst of practically the only centers of population on the west coast of the colony affords ample opportunities for illicit trade, and consequently calls for careful supervision in the interests of the colonial revenue.

The provisions in question are clearly necessary for the prevention of smuggling, and His Majesty's Government are of opinion that exception can not be taken to their application to American vessels as an unreasonable interference with the American fishery, and they entertain the strong hope that the United States Government will, on reconsideration, perceive the correctness of this view and issue instructions accordingly for the future guidance of those in charge of American vessels.

It is, moreover, to the advantage of the American vessels engaged in the winter fishery in the Bay of Islands that they should report at a colonial custom-house. Owing to the extent and peculiar configuration of that bay, and owing to the prevalence of fogs, vessels that enter its inner waters may remain for days without the local officers becoming aware that they are on the coast unless they so report. In such circumstances it is difficult for the colonial government to insure to American fishermen that protection against lawless interference for which Mr. Root calls in the concluding part of his note.

His Majesty's Government desires further to invite the attention of the United States Government to the fact that certain United States vessels engaged in the fishery refused to pay light dues. This is the first time, His Majesty's Government are informed, that American vessels have refused to pay these dues, and it is presumed that the refusal is based on the denial by the colonial government of the trading privileges allowed in past years. His Majesty's Government, however, can not admit that such denial entitles American vessels to exemption from light dues in the ports in which they fish. As already stated, American fishing vessels engaged in the fishery under the convention of 1818 have no treaty status as such, and the only ground on which, in the opinion of His Majesty's Government, the application of any colonial law to such vessels can be objected to is that such application involves an unreasonable interference with the exercise of the treaty rights of the American fishermen on board. The payment of light dues by a vessel on entering a port of the colony clearly involves no such interference. These dues are payable by all vessels of whatever description and nationality other than coasting and fishing vessels owned and registered in the colony (which are on certain conditions exempt either wholly or in part). His Majesty's Government trust that in these circumstances such directions will be issued as will prevent further refusals in the future, and they would point out generally that it is the duty of all foreigners sojourning in the limits of the British jurisdiction to obey that law, and that, if it is considered that the local jurisdiction is being exercised in a manner not consistent with the enjoyment of any treaty rights, the proper course to pursue is not to ignore the law, but to obey it, and to refer the question of any alleged infringement of their treaty rights to be settled diplomatically between their Government and that of His Majesty.

Propositions 4, 5, and 6 state:

"Proposition 4. The proper evidence that a vessel is an American vessel, and entitled to exercise the treaty right, is the production of the ship's papers of the kind generally recognized in the maritime world as evidence of a vessel's national character.

"Proposition 5. When a vessel has produced papers showing that she is an American vessel, the officials of Newfoundland have no concern with the character or extent of the privileges accorded to such a vessel by the Government of the United States. No question as between a registry and license is a proper subject for their consideration. They are not charged with enforcing any laws or regulations of the United States. As to them, if the vessel is American, she has the treaty right, and they are not at liberty to deny it.

"Proposition 6. If any such matter were a proper subject for the consideration of the officials of Newfoundland, the statement of this department that

vessels bearing an American registry are entitled to exercise the treaty right should be taken by such officials as conclusive."

His Majesty's Government are unable to agree to these propositions, except with the reservations as to the status of American vessels under the convention already indicated, and, with reference to proposition 6, they would submit that the assurance to be given by the Department of State of the United States should be that the persons by whom the fishery is to be exercised from the American vessels are inhabitants of the United States.

In point of fact, the colonial government have informed His Majesty's Government that they do not require an American vessel to produce a United States fishing license. The distinction between United States registration and the possession of a United States fishing license is, however, of some importance, inasmuch as a vessel which, so far as the United States Government are concerned, is at liberty both to trade and to fish naturally calls for a greater measure of supervision by the colonial government than a vessel fitted out only for fishing and debarred by the United States Government from trading, and information has been furnished to His Majesty's Government by the colonial government which shows that the proceedings of American fishing vessels in Newfoundland waters have in the past been of such a character as to make it impossible, from the point of view of the protection of the colonial revenue, to exempt such vessels from the supervision authorized by the colonial customs law.

His Majesty's Government now turn to that part of Mr. Root's note which deals with "the foreign fishing-vessels act, 1905."

His Majesty's Government would have viewed with the strongest disapproval any disposition on the part of the colonial authorities to administer this act in a manner not consistent with His Majesty's treaty obligations, but they are confident that the United States Government will readily admit that the fears expressed on this head in Mr. Root's note have not been realized.

They desire, however, to point out that, though the act in question was passed to give effect to the decision of the colonial government to withdraw from American fishing vessels the privileges which they had been allowed to enjoy for many years previously of purchasing bait and supplies and of engaging crews in the ports of the colony, the provisions objectionable to the United States Government which it embodies are in no sense new. They will be found in "the foreign fishing-vessels act, 1893,"^a of which a copy is inclosed. The present act differs from the earlier act in that it takes away, by omission, from the colonial government the power conferred upon them by the earlier act of authorizing the issue of licenses to foreign fishing vessels for the enjoyment of the privileges mentioned. Allowing for this change, the provisions of the two acts are in all essential respects identical. The provisions as to boarding, bringing into port, and searching appear in both acts, and also the provisions as to the possession of bait, outfits, and supplies being prima facie evidence of the purchase of the same in the colonial jurisdiction, except that in the earlier act there was a further provision, consequential on the authority which it conferred on the colonial government to issue licenses, directing that the failure or refusal to produce a license should be prima facie evidence of the purchase of such articles without a license. The position of any American fishing vessel choosing to fish for herself on the treaty coast has consequently been since 1893 the same as it is to-day. His Majesty's Government do not advance these considerations with the object of suggesting that the objections which the United States Government have taken to sections 1 and 3 of the foreign fishing-vessels act are impaired by the fact that these provisions have been on the statute book of the colony since 1893 without protest, and they are ready to assume that no such protest has been lodged merely because the privileges accorded to American vessels in the ports of the colony up to the present have been such as to render it unnecessary for inhabitants of the United States to avail themselves of their right of fishing under the convention of 1818. The object of His Majesty's Government is simply to remove any impression which may have formed itself in the mind of the United States Government that the language of the act of 1905 was selected with any special view of prejudicing the exercise of the American treaty right of fishery, and to point out that, on the contrary, it dates back to 1893—that is, to a time when it was the policy of the colonial government to treat American vessels on a favored footing.

^a See Appendix No. 5, p. 757.

A new act was not necessary to give effect to the present policy of the colonial government. Effect to it could have been given under the act of 1893 by the mere suspension of the issue of licenses to American vessels, and the only object of the new act, as His Majesty's Government understand the position, was to secure the express and formal approval of the colonial legislature for the carrying out of the policy of the colonial government.

Having offered these general remarks, His Majesty's Government desire to point out that, in discussing the general effects of "the foreign fishing vessels act, 1905," on the American fishery under the convention of 1818, the United States Government confine themselves to sections 1 and 3 and make no reference to section 7,^a which preserves "the rights and privileges granted by treaty to the subjects of any state in amity with His Majesty." In view of this provision, His Majesty's Government are unable to agree with the United States Government in regarding the provisions of sections 1 and 3 as "constituting a warrant to the officers named to interfere with and violate" American rights under the convention of 1818. On the contrary, they consider section 7 as, in effect, a prohibition of any vexatious interference with the exercise of the treaty rights, whether of American or of French fishermen. As regards section 3, they admit that the possession by inhabitants of the United States of any fish and gear which they may lawfully take or use in the exercise of their rights under the convention of 1818 can not properly be made *prima facie* evidence of the commission of an offense, and, bearing in mind the provisions of section 7, they can not believe that a court of law would take a different view.

They do not, however, contend that the act is as clear and explicit as, in the circumstances, it is desirable that it should be, and they propose to confer with the government of Newfoundland with the object of removing any doubts which the act in its present form may suggest as to the power of His Majesty to fulfill his obligations under the convention of 1818.

On the concluding part of Mr. Root's note it is happily not necessary for His Majesty's Government to offer any remarks, since the fishing season has come to an end without any attempt on the part of British fishermen to interfere with the peaceful exercise of the American treaty right of fishery.

[Subinclosure.]

THE FOREIGN FISHING VESSELS ACT, 1893.

CAP. VI. An act respecting foreign fishing vessels.

(Passed 24th May, 1893.)

- Enacting clause. Be it enacted by the governor, the legislative council, and house of assembly, in legislative session convened, as follows:
- Governor in council may issue licenses to foreign vessels for certain purposes.
1. The governor in council may authorize the issuing of licenses to foreign fishing vessels, enabling them to enter any port on the coasts of this island for the following purposes: The purchase of bait, ice, seines, lines, and all other supplies and outfits for the fishery, and for the shipping of crews.
 2. Any justice of the peace and others. of the peace, subcollector, preventive officer, fishery warden, or constable may go on board any foreign fishing vessel within any port on the coasts of this island, or hovering in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbors in this island, and may stay on board such vessel so long as she remains within such port or distance.
 3. Any one of the officers or persons hereinbefore mentioned may bring any foreign fishing vessel, being within any port on the coasts of this island, or hovering in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbors of this island, into port, may search her cargo, and may examine the master upon oath touching the cargo and voyage; and the master or person in command shall answer truly such questions as shall be put to him, under a penalty not exceeding \$500. And if such foreign fishing vessel has on board any herring, caplin, squid, or other bait
- Officers may seize and examine vessels and cargo in certain cases.

^a Section 9 of the act of 1893.

fishes, ice, lines, seines, or other outfits or supplies for the fishery, purchased within any port on the coasts of the island, or within the distance of 3 marine miles from any of the coasts, bays, creeks, or harbors of this island, or if the master of the said vessel shall have engaged or attempted to engage any person to form part of the crew of the said vessel in any port, or on any part of the coasts of this island, without a license therefor in writing first granted to any such vessel under the provisions of this act, or has entered such waters for any purpose not permitted by treaty, convention, or act of the legislature,

Forfeiture.

for the time being in force, such vessel and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.

4. All goods and vessels, and the tackle, rigging, apparel, furniture, stores, and cargo thereof, liable to forfeiture under this act, may be seized and secured by any officer or person mentioned in the second section of this act, and every person opposing any officer or person in the execution of his duty under this act, or aiding or abetting any other person in such opposition, shall be deemed guilty of a misdemeanor, and liable to a fine of \$500.

Seizure of vessel and penalty for obstructing officer.

5. In any prosecution under this act, the presence on board of any foreign fishing vessel, in any port of this island, or within British

Evidence of breach of this act.

waters aforesaid, of any caplin, squid, or other bait fishes, of ice, lines, seines, or other outfits or supplies for the fishery,

shall be prima facie evidence of the purchase of the said bait fishes and outfits within such port or waters, and the refusal or failure to produce a license upon being called upon so to do shall be prima facie evidence of the purchase of bait, ice, lines, seines, or other supplies or outfits for the fishery without a license.

6. All offenders against the provisions of this act may be prosecuted and convicted, and all fines, forfeitures, penalties, and other punishments imposed, recovered, and made, in a summary manner, before a stipendiary magistrate. For the purposes of this act all stipendiary magistrates shall be deemed to be stipendiary magistrates for the colony, and may exercise the jurisdiction given by this act in any part of the colony.

Mode of prosecution.

7. If any person convicted under this act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting

Respecting appeal.

of Her Majesty's supreme court, holden in or nearest the place where such conviction shall have been had, or in St.

Johns: provided notice of such appeal and of the cause and matter thereof be given to the convicting magistrate in writing, within seven days next after such conviction, and the party desiring to appeal shall also, within fourteen days after such notice, give and enter into recognizance, with two approved sureties, before the convicting magistrates, conditioned for the appearance of the person convicted at such next sitting of the supreme court, on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the judgment of the court thereon, and for the delivery and surrender of any vessel or other property ordered to be confiscated, and to pay such costs as the court may award.

No proceeding to be quashed for want of form.

8. No proceeding or conviction by, nor order of, any magistrate or other officer under this act shall be quashed or set aside for any informality, provided the same shall be substantially in accordance with the intent and meaning of this act.

Exception in favor of rights by treaty.

9. Nothing in this act shall affect the rights and privileges granted by treaty to the subjects of any State in amity with Her Majesty.

10. Any foreign

fishing vessel may enter any port of entry of this island for the purpose of applying for a license under the provisions of this act. Applications for license under this act shall be made to a customs officer at a port of entry in this colony, who is hereby authorized to issue the same. The fee for

Respecting entry and applications for licenses.

such license shall be \$1.50 per registered ton, to be paid to the customs officer issuing said license. The form of such licenses and the terms and conditions under which the same shall be granted shall be determined by the governor in council.

11. In this act

the word "vessel" shall include any boat or ship registered or not registered, jack, skiff, punt, or launch, whether propelled by sails, oars, or steam.

Interpretation.

The Secretary of State to the British Ambassador.

DEPARTMENT OF STATE,
Washington, February 13, 1906.

MY DEAR MR. AMBASSADOR:

I think you will be gratified by the two extracts which I inclose from letters written by British and Newfoundland officers to the agent of the American Department of Commerce and Labor, who was on the Fish Commission vessel, the *Grampus*, during the present fishing season on the Newfoundland coast. The people on both sides seem to have conducted themselves with great good sense and good temper.

I am, etc.,

ELIHU ROOT.

[Inclosure.]

Secretary of Commerce and Labor to Secretary of State.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, February 9, 1906.

SIR: At the request of the commissioner of fisheries, I have the honor to transmit herewith, for the confidential information of the Department of State, extracts from two personal letters regarding the Newfoundland fisheries question received by Mr. A. B. Alexander, who represented this department on the Newfoundland coast during the past season.

A copy of the commissioner's letter is also transmitted herewith for your further information in the matter.

Respectfully,

V. H. METCALF,
Secretary.

[Subinclosure 1.]

Commissioner Bowers to Secretary of Commerce and Labor.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, February 9, 1906.

SIR: I transmit herewith, for the confidential information of the Department of State, extracts from two personal letters regarding the Newfoundland fishery question received by Mr. A. B. Alexander, who represented this department on the Newfoundland coast during the past season. The first letter is from the captain of the British cruiser *Latonia*, who was on the grounds in his vessel during practically the entire fishery season and was personally familiar with the operations of the department's schooner *Grampus* and the American fishing vessels. The second letter is from the Newfoundland inspector of customs, who was the official representative of the Newfoundland government on the treaty coast during the fishing season and the source of the information on which that government based its protest to London against the alleged irregular action of the *Grampus* and other American vessels.

Respectfully,

(Signed)

GEO. M. BOWERS,
Commissioner.

[Subinclosure 2.]

Extract from letter to A. B. Alexander from Joseph O'Reilly, inspector of customs for Newfoundland, dated January 29, 1906:

"I think on the whole the season has been fairly successful for all connected with the fishery. While we had no reason to complain of the manner in

which the fishery was conducted, there is room for improvement and another season better regulations will be necessary in the interest of your people as well as our own. I think that we both should be pleased how we came out of that fishery business, as you well know there were in the early days of the dispute all the elements of serious complications and that an injudicious act might at any moment result in serious trouble. * * * I feel pleased at how the whole thing terminated."

[Subinclosure 3.]

Extract from letter to A. B. Alexander from H. I. Hibbert, captain of the British cruiser *Latona*, dated December 15, 1905:

"I should like to take this opportunity of thanking you for the great courtesy and kindness you have shown me in all matters in which we have had any dealings. I am so thankful that everything has passed off quietly and without any troubles, and I am convinced that this result is mainly due to the excellent advice and counsel given by you to the fishing skippers."

Ambassador Reid to the Secretary of State.

No. 153.]

AMERICAN EMBASSY,
London, February 15, 1906.

SIR: With reference to my No. 134 of the 31st ultimo with respect to the complaint that American fishing nets and fishing tackle had been maliciously damaged and interfered with by Newfoundland fishermen, I have now the honor to inclose herewith a copy of a note which I have received from the foreign office, dated the 13th instant, covering copies of six declarations made before Inspector O'Reilly by masters or agents of United States vessels representing some 18 fishing schooners, from which it would appear that a large number of the masters were well satisfied with the conduct of the local fishermen and that they did not believe any willful damage, if such had occurred, was due to their action.

I beg further to inclose four additional declarations by Newfoundland fishermen, which would seem to show the complaints of loss of gear were not confined to American fishermen only, but were made by British subjects also.

I have, etc.,

WHITELAW REID.

[Inclosure 1.]

Sir Edward Grey to Ambassador Reid.

No. 4073.]

FOREIGN OFFICE, *February 13, 1906.*

YOUR EXCELLENCY: On the 27th of December and the 18th ultimo, I had the honor to communicate to Mr. Carter the result of our inquiries from the governor of Newfoundland with respect to the complaint that American fishing nets and fishing tackle had been maliciously damaged or interfered with by Newfoundland fishermen.

I have now the honor to inclose, for the information of your Government, copies of six declarations made before Inspector O'Reilly by masters or agents of United States vessels, and representing, it appears, some 18 fishing schooners. These declarations show that a large number of the masters were well satisfied with the conduct of the local fishermen, and that they did not believe that any willful damage, if such had occurred, was due to their action.

I beg also to inclose copies of four further declarations of Newfoundland fishermen which make it clear that the complaints of loss of gear were not confined to United States fishermen only, but were made by British subjects also.

I have, etc.,

E. GREY.

[Inclosure 2.]

NEWFOUNDLAND.

Southern district, Penguin arm, to wit:

The examination of Joseph V. Bonia, agent for David B. Smith & Co., of Gloucester, who saith:

Our firm has 9 vessels here fishing herring. Several of them have gone with herring cargoes, and others are here now. We have a large number of nets in the water all the time. Our nets or gear have not been maliciously or willfully interfered with in any way. We have been treated courteously and fairly by the people that we came in competition with. It is quite true that we have lost some nets and gear, but that we expected this. I have a large experience in this herring fishery, as I have been at it for years. I was always aware that the natives on many occasions lost gear other years, and have to go home and give up the fishery. I think the great loss of gear this year is caused by the lack of knowledge in fitting out. I know that some of the vessels that came and commenced setting their nets found that they were short of rope. I attribute the great loss of gear to short moorings and light anchors, and the fact that many of our fishermen do not understand the local conditions, and have very little knowledge of the work. I am sure that there was no malicious injury done to any of the nets or gear of American vessels by Newfoundland fishermen. If any cutting or damage was done, I would say that it was done by the crews of our own vessels, and not by any of the natives. During some of the storms we have had this fall, there was a great number of nets lost. The nets would drag the mooring and get all tangled up together, and would, of necessity, be lost to their owners. I know that several times when nets get bunched together like this, the buoys get broken off, and the nets sink to the bottom in perhaps one hundred and twenty fathoms of water, and would not be recovered afterwards. I know that there is no disposition on the part of the Newfoundlanders to interfere with our fishermen, and I am sure it was not done. The feeling has always been, and is yet, most friendly toward us.

JOSEPH V. BONIA.

Declared before me, this 23d day of December, A. D. 1905.

JOSEPH O'REILLY,
J. P. for Newfoundland.

[Inclosure 3.]

NEWFOUNDLAND.

Southern district, Penguin Arm, to wit:

The examination of Joseph V. Cusick, agent for Gardener & Parsons, of Gloucester, Mass., who saith:

I am agent for Gardener & Parsons. We have four vessels from our firm here, and we fish from those vessels about 160 nets. Our men are fishing alongside of the Canadian and Newfoundland fishermen. The most cordial and friendly relations exist between us, and none of our nets or gear have at any time this season been interfered with or maliciously injured or damaged. It is true that there is considerable loss of nets and gear, but not as great as is rumored. We know that there is always considerable loss of gear in this fishery, and we expect it. I say positively that our nets and gear have not been maliciously injured in any way by Newfoundland fishermen. I know that the feeling of the native fishermen toward us has always been friendly, and it is so still. I attribute the loss of nets and gear to the lack of knowledge in some of our own people in fitting out for the fishery, as well as a lack of knowledge of the local conditions and the methods of carrying on the fishery by many of the fishermen on board the American vessels. In storms, when the nets drag and get tangled together,

there is great difficulty in clearing them. Sometimes the mooring has to be cut, but if cut it would be secured as best you could. After one storm we had as many as seven fleets of nets lost, two of which we saved. We had to go out in the vessel and drop a ketch anchor into the bunch of nets, and heave them up to the bow by purchase. I would say that if there was any cutting done to the nets or gear it was done by the crews of our American vessels; and then it was not done maliciously, but through lack of experience on their part. I have never heard any threats used by the fishermen that they would destroy our nets or gear, and I do not believe that the natives made any such threats.

JOSEPH V. CUSICK.

Declared before me this 23d day of December, A. D. 1905.

JOSEPH O'REILLY,
J. P. for Newfoundland.

[Inclosure 4.]

NEWFOUNDLAND.

Southern district, Penguin Arm, to wit:

The examination of John McInnis, agent for Cunningham & Thompson, of Gloucester, who saith:

I am agent for two of Cunningham & Thompson's vessels—*Aloha* and *Norma*. We fish from those two schooners about 80 nets. We have fished amongst the fleet all the time. None of our nets have been maliciously injured or interfered with by the Newfoundland fishermen. The most friendly relations have always existed between us, and I do not believe that they would knowingly and willfully destroy or injure our nets or gear, and I know it was not done by them. It is true that there is a considerable loss of nets and gear. This I attribute to the want of knowledge in some of our people in fitting out for the fishery, as well as a lack of knowledge on the part of the crews of our vessels of the local conditions and methods of setting the nets and hauling them, and of the difficulties to be met with in strong tides in the arms of Bay of Islands. I have no knowledge of any nets or gear belonging to any of our fishing vessels being maliciously injured or damaged by the Newfoundland fishermen. I do not believe that there was any such thing done. If any nets or gear was cut or damaged, I believe that it was done by the crews of the American vessels engaged in the fishery; and then I do not believe it was done maliciously by them, but was done while clearing their nets from other men's gear. We always expect to lose gear, more or less.

JOHN McINNIS.

Declared before me this 23d day of December, A. D. 1905.

JOSEPH O'REILLY,
J. P. for Newfoundland.

[Inclosure 5.]

NEWFOUNDLAND.

Southern district, Middle Arm, to wit:

The examination of William Cluett, master of the schooner *A. M. Nicholson*, of Gloucester, who saith:

I am master of the Gloucester fishing schooner *A. M. Nicholson*, Jacobs, owner. We arrived at Bay of Islands the second week in October for a cargo of herring. We shipped our crew in Sydney, and brought them over with us. We are all Newfoundlanders on board, except three. We fished in the Humber Arm Woods Island, and North Arm, and now we are at Middle Arm. Numbers of American, Canadian, and Newfoundland fishermen were fishing alongside of us. We have been treated courteously and kindly by all classes of Newfoundlanders, and we have not been interfered with in any way, nor have our nets or gear been maliciously injured or damaged. We have lost seven fleets of nets through storms and tides. We do not blame any persons for that. It was what we expected. We know that these risks are always taken, and we expect to lose gear, more or less. I have an experience of forty years in this business, and have always known that there was great loss of nets and gear, especially

in this bay, where the water is deep and tides running so strong. This is the first time in the history of the fishery that the loss of nets and gear comes personally to us, as it was the natives' nets and gear that was lost other years. I know that the loss of nets and gear caused by storms will this season be great. To my own knowledge, I do not know of any case where the nets or gear belonging to American fishing vessels has been maliciously interfered with or injured by the Newfoundland fishermen. In storms, and sometimes in strong currents, the nets will drag the anchors and will get in a bunch, and when clearing them it is impossible to avoid cutting the moorings. When the mooring is cut it would afterwards be secured and tied, so as to avoid loss to the owner. I would say, and I know, that if there was any cutting of nets or gear, it was done by the crews of American vessels against one another, and not by the Newfoundland fishermen. I know that in the early season Captain Mallock, of the Gloucester schooner *Edna Wallace Hopper*, made a complaint on board His Majesty's ship *Latona*, about some nets being, as he said, lost or stolen. I have since heard Captain Mallock say he recovered those nets, and that they were picked up by Captain Young's vessel.

WILLIAM CLUETT.

Declared before me, this 23d day of December, A. D. 1905, on board steamship *Fiona*.

JOSEPH O'REILLY,
J. P. for Newfoundland.

[Inclosure 6.]

NEWFOUNDLAND.

Southern district, Bay of Islands, to wit:

The examination of Albert E. Jacobs, managing owner* of the Gloucester schooner *A. M. Nicholson*, William Cluett, master, who saith:

We arrived at Bay of Islands in the second week of October, with our fishing crew of 23, altogether. Ten of these were Newfoundlanders, shipped at Sydney. We fished over a month at Woods Island. There were a large number of Canadian, American, and Newfoundland vessels fishing there. We fished in North Arm for three weeks, and we are now at Middle Arm, where we have been for the past ten or twelve days. We enjoyed the greatest freedom. We were not interfered with in any way. We were treated courteously by the Newfoundland officials and fishermen. We have lost some seven fleets of nets since we came, and those we lost by storm and bad weather. The occasions on which we lost our gear there was heavy gales of wind. I know of many other vessels losing gear in those storms. To my knowledge, I do not know of any case where nets or gear belonging to American fishing vessels have been maliciously interfered with by the Newfoundland fishermen. In those storms that we have had this season, the nets drag their anchors and get together in bunches, and to clear them it is almost impossible to avoid cutting the mooring. When a mooring is cut it would afterwards be tied and secured in a manner so as to avoid loss to the owner. If there was any cutting of nets or gear, I would say that it was done by the crews of one American vessel against the other, and not by the Newfoundland fishermen.

ALBERT E. JACOBS,
Managing owner, A. M. Nicholson.

Declared before me, on board the steamship *Fiona*, this 23d day of December, A. D. 1905.

JOSEPH O'REILLY,
J. P. for Newfoundland.

[Inclosure 7.]

NEWFOUNDLAND.

Southern district, Bay of Islands, to wit:

The examination of Charles E. Seeley, master of the Gloucester fishing vessel *Arabia*, who saith:

I arrived at Bay of Islands about the middle of November last for a cargo of herring. We shipped the most of our crew of fishermen in Gloucester. We

commenced fishing at Woods Island. We were at North Arm, and now we are at Middle Arm. We have been with the herring fishing fleet all the time. There were Americans, Canadians, and Newfoundlanders alongside of us. We have been treated courteously and kindly by all classes of Newfoundlanders, and our nets and gear have not been maliciously interfered with by them. We have, like most others of the American vessels, lost considerable nets and gear. I have been eight years at this winter herring business, and I know that there were occasions when nets and gear were lost by the natives. In fitting out for the herring fishery none of us American captains knew exactly what we wanted, and especially as to the number of fathoms of rope required. In many cases we did not have near enough of rope to make moorings for our nets. I attribute the great loss of gear to the fact that in most cases our moorings were too short, and with light anchors the nets would go adrift, and, in some cases, would sink in deep water, and could not be recovered. I know of an instance where Captain Cusick, of the *Independence*, went out in North Arm and hooked a bunch of nets, about 40, that were all tangled up together. He had to let them go. He could not get them in; they were a complete loss. On another occasion Captain Vanburg, of the *Lewis H. Giles*, took his seine skiff and ten men and hooked a bunch of nets as big as his cabin; they could do nothing with them, and had to let them go. They were also lost. Only yesterday I had an experience of this myself, when I hauled up 13 anchors in one lump. I am sure that the great loss of nets and gear was caused principally by the short moorings and light anchors. One fleet of nets set amongst the others with a short mooring and light anchors will destroy lots of other nets that might be set with the right sort of moorings and anchors. I have no knowledge of any nets or gear belonging to any of our fishing vessels being maliciously injured or damaged by the Newfoundlanders. I am sure it did not happen, and if any nets or gear were cut I would say that it was done by the crew of American vessels against one another, and not by the Newfoundlanders.

CHARLES E. SEELEY.

Declared before me, this 23d day of December, A. D. 1905, on board the steamship *Fiona*.

JOSEPH O'REILLY,
J. P. for Newfoundland.

[Inclosure 8.]

NEWFOUNDLAND.

Southern district, Bay of Islands, to wit:

The information and complaint of Richard Hulin, master of the schooner *Sea Nymph*, of Bay St. George, who saith:

That on Wednesday last, 22d November, I had set at Goose Arm some five fleets of nets. I picked the herring from all my nets, with the exception of two fleets that we were unable to take the herring from on Wednesday. I had the nets up, and saw they were well filled with herring. We were after having good fishing for three or four days then. When we went to our nets on Thursday morning I found that the nets had been hauled during the night, and the herring that were in them were stolen. When underrunning my nets, I found a part of a dory thole pin, with a piece of line attached. It was tangled in the twine, and had evidently been broken from the dory that hauled my nets. This thole pin was made of oak, and was turned out by a lathe; it certainly belonged to an American dory.

There were only two American vessels in Goose Arm at the time my nets were hauled. I am positive that it was some of the crew, either of the *Ralph T. Hodgden* or of the *Edna Wallace Hopper*, that hauled my nets and took away about 50 barrels of herring belonging to me.

RICHARD HULIN.

Declared before me, this 25th day of November, 1905.

JOSEPH O'REILLY,
J. P. for Newfoundland.

[Inclosure 9.]

NEWFOUNDLAND.

Southern district, Middle Arm, to wit:

The information and complaint of F. J. Bishop, master of the schooner *Ernestine*, of Burin, who saith:

That early in November I had a fleet of nets set in the western passage of Wood's Island Harbor. I had them securely moored with a warp and ketch anchor belonging to the schooner. The nets and moorings, valued at \$60, were stolen by some person or persons at present unknown. There was a large number of American and Nova Scotian vessels at Wood's Island. I have no suspicion of any person in particular.

F. J. BISHOP.

Declared before me, this 25th day of November, 1905.

JOSEPH O'REILLY,
J. P. for Newfoundland.

[Inclosure 10.]

NEWFOUNDLAND.

Southern district, Bay of Islands, to wit:

The examination of Reuben Moors, master of the schooner *Mayflower*, of Bonne Bay, who saith:

That on Saturday fortnight I left my nets in good condition.

On Sunday there were several boats and dories fishing about where my nets were, and when I went to them on Monday morning, I found them wrecked and one of my moorings gone.

I believed that the nets were hauled on Sunday, and the moorings carried away.

Some few days before this, I had an anchor and mooring cut off and taken away.

On Saturday last, the 23d December, I left my nets; they were all right, and when I went back to them this morning I found them all tangled up, and thought I would have to cut them clear off another man's.

This was caused by the other people hauling their nets on Sunday.

Unless something is done to stop this Sunday fishing serious trouble will result.

REUBEN MOORS.

Declared before me, this 26th day of December, A. D. 1905.

JOSEPH O'REILLY,
J. P. for Newfoundland.

[Inclosure 11.]

NEWFOUNDLAND.

Southern district, Penguin Arm, to wit:

The complaint of Thomas Wheeler, master of the schooner *Conqueror*, of Bonne Bay, who saith:

That on Sunday last, the 23d of December, I had my nets set in the mouth of Goose Arm, and had left them all right at 2 o'clock that evening.

When I went to them on Monday morning one fleet of my nets was adrift; the mooring was cut about 2 fathoms from the net. There were about two tubs of herring in it.

I believe that my nets were hauled on Sunday, and the mooring cut by some of the dories or boats that were out on Sunday hauling their nets and fishing herring.

It is a great injury and a great loss to many of us fishermen to have this Sunday fishing going on, and unless it is stopped serious results will follow.

Night fishing should not be allowed also, as it is as bad or worse than Sunday fishing.

This is the third Monday morning that I have met with great loss on account of Sunday fishing, and if some means are not adopted to stop it, serious trouble will be the result.

I had 12 nets when I came here, and I have since got 9 more.
I have lost 12 nets altogether.

THOMAS WHEELER.

Declared before me this 26th day of December, 1905.

JOSEPH O'REILLY,
J. P. for Newfoundland.

Ambassador Reid to the Secretary of State.

No. 154.]

AMERICAN EMBASSY,
London, February 15, 1906.

SIR: With reference to your instruction to Mr. Carter, No. 118, of the 3d ultimo, drawing attention to the terms of the British memorandum inclosed in Mr. Carter's No. 107 of the 16th of December last, relative to the reported construction by American fishermen of platforms for freezing herring on the shore of the Bay of Islands, on the west coast of Newfoundland, I have the honor to inclose herewith a copy of a note from the foreign office, dated the 13th instant, covering a copy of an amended memorandum, from which it will be observed that Sir Edward Grey accepts the alteration suggested in Mr. Carter's note of the 16th of January, a copy of which is herewith inclosed, and expresses his regret that there should have been any room for misapprehension from the quotation, for the sake of brevity, of only a portion of Article I of the treaty of 1818.

The amended memorandum, it will be seen, quotes the whole context of the article of the treaty, so far as applicable to the case in question.

I have, etc.,

WHITELAW REID.

[Inclosure 1.]

Chargé Carter to Sir Edward Grey.

AMERICAN EMBASSY,
London, January 16, 1906.

SIR: With reference to my note of the 18th ultimo, in which I stated that the Secretary of State had advised the Secretary of Commerce and Labor in exact conformity with the views, set forth in your memorandum handed me by Mr. Villiers on the 16th of that month, that our fishermen are not entitled to construct platforms for freezing herring on the west coast of Newfoundland, I have the honor to draw your attention to an omission in the memorandum, without doubt inadvertent, of part of the context of Article I of the treaty of 1818.

The memorandum, as actually worded, would seem to make it appear that by the treaty the United States renounced the liberty to take, dry, or cure fish on any of the coasts, etc., of Newfoundland other than the southern coast between Cape Ray and the Rameau Islands; whereas in point of fact, by the whole context of Article I of the treaty, our fishermen have the right to take fish within certain described limits on the western and northern coasts of Newfoundland, as well as in certain other localities.

My interpretation of your memorandum was, that out fishermen by the treaty were excluded from drying and curing fish, so far as Newfoundland is concerned, elsewhere than on the southern coast, but in order to remove all misunderstanding I venture to call your attention to the language of the memorandum, which might otherwise be misleading.

That the Secretary of State understood my telegram of December 16, in which I conveyed to him the substance of the memorandum in question, to mean that reference was made to the drying and curing of fish and not to the taking of fish, will be seen by the language of his telegraphic reply of the same date, which was conveyed in my note to you of the 18th of December, "that our fishermen are not entitled to construct platforms for the freezing of herring on the west coast of Newfoundland."

I venture, therefore, to hope that you will be so good as to cause the memorandum above mentioned to be so amended in the sense indicated that all possibility of ambiguity may be thereby removed.

I have, etc.,

JOHN RIDGELY CARTER.

[Inclosure 2.]

Sir E. Gorst to Ambassador Reid.

No. 5221.]

FOREIGN OFFICE, *February 13, 1906.*

YOUR EXCELLENCY: Mr. Carter in a note of the 16th ultimo drew attention to the terms, as being open to misconstruction of the memorandum which I had the honor to communicate to your excellency on the 15th of December last, with reference to the reported construction by United States fishermen of platforms for freezing herring on the shore of the Bay of Islands on the west coast of Newfoundland.

I regret that there should have been any room for misapprehension from the quotation, for the sake of brevity, of only a portion of Article I of the treaty of 1818, but have pleasure in inclosing a memorandum amended in the sense suggested and quoting the whole context of the article so far as applicable to the case.

I have, etc.,

E. GORST,
(For the Secretary of State.)

[Subinclosure.]

AMENDED MEMORANDUM.

His Majesty's Government have received information that United States fishermen are constructing platforms for freezing herring on the shore of Bay of Islands on the west coast of Newfoundland.

Article I of the Convention of 1818 between Great Britain and the United States stipulates that "the inhabitants of the said United States shall have forever, in common with the subjects of his Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coasts of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks, from Mount Joly on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company. And that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, here above described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits."

The incident now reported has probably occurred owing to ignorance or misapprehension of the terms of the convention. His Majesty's Government con-

sider it necessary, however, to call attention to the matter, and to express the hope that the American fishermen may be instructed to desist from action which is clearly in excess of their treaty rights.

FOREIGN OFFICE, *December 15, 1905.*

The Secretary of State to Ambassador Reid.

No. 239.]

DEPARTMENT OF STATE,
Washington, June 30, 1906.

SIR: The memorandum inclosed in the note of Sir Charles Hardinge to you of February 2, 1906, and transmitted by you on the 6th of February, has received careful consideration.

The letter which I had the honor to address to the British ambassador in Washington on the 19th of October last stated with greater detail the complaint in my letter to him of October 12, 1905, to the effect that the local officers of Newfoundland had attempted to treat American ships as such, without reference to the rights of their American owners and officers, refusing to allow such ships sailing under register to take part in the fishing on the treaty coast, although owned and commanded by Americans, and limiting the exercise of the right to fish to ships having a fishing license.

In my communications, the Government of the United States objected to this treatment of ships as such—that is, as trading vessels or fishing vessels—and laid down a series of propositions regarding the treatment due to American vessels on the treaty coast, based on the view that such treatment should depend, not upon the character of the ship as a registered or licensed vessel, but upon its being American—that is, owned and officered by Americans, and therefore entitled to exercise the rights assured by the treaty of 1818 to the inhabitants of the United States.

It is a cause of gratification to the Government of the United States that the prohibitions interposed by the local officials of Newfoundland were promptly withdrawn upon the communication of the facts to His Majesty's Government, and that the memorandum now under consideration emphatically condemns the view upon which the action of the local officers was based, even to the extent of refusing assent to the ordinary forms of expression which ascribe to ships the rights and liabilities of owners and masters in respect of them.

It is true that the memorandum itself uses the same form of expression when asserting that American ships have committed breaches of the colonial customs law, and ascribing to them duties, obligations, omissions, and purposes which the memorandum describes. Yet we may agree that ships, strictly speaking, can have no rights or duties, and that whenever the memorandum or the letter upon which it comments speaks of a ship's rights and duties it but uses a convenient and customary form of describing the owner's or master's rights and duties in respect of the ship. As this is conceded to be essentially "a ship fishing," and as neither in 1818 nor since could there be an American ship not owned and officered by Americans, it is probably quite unimportant which form of expression is used.

I find in the memorandum no substantial dissent from the first proposition of my note to Sir Mortimer Durand of October 19, 1905, that any American vessel is entitled to go into the waters of the treaty coast and take fish of any kind, and that she derives this right from the treaty and not from any authority proceeding from the government of Newfoundland.

Nor do I find any substantial dissent from the fourth, fifth, and sixth propositions, which relate to the method of establishing the nationality of the vessel entering the treaty waters for the purpose of fishing, unless it be intended, by the comments on those propositions, to assert that the British Government is entitled to claim that when an American goes with his vessel upon the treaty coast for the purpose of fishing, or with his vessel enters the bays or harbors of the coast for the purpose of shelter and of repairing damages therein, or of purchasing wood, or of obtaining water, he is bound to furnish evidence that all the members of his crew are inhabitants of the United States. We can not for a moment admit the existence of any such limitation upon our treaty rights. The liberty assured to us by the treaty plainly includes the right to use all the means customary or appropriate for fishing upon the sea, not only ships and nets and boats, but crews to handle the ships and the nets and the boats. No right to control or limit the means which Americans shall use in fishing can be admitted unless it is provided in the terms of the treaty, and no right to question the nationality of the crews employed is contained in the terms of the treaty. In 1818 and ever since it has been customary for the owners and masters of fishing vessels to employ crews of various nationalities. During all that period I am not able to discover that any suggestion has ever been made of a right to scrutinize the nationality of the crews employed in the vessels through which the treaty right has been exercised.

The language of the treaty of 1818 was taken from the third article of the treaty of 1783. The treaty made at the same time between Great Britain and France, the previous treaty of February 10, 1763, between Great Britain and France, and the treaty of Utrecht, of April 11, 1713, in like manner contained a general grant to "the subjects of France" to take fish on the treaty coast. During all that period no suggestion, so far as I can learn, was ever made that Great Britain had a right to inquire into the nationality of the members of the crew employed upon a French vessel.

Nearly two hundred years have passed, during which the subjects of the French King and the inhabitants of the United States have exercised fishing rights under these grants made to them in these general terms, and during all that time there has been an almost continuous discussion, in which Great Britain and her colonies have endeavored to restrict the right to the narrowest possible limits, without a suggestion that the crews of vessels enjoying the right, or whose owners were enjoying the right, might not be employed in the customary way without regard to nationality. I can not suppose that it is now intended to raise such a question.

I observe with satisfaction that the memorandum assents to that part of my second proposition to the effect that "an American vessel seeking to exercise the treaty right is not bound to obtain a license from the government of Newfoundland," and that His Majesty's Government agree that "no law of Newfoundland should be enforced

on American fishermen which is inconsistent with their rights under the convention."

The views of His Majesty's Government, however, as to what laws of the colony of Newfoundland would be inconsistent with the convention if applied to American fishermen differ radically from the view entertained by the Government of the United States. According to the memorandum, the inhabitants of the United States going in their vessels upon the treaty coast to exercise the treaty right of fishing are bound to enter and clear in the Newfoundland custom-houses, to pay light dues, even the dues from which coasting and fishing vessels owned and registered in the colony are exempt, to refrain altogether from fishing except at the time and in the manner prescribed by the regulations of Newfoundland. The colonial prohibition of fishing on Sundays is mentioned by the memorandum as one of the regulations binding upon the American fishermen. We are told that His Majesty's Government "hold that the only ground on which the application of any provisions of colonial law to American vessels engaged in the fishery can be objected to is that it unreasonably interferes with the American right of fishery."

The Government of the United States fails to find in the treaty any grant of right to the makers of colonial law to interfere at all, whether reasonably or unreasonably, with the exercise of the American rights of fishery, or any right to determine what would be a reasonable interference with the exercise of that American right if there could be any interference. The argument upon which the memorandum claims that the colonial government is entitled to interfere with and limit the exercise of the American right of fishery, in accordance with its own ideas of what is reasonable, is based, first, upon the fact that under the terms of the treaty the right of the inhabitants of the United States to fish upon the treaty coast is possessed by them "in common with the subjects of His Britannic Majesty;" and, second, upon the proposition that "the inhabitants of the United States would not now be entitled to fish in British North American waters but for the fact that they were entitled to do so when they were British subjects," and that "American fishermen can not, therefore, rightfully claim any other right to exercise the right of fishery under the treaty of 1818 than if they had never ceased to be British subjects."

Upon neither of these grounds can the inferences of the memorandum be sustained. The qualification that the liberty assured to American fishermen by the treaty of 1818 they were to have "in common with the subjects of Great Britain" merely negatives an exclusive right. Under the treaties of Utrecht, of 1763 and 1783, between Great Britain and France, the French had constantly maintained that they enjoyed an exclusive right of fishery on that portion of the coast of Newfoundland between Cape St. John and Cape Raye, passing around by the north of the island. The British, on the other hand, had maintained that British subjects had a right to fish along with the French, so long as they did not interrupt them.

The dissension arising from these conflicting views had been serious and annoying, and the provision that the liberty of the inhabitants of the United States to take fish should be in common with the liberty of the subjects of His Britannic Majesty to take fish was precisely appropriate to exclude the French construction and leave

no doubt that the British construction of such a general grant should apply under the new treaty. The words used have no greater or other effect. The provision is that the liberty to take fish shall be held in common, not that the exercise of that liberty by one people shall be the limit of the exercise of that liberty by the other. It is a matter of no concern to the American fishermen whether the people of Newfoundland choose to exercise their right or not, or to what extent they choose to exercise it. The statutes of Great Britain and its colonies limiting the exercise of the British right are mere voluntary and temporary self-denying ordinances. They may be repealed tomorrow. Whether they are repealed, or whether they stand, the British right remains the same and the American right remains the same. Neither right can be increased or diminished by the determination of the other nation that it will or will not exercise its right, or that it will exercise its right under any particular limitations of time or manner.

The proposition that "the inhabitants of the United States would not now be entitled to fish in British North American waters but for the fact that they were entitled to do so when they were British subjects" may be accepted as a correct statement of one of the series of facts which led to the making of the treaty of 1818. Were it not for that fact there would have been no fisheries article in the treaty of 1783, no controversy between Great Britain and the United States as to whether that article was terminated by the war of 1812, and no settlement of that controversy by the treaty of 1818. The memorandum, however, expressly excludes the supposition that the British Government now intends to concede that the present rights of American fishermen upon the treaty coast are a continuance of the right possessed by the inhabitants of the American colonies as British subjects, and declares that this present American right is a new grant by the treaty of 1818. How, then, can it be maintained that the limitations upon the former right continued, although the right did not, and are to be regarded as imposed upon the new grant, although not expressed in the instrument making the grant? On the contrary, the failure to express in the terms of the new treaty the former limitations, if any there had been, must be deemed to evidence an intent not to attach them to the newly created right.

Nor would the acceptance by Great Britain of the American view—that the treaty of 1783 was in the nature of a partition of empire, that the fishing rights formerly enjoyed by the people of the colonies and described in the instrument of partition continued notwithstanding the war of 1812, and were in part declared and in part abandoned by the treaty of 1818—lead to any different conclusion. It may be that under this view the rights thus allotted to the colonies in 1783 were subject to such regulations as Great Britain had already imposed upon their exercise before the partition, but the partition itself and the recognition of the independence of the colonies in the treaty of partition was a plain abandonment by Great Britain of the authority to further regulate the rights of the citizens of the new and independent nation.

The memorandum says: "The American fishermen can not rightly claim to exercise their right of fishery under the convention of 1818 on a footing different than if they had never ceased to be British sub-

jects." What, then, was the meaning of independence? What was it that continued the power of the British Crown over this particular right of Americans formerly exercised by them as British subjects, although the power of the British Crown over all other rights formerly exercised by them as British subjects was ended? No answer to this question is suggested by the memorandum.

In previous correspondence regarding the construction of the treaty of 1818, the Government of Great Britain has asserted, and the memorandum under consideration perhaps implies, a claim of right to regulate the action of American fishermen in the treaty waters, upon the ground that those waters are within the territorial jurisdiction of the colony of Newfoundland. This Government is constrained to repeat emphatically its dissent from any such view. The treaty of 1818 either declared or granted a perpetual right to the inhabitants of the United States which is beyond the sovereign power of England to destroy or change. It is conceded that this right is, and forever must be, superior to any inconsistent exercise of sovereignty within that territory. The existence of this right is a qualification of British sovereignty within that territory. The limits of the right are not to be tested by referring to the general jurisdictional powers of Great Britain in that territory, but the limits of those powers are to be tested by reference to the right as defined in the instrument creating or declaring it. The Earl of Derby, in a letter to the governor of Newfoundland dated June 12, 1884, said: "The peculiar fisheries rights granted by treaties to the French in Newfoundland invest those waters during the months of the year when fishing is carried on in them, both by English and French fishermen, with a character somewhat analogous to that of a common sea for the purpose of fishery." And the same observation is applicable to the situation created by the existence of American fishing rights under the treaty of 1818. An appeal to the general jurisdiction of Great Britain over the territory is, therefore, a complete begging of the question, which always must be, not whether the jurisdiction of the colony authorizes a law limiting the exercise of the treaty right, but whether the terms of the grant authorize it.

The distinguished writer just quoted observes in the same letter:

The Government of France each year during the fishing season employs ships of war to superintend the fishery exercised by their countrymen, and, in consequence of the divergent views entertained by the two Governments respectively as to the interpretation to be placed upon the treaties, questions of jurisdiction which might at any moment have become serious have repeatedly arisen.

The practice thus described, and which continued certainly until as late as the modification of the French fishing rights in the year 1904, might well have been followed by the United States, and probably would have been were it not that the desire to avoid such questions of jurisdiction as were frequently arising between the French and the English has made this government unwilling to have recourse to such a practice so long as the rights of its fishermen can be protected in any other way.

The Government of the United States regrets to find that His Majesty's Government has now taken a much more extreme position than that taken in the last active correspondence upon the same question arising under the provisions of the treaty of Washington. In his

letter of April 3, 1880, to the American minister in London, Lord Salisbury said:

In my note to Mr. Welsh, of the 7th of November, 1878, I stated "that British sovereignty, as regards these waters, is limited in its scope by the engagements of the treaty of Washington, which can not be modified or affected by any municipal legislation," and Her Majesty's Government fully admit that United States fishermen have the right of participation on the Newfoundland inshore fisheries, in common with British subjects, as specified in Article XVIII of that treaty. But it can not be claimed, consistently with this right of participation in common with the British fishermen, that the United States fishermen have any other, and still less that they have any greater, rights than the British fishermen had at the date of the treaty.

If, then, at the date of the signature of the treaty of Washington certain restraints were, by the municipal law, imposed upon the British fishermen, the United States fishermen were, by the express terms of the treaty, equally subjected to those restraints, and the obligation to observe in common with the British the then existing local laws and regulations, which is implied by the words "in common," attached to the United States citizens as soon as they claim the benefit of the treaty.

Under the view thus forcibly expressed the British Government would be consistent in claiming that all regulations and limitations upon the exercise of the right of fishing upon the Newfoundland coast which were in existence at the time when the treaty of 1818 was made are now binding upon American fishermen. Further than this His Majesty's Government can not consistently go, and further than this the Government of the United States can not go.

For the claim now asserted that the colony of Newfoundland is entitled at will to regulate the exercise of the American treaty right is equivalent to a claim of power to completely destroy that right. This Government is far from desiring that the Newfoundland fisheries shall go unregulated. It is willing and ready now, as it has always been, to join with the Government of Great Britain in agreeing upon all reasonable and suitable regulations for the due control of the fishermen of both countries in the exercise of their rights, but this Government can not permit the exercise of these rights to be subject to the will of the colony of Newfoundland. The Government of the United States can not recognize the authority of Great Britain or of its colony to determine whether American citizens shall fish on Sunday. The government of Newfoundland can not be permitted to make entry and clearance at a Newfoundland custom-house and the payment of a tax for the support of Newfoundland light-houses conditions to the exercise of the American right of fishing. If it be shown that these things are reasonable the Government of the United States will agree to them, but it can not submit to have them imposed upon it without its consent. This position is not a matter of theory. It is of vital and present importance, for the plain object of recent legislation of the colony of Newfoundland has been practically to destroy the value of American rights under the treaty of 1818. Those rights are exercised in competition with the fishermen and merchants of Newfoundland. The situations of the Newfoundland fishermen residing upon the shore and making the shore their base of operations and of the American fishermen coming long distances with expensive outfits, devoting long periods to the voyage to the fishing grounds and back to the market, obliged to fish rapidly in order to make up for that loss of time, and making ships their base of operations, are so different that it is easy to frame

regulations which will offer slight inconvenience to the dwellers on shore and be practically prohibitory to the fishermen from the coasts of Maine and Massachusetts, and if the grant of this competitive right is to be subject to such laws as our competitors choose to make, it is a worthless right. The premier of Newfoundland, in his speech in the Newfoundland parliament, delivered on the 12th of April, 1905,^a in support of the foreign fishing bill made the following declaration:

This bill is framed specially to prevent the American fishermen from coming into the bays, harbors, and creeks of the coast of Newfoundland for the purpose of obtaining herring, caplin, and squid for fishery purposes.

And this further declaration:

This communication is important evidence as to the value of the position we occupy as mistress of the northern seas so far as the fisheries are concerned. Herein was evidence that it is within the power of the legislature of this colony to make or mar our competitors to the North Atlantic fisheries. Here was evidence that by refusing or restricting the necessary bait supply we can bring our foreign competitors to realize their dependency upon us. One of the objects of this legislation is to bring the fishing interests of Gloucester and New England to a realization of their dependence upon the bait supplies of this colony. No measure could have been devised having more clearly for its object the conserving, safeguarding, and protecting of the interest of those concerned in the fisheries of the colony.

It will be observed that there is here the very frankest possible disavowal of any intention to so regulate the fisheries as to be fair to the American fishermen. The purpose is, under cover of the exercise of the power of regulation, to exclude the American fishermen. The Government of the United States surely can not be expected to see with complacency the rights of its citizens subjected to this kind of regulation.

The Government of the United States finds assurance of the desire of His Majesty's Government to give reasonable and friendly treatment to American fishing rights on the Newfoundland coast in the statement of the memorandum that the Newfoundland foreign fishing vessels act is not as clear and explicit as, in the circumstances, it is desirable that it should be, and in the expressed purpose of His Majesty's Government to confer with the government of Newfoundland with the object of removing any doubts which the act in its present form may suggest as to the power of His Majesty to fulfill his obligation under the convention of 1818. It is hoped that upon this conference His Majesty's Government will have come to the conclusion, not merely that the seventh section of the act, which seeks to preserve "the rights and privileges granted by treaty to the subjects of any State in amity with His Majesty," amounts to a prohibition of any "vexatious interference" with the exercise of the treaty rights of American fishermen, but that this clause ought to receive the effect of entirely excluding American vessels from the operation of the first and third clauses of the act relating to searches and seizures and prima facie evidence. Such a construction by His Majesty's Government would wholly meet the difficulty pointed out in my letter of October 19, as arising under the first and third sections of the act. A mere limitation, however, to interference which is not "vexatious," leaving the question as to what is "vexatious inter-

^a See Appendix No. 8, p. 770.

ference" to be determined by the local officers of Newfoundland, would be very far from meeting the difficulty.

You will inform His Majesty's Government of these views and ask for such action as shall prevent any interference upon any ground by the officers of the Newfoundland government with American fishermen when they go to exercise their treaty rights upon the Newfoundland coast during the approaching fishing season.

I am, etc.,

ELIHU ROOT.

The Acting Secretary of State to Ambassador Reid.

No. 250.]

DEPARTMENT OF STATE,
Washington, August 7, 1906.

SIR: The inclosed correspondence, in regard to the seizure of a seine and some dories belonging to the American fishing schooner *Edna Wallace Hopper*, is self-explanatory.

A number of the vessels of the American fishing fleet off the coast of Newfoundland, in the winter of 1905, erected scaffolds for freezing herring, and landed fishing gear on the treaty coast near Bay of Islands, with the consent of the landowners (and, as alleged in some cases, with the knowledge of the local authorities), believing, in good faith, that they had a right to do so under the convention regulating fishing rights.

Mr. Alexander, the American agent for the fisheries, applied to the Department of Commerce and Labor for instructions as to whether or not the American fishermen were within their treaty rights in taking this action.

On December 13, 1905, this department advised the Department of Commerce and Labor of the attitude of the Government upon this point, using the following language:

From all these papers I gather that the question regarding the right to freeze herring on shore and to erect scaffolds for that purpose is now raised with regard to that part of the treaty coast upon which the Bay of Islands is located; that is to say, with regard to the western coast of Newfoundland between Cape Ray and the Quirpon Islands.

In my opinion our fishermen have no right to land upon that part of the treaty coast for the purpose of freezing fish, and no right to erect thereon scaffolds for that purpose.

The American fishermen are now exercising rights under the first article of the treaty of 1818. That article gives them the right to take fish on the western coast of Newfoundland; and upon the southern coast of Newfoundland, between Cape Ray and the Rameau Islands, it gives them the right both to take fish and to dry and cure fish in any of the unsettled bays, harbors, and creeks. I think that freezing herring is properly to be considered a method of curing, and that our fishermen are entitled to land upon the southern coast of Newfoundland between Cape Ray and the Rameau Islands for the purpose of curing fish in that manner and to erect scaffolds there for that purpose. I do not think they are entitled to do this at the Bay of Islands or upon any part of the western coast between Cape Ray and Quirpon Islands.

It will thus be seen that it is not claimed by this Government that the American fishermen had the right, under treaty stipulations, to erect scaffolds and land fishing gear at the Bay of Islands.

The decision of this Government was communicated to Mr. Alexander and by him to the fishermen. When this decision became known to the Newfoundland authorities, they seem to have taken a

liberal view of the situation, and, believing in the good faith of the fishermen, to have permitted them to remove their fishing tackle.

Doubtless, if the *Edna Wallace Hopper* had been upon the ground as the other American vessels were, permission would have been extended to her master, as to the others, to remove the property which had been landed in good faith. Inasmuch, however, as the *Edna Wallace Hopper* had already sailed for her home port there was no one to represent the interests of her owners, and the seine and dories which had been landed were seized, as it were, by default.

It is not believed, however, that the wholly accidental and innocent fact of the absence of the schooner should prevent the Newfoundland officials from treating the case of Mr. Molloch's vessel in the same spirit of liberality and courtesy which dictated their conduct with reference to the other American vessels. The original good faith and lawful intent of the master and owner of the vessel should not be prejudiced by matter subsequent, especially when the latter is at once fortuitous and innocent.

It is true that the other American captains being on the spot were able to remove their own scaffolding, while Mr. Molloch was not able to care for his seine and dories, and for any expense, etc., to which the Newfoundland officials may have been put on this account Mr. Molloch is undoubtedly responsible. In fact, since he has delayed his protest for some time, it may well be that the Newfoundland authorities may feel that it is too late, even as a matter of grace, to direct that the property seized be returned. But it is believed that if the matter is taken up in a friendly spirit they will be willing, after examining the whole case, at least to relieve the schooner and her master from any further liability on account of any technical violation of law resulting from mistake under circumstances of unquestioned good faith.

You are, therefore, requested to lay the matter before the foreign office in a friendly spirit, suggesting that the case is believed to be one which, on examination, should appeal to the justice and courtesy of the Newfoundland officials. Anything which can be done toward relieving Mr. Molloch as suggested will be considered as another evidence of the disposition of the Newfoundland authorities, by the exercise of an accommodating liberality in the enforcement of local laws, to solve the vexatious questions often arising out of the presence of the American fishing fleet upon the treaty shore.

In the absence of full information as to the particular provisions of the customs act of Newfoundland under which the property of Mr. Molloch was seized and under which the master of the *Edna Wallace Hopper* as well as the schooner herself are said by the deputy minister of customs of Newfoundland to have become liable for penalties, it is assumed that the Newfoundland officials have acted within their strict legal rights in the premises.

I am, etc.,

ROBERT BACON.

[Inclosure.]

The Acting Secretary of Commerce and Labor to the Secretary of State.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, July 21, 1906.

SIR: I have the honor to transmit herewith, for your information and for such action as seems desirable, a copy of a letter from Mr. A. B. Alexander,

of the Bureau of Fisheries, dated June 22, 1906, with inclosures, relative to the alleged unjust treatment accorded the American fishing schooner *Edna Wallace Hopper* on the treaty coast of Newfoundland during the past winter.

Respectfully,

JAMES RUDOLPH GARFIELD,
Acting Secretary.

[Subinclosure 1.]

Mr. Alexander to the Commissioner of Fisheries.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, June 22, 1906.

SIR: A letter has reached me from Mr. A. D. Molloch, owner of the fishing schooner *Edna Wallace Hopper*, inclosing a communication from Mr. H. W. Le Messurier, deputy minister of customs, St. Johns, Newfoundland, to A. Evans, master of said schooner, stating that for "a violation of the customs act, the vessel and his person are liable to the penalties provided under this act."

The schooner *Edna Wallace Hopper* was engaged in the herring fishery at Bay of Islands, Newfoundland, during the fall of 1905, while I was on duty in the vicinity, and while thus employed had occasion to land a seine and five dories. This was done with the consent of the owner of the ground, as had been the custom of American fishermen in previous years, in accordance with what was supposed to be their privilege under the treaty of 1818.

I am informed that at the time Captain Evans landed the seine and dories other vessels, with the knowledge of the Newfoundland authorities, also landed lumber, etc., from which to construct scaffolds for freezing herring should the latter be permitted. As soon as it was learned that the Department of State held that American fishermen were not entitled to freeze herring on this shore as heretofore, the captains, except the master of the *Edna Wallace Hopper*, were allowed to take back on board all material landed. Mr. Molloch claims that the master of his vessel has not received the treatment accorded to others, and particularly has been discriminated against in being threatened with imprisonment and confiscation of his vessel should he in future come within Newfoundland territory.

It would seem that in this case an unjust and arbitrary decision has been rendered, to which I respectfully call your attention in order that it may reach the proper authorities for such action as may be deemed necessary.

Copies of the letters of Messrs. Molloch and Le Messurier are inclosed herewith.

Very respectfully,

A. B. ALEXANDER,
Assistant in Charge Division of Fisheries.

[Subinclosure 2.]

Mr. Molloch to Mr. Alexander.

NEWPORT, R. I., June 19, 1906.

DEAR SIR: You will no doubt be surprised to receive a letter from me, but, owing to the conditions of the case, I thought you would be the best person to write to.

I received the inclosed letter the other day. It has been ever since February reaching me. The letter says the vessel, *Edna Wallace Hopper*, is liable to seizure for landing dories and seine in Middle Arm. When I landed the dories and seine, we all thought we had a right to the shore, provided we could get permission from the owners of the land. I got permission from James Break to store those articles on his land and then put them ashore. The vessel left for home and I came to Birchy Cove to take the train for home. The day before leaving; you got information from Washington saying that American fishermen had no rights to the shore. It was too late then for me to remove the seine and dories, as the vessel was at sea. I suppose that they would be seized and that would be the end of it. Nearly all the American vessels had scaffolds for freezing herring erected ashore with herring on them. When the

news came that they had no rights to the shore, Inspector O'Reilly gave them permission to remove them. He did not give me permission to remove my gear, but seized it immediately and sold it, and then four months later I am informed that the vessel is liable to seizure. It does not look as though I am getting used as the other owners are. So long as he has seized the other articles, why should not that end it? Or, when O'Reilly notified the others and gave them the right to remove their gear, which they had put ashore thinking, as I did, that we had rights to the shore, why was not I notified? Mr. O'Reilly can not say that he did not know where I was, because he knew of my whereabouts enough to send a letter to me saying my vessel is liable to seizure. In other words, out of the forty or fifty vessels putting fishing gear ashore, I alone was given no right to remove it and my vessel alone is liable to seizure.

As you know from the receipt I showed you last winter, I paid duty on the seine, the duty having been paid the year before. Mr. O'Reilly also knows it had the duty paid on it, although the seine had never left the vessel and had been taken home to be brought down again last fall. The dories of course never had the duty paid.

I have witnesses who heard James Break give me permission to store my gear on his land.

The reason that I am writing you is this: I live in Somerville, which is not in Mr. Gardner's district. I do not know who is Congressman from my district and, no matter who he is, he probably takes very little interest in fishing affairs, especially as Mr. Gardner is doing all that can be done for the fishing interests. Were I in his district, I would go to him immediately.

Now, if you will take this to Secretary Root or whoever is the proper person, I will be very grateful; and if I can return the favor at any time, I will gladly do so.

Respectfully, yours,

(Signed) A. D. MOLLOCH.

[Subinclosure 3.]

Mr. Le Messurier to Captain Evans.

NEWFOUNDLAND CUSTOMS,
ASSISTANT COLLECTOR'S OFFICE,
Port of St. Johns, 2d February, 1906.

SIR: I have the honor to notify you that one seine and five dories landed by you, out of the American fishing schooner *Edna Wallace Hopper*, at Jennings Cove, Middle Arm, Bay of Islands, have been seized by this department for a violation of the customs act; and this is to duly notify you of the same and to inform you that your schooner and person are also liable to the penalties provided under the act.

I am, sir, your obedient servant,

(Signed)

H. W. LE MESSURIER,
Deputy Minister of Customs.

Ambassador Reid to the Secretary of State.

No. 241.]

AMERICAN EMBASSY,
London, August 16, 1906.

SIR: Referring to your No. 239 of June 30, 1906, I have the honor to report the receipt to-day of a letter from Sir E. Gorst, acting for the secretary of state for foreign affairs in his absence, saying that the divergence in the views of the two governments, as disclosed in your letter, makes an immediate settlement impossible. His Majesty's Government is accordingly prepared, responding, as it says, to your suggestion, to confer upon a *modus vivendi* for this season, and will shortly submit proposals to that end.

Inclosed please find a copy of his letter and of my reply.

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

WHITELAW REID.

[Inclosure 1.]

Sir E. Gorst to Ambassador Reid.

27218.]

FOREIGN OFFICE, August 14, 1906.

YOUR EXCELLENCY: The note, which you were so good as to address to me on the 20th ultimo, forwarding a letter from Mr. Secretary Root respecting the rights of American fishing vessels on the Newfoundland coast, is receiving the careful consideration of His Majesty's Government, and they have observed with much regret that the wide divergence of views between the two Governments which is disclosed by the correspondence makes it hopeless to expect an immediate settlement of the various questions at issue.

Pending the further discussion of these questions, however, and without prejudice to it, His Majesty's Government are prepared, in accordance with the suggestion made in Mr. Root's letter, to confer with the United States Government with a view to some arrangement which will secure the peaceable and orderly conduct of the forthcoming fishery, and they hope very shortly to be able to submit proposals with this object. I may add that such an arrangement would be merely in the nature of a *modus vivendi* applicable only to the ensuing season and should not in any way affect any of the rights and claims of either party.

I have, etc.,

E. GORST.

(In the absence of the Secretary of State.)

[Inclosure 2.]

Ambassador Reid to Sir E. Grey.

AMERICAN EMBASSY,

London, August 16, 1906.

SIR: I have the honor to acknowledge the letter of Sir E. Gorst of August 14, regretting that, owing to the wide divergence from your views disclosed in Mr. Root's letter respecting the rights of American vessels on the Newfoundland coast, it is hopeless to expect an immediate settlement.

I am glad to note that under these circumstances you expect soon to submit proposals for a *modus vivendi* for the ensuing season, and shall hasten to advise my Government of this purpose.

I have, etc.,

WHITELAW REID.

Ambassador Reid to the Secretary of State.

No. 249.]

AMERICAN EMBASSY,

London, August 30, 1906.

SIR: I have the honor to acknowledge your dispatch No. 250 of August 7, 1906, stating the case of the American fishing schooner *Edna Wallace Hopper*, inclosing the correspondence and instructing me to lay the matter before the foreign office in a friendly spirit.

I took the first opportunity of a short visit made to the foreign office by Sir Edward Grey during his vacation, to see him concerning the case. I stated it briefly, and left with him as concise a memorandum as I could make of the essential points, a copy of which is herewith inclosed. I said to Sir Edward, in concluding my statement, that I was so sure of the courteous and just disposition animating his department that I counted in advance on his agreeing entirely with our request, and doing whatever was necessary with the Newfoundland authorities. He replied, smiling, that on my statement he certainly agreed with me, but that of course he would be compelled to consult the colonial department.

Unless they develop something affecting the case not known at present to us, I feel hopeful that what we ask will be cheerfully conceded.

I took the opportunity of this conversation to urge again upon Sir Edward the importance of the earliest agreement upon a *modus vivendi* for the Newfoundland fisheries for this season, as well as strenuous efforts to reach some adjustment of the whole controversy at the earliest possible moment. He agreed in the desirability of this, but said that the latest correspondence disclosed such wide discrepancies of views that naturally they had to look into the matter very carefully. Meantime, they were engaged on the *modus vivendi*, and hoped soon to submit proposals.

I have, etc.,

WHITELAW REID.

[Inclosure.]

[Memorandum, 29th August, 1906.]

Last winter various American fishing vessels landed fishing gear and put up scaffolds for freezing herring on the treaty coast of Newfoundland, near Bay of Islands, with the consent of the owners of the land, and under the impression that (with this consent) they had the right to do so.

On December 13 the State Department, in reply to an inquiry from our agent, advised them that this right did not extend to the Bay of Islands, or any part of the western coast between Cape Ray and Quirpon Island.

The Newfoundland authorities took a liberal view of the situation and permitted them to remove their scaffoldings and fishing tackle.

One of the boats, however, the *Edna Wallace Hopper*, had already gone home, and in the absence of anybody to remove the seines and dories she had landed they were seized, and the master of the vessel warned that he was liable to imprisonment and his vessel to confiscation if they came again within Newfoundland waters.

No point is raised (under our present information) on the right to do this. It is only submitted that the same spirit of justice and courtesy which led the Newfoundland officials to permit the other vessels to remove the property when the mistake was discovered would lead them, when their attention is called to it, to relieve the *Edna Wallace Hopper* at least from the threatened penalties, if not also to restore the seized property, subject to the payment of any expenses to which the officials may have been put on account of it.

Ambassador Reid to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
London, September 6, 1906.

(Ambassador Reid states that the British foreign office proposes the following *modus vivendi*, without prejudice to the rights or claims of either party, and only for the ensuing season:

I. Newfoundland foreign fishing vessels act, 1906, not to be enforced.

II. Section 3, act 1905, and first part of section 1 as to boarding and bringing into port not to be applied to United States fishing vessels.

III. The United States Government to direct fishermen to comply with colonial fishing regulations.

IV. His Majesty's Government waives payment of light dues.

V. Masters United States fishing vessels to report at custom-house according to colonial customs laws, on arrival and departure from colonial waters.

Mr. Reid adds, concerning restrictions involved in paragraph 3 above, that foreign office states that prohibition of "purse fishing vessels" seines covers all Canadian and colonial waters; that prohibition of herring traps is in force in Placentia, St. Marys and Fortune bays, and in the district of Twillingate; that prohibition of "herring fishing vessels" seines is in force in inner waters of Placentia Bay and in certain waters on the northeastern coast.

Foreign office regards seines destructive and thinks these prohibitions in the interest of common fishery. The prohibition of Sunday fishing is general throughout colony and Canada.

The colonial feeling is strong on the subject. It is hoped United States in interest of peaceable, amicable relations will not countenance Sunday fishing during ensuing season.

Foreign office thinks No. 5 a reasonable requirement in the interest of both sides, involving no interference with fishing operations.

Mr. Reid is sending dispatch with full text of proposal.)

Ambassador Reid to the Secretary of State.

No. 250.]

AMERICAN EMBASSY,
London, September 7, 1906.

SIR: I have the honor to confirm my telegram of September 6 summarizing the modus vivendi in the Newfoundland fisheries for this year offered by His Majesty's Government. I send herewith a copy of this telegram and a copy of the note from Mr. Campbell, one of the assistant undersecretaries of state, acting for Sir Edward Grey in his absence, in which the proposal summarized in the cable dispatch was made.

I have merely acknowledged this letter and said that I had hastened to acquaint you with its proposal.

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

WHITELAW REID.

[Inclosure.]

Mr. Campbell to Ambassador Reid.

FOREIGN OFFICE, *September 3, 1906.*

YOUR EXCELLENCY: In my note of the 14th August I stated that His Majesty's Government hoped shortly to be able to submit to the Government of the United States proposals for a provisional arrangement which would secure the peaceful and orderly conduct of the forthcoming herring fishery on the coast of Newfoundland. I have now the honor, on the understanding mentioned in my note, viz, that the arrangement would be in the nature of a modus vivendi to be applicable only to the ensuing season, and not in any way to affect the rights and claims of either party to the convention of 1818, to submit the following proposals, viz:

I. His Majesty's Government will not bring into force the Newfoundland foreign fishing vessels act, 1906, which imposes on United States fishing vessels certain restrictions in addition to those imposed by the act of 1905.

II. The provisions of the first part of section 1 of the act of 1905 as to boarding and bringing into port and the whole of section 3 of the same act will not be regarded as applying to the United States fishing vessels.

III. The United States Government will in turn direct their fishermen to comply with the colonial fishery regulations, as was in fact done last year with the exception of certain breaches of the prohibition of Sunday fishing.

IV. The demand for payment of light dues will be waived by His Majesty's Government.

V. The United States Government will direct the masters of United States fishing vessels to comply with the provisions of the colonial customs laws as to reporting at a customs-house on arrival in and departure from colonial waters.

2. As regards Head III of this arrangement, I would point out that of the three restrictions which the colonial fishery regulations impose on the herring fishery in the waters open to United States fishermen the first, viz, the prohibition of "purse" seines, is in force in all the waters of the colony. It is also in force in all the waters of Canada. The second, the prohibition of herring traps, is also in force in Placentia, St. Maty's, and Fortune bays and in the district of Twillingate. The third, the prohibition of "herring" seines, is in force also, subject to some reservations as to baiting purposes, in the inner waters of Placentia Bay and in certain waters on the northeast coast. The application of these three restrictions to the herring bays of the west coast is, of course, prior to and not in any way connected with the present policy of the colonial government, and His Majesty's Government have the testimony of the naval officers who have been employed on the treaty coast as to the destructive results of the use of seines. His Majesty's Government therefore hope that the United States Government will recognize that His Majesty's Government are, apart from any question of right, acting in the interests of the continuation of the common fishery in proposing as a part of the provisional arrangement compliance with the three restrictions mentioned.

The fourth restriction, viz, the prohibition of Sunday fishing, is of general application throughout the colony and is also in force in Canada. Having regard to the duration of the fishing season and to other circumstances, His Majesty's Government do not feel that compliance with this prohibition involves any material inconvenience to United States fishermen. On the other hand, in view of the strong feeling against Sunday fishing which prevails in the colony, the disregard of it is fraught with possibilities of serious disorder. It is therefore hoped that the United States Government will assist His Majesty's Government in the maintenance of peaceable relations between the two sets of fishermen by not countenancing any breach of the prohibition during the ensuing season.

3. As regards Head V, as explained in the memorandum communicated to your excellency on the 2d of February, a call at a customs-house, whether on entering or on leaving the waters of the colony, need involve no interference with a vessel's fishing operations, and is in itself a requirement which may be reasonably made in the interests not only of the colonial revenue but of the United States fishermen.

4. I trust that you will be able to inform me at an early date that the arrangement outlined above is agreed to by your Government.

I have, etc.,

F. A. CAMPBELL.

(In the absence of the Secretary of State.)

Ambassador Reid to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
London, September 29, 1906.

No. 82. Referring to department's No. 250, August 7, foreign office reports confiscated property sold some months ago, but proceeds of sale will be handed over to the master of vessel, and he will not be subject to further proceedings.

REID.

Ambassador Reid to the Secretary of State.

No. 258.]

AMERICAN EMBASSY,
London, October 1, 1906.

SIR: With reference to your instruction No. 250, of the 7th of August in regard to the seizure of a seine and some dories belonging to the American fishing schooner *Edna Wallace Hopper*, I have the honor to confirm my cable of the 29th ultimo, a copy of which is herewith inclosed.

I also inclose herewith a copy of a note from the foreign office, dated the 28th ultimo, on which my cable of the 29th, mentioned above, was based, stating that the governor of Newfoundland has reported that the confiscated property was sold some months ago, and His Majesty's Government regret, therefore, that the gear can not now be restored to the owner of the American vessel. The proceeds of the sale, however, will be handed over to the master of the vessel, and he will not be subject to further proceedings.

I have, etc.,

WHITELAW REID.

[Inclosure.]

Mr. Campbell to Ambassador Reid.

No. 31492.]

FOREIGN OFFICE, *September, 28, 1906.*

YOUR EXCELLENCY: With reference to the memorandum which you were so good as to communicate to me on the 29th ultimo respecting the seizure of certain seines and dories belonging to the United States fishing vessel *Edna Wallace Hopper* by the Newfoundland authorities, I have the honor to inform your excellency that the governor of Newfoundland has reported that the confiscated property was sold some months ago.

His Majesty's Government regret, therefore, that the gear can not now be restored to the owners of the American vessel. I have to state, however, that the proceeds of the sale will be handed over to the master of the vessel and that he will not be subject to further proceedings.

I trust that this arrangement will be considered satisfactory by the United States Government.

I have, etc.,

F. A. CAMPBELL
(In the absence of the Secretary of State).*Ambassador Reid to the Secretary of State.*

No. 267.]

AMERICAN EMBASSY,
London, October 10, 1906.

SIR: Referring to previous correspondence, transmitting the papers that have passed between this embassy, the State Department, and the foreign office with reference to the recent negotiations for a *modus vivendi* for this season as to the Newfoundland fisheries, I beg now to inclose^a the three latest telegrams received from you on the subject, as deciphered in this office, together with the text of the agreement between the two Governments embodied under your authority in my letter to Sir Edward Grey of October 6, and in reply

^a Not printed.

of October 8 by Sir E. Gorst, acting for Sir Edward Grey in his absence.

While not objecting to the word "penalized" in the second paragraph of my note, Sir E. Gorst said in conversation with Mr. Carter, who had been sent to show him the draft of it, that he supposed it referred merely to our vessels. I have made no reply to this remark.

Imperfect statements of the substance of this modus vivendi, telegraphed here from Newfoundland and from the United States, have led to considerable criticism in the opposition press. I append a semiofficial statement,^a cut from the Times of this morning, which seems to have been thus drawn out from the foreign office, and also editorials^a from the Times, Standard, and Morning Post.

I have, etc.,

WHITELAW REID.

[Inclosure 1.]

Modus vivendi between the United States and Great Britain in regard to inshore fisheries on the treaty coast of Newfoundland.—Agreement effected by exchange of notes at London, October 6–8, 1906.

The American Ambassador to the British Foreign Office.

AMERICAN EMBASSY,
London, October 6, 1906.

SIR: I am authorized by my Government to ratify a modus vivendi in regard to the Newfoundland fishery question on the basis of the foreign office memorandum, dated the 25th of September, 1906, in which you accept the arrangement set out in my memorandum of the 12th of September and consent accordingly to the use of purse seines by American fishermen during the ensuing season, subject, of course, to due regard being paid in the use of such implements to other modes of fishery, which, as you state, is only intended to secure that there shall be the same spirit of give and take and of respect for common rights between the users of purse seines and the users of stationary nets as would be expected to exist if both sets of fishermen employed the same gear.

My Government understand by this that the use of purse seines by American fishermen is not to be interfered with, and that the shipment of Newfoundlanders by American fishermen outside the 3-mile limit is not to be made the basis of interference or to be penalized; at the same time they are glad to assure His Majesty's Government, should such shipments be found necessary, that they will be made far enough from the exact 3-mile limit to avoid any reasonable doubt.

On the other hand, it is also understood that our fishermen are to be advised by my Government and to agree not to fish on Sunday.

It is further understood that His Majesty's Government will not bring into force the Newfoundland foreign fishing vessels act of 1906, which imposes on American fishing vessels certain restrictions in addition to those imposed by the act of 1905, and also that the provisions of the first part of section 1 of the act of 1905, as to boarding

^a Not printed.

and bringing into port, and also the whole of section 3 of the same act, will not be regarded as applying to American fishing vessels.

It also being understood that our fishermen will gladly pay light dues if they are not deprived of their rights to fish, and that our fishermen are not unwilling to comply with the provisions of the colonial customs law as to reporting at a custom-house when physically possible to do so.

I need not add that my Government are most anxious that the provisions of the *modus vivendi* should be made effective at the earliest possible moment. I am glad to be assured by you that this note will be considered as sufficient ratification of the *modus vivendi* on the part of my Government.

I have the honor to be, with the highest consideration, sir,

Your most obedient, humble servant,

WHITELAW REID.

The Right Hon. SIR EDWARD GREY, Bt.,
Etc., etc., etc.

[Inclosure 2.]

The British Foreign Office to the American Ambassador.

No. 34002.]

FOREIGN OFFICE, *October 8, 1906.*

YOUR EXCELLENCY: I have received with satisfaction the note of the 6th instant in which your excellency states that you have been authorized by your Government to ratify a *modus vivendi* in regard to the Newfoundland fishery question on the basis of the memorandum which I had the honor to communicate to you on the 25th ultimo, and I am glad to assure your excellency that the note in question will be considered by His Majesty's Government as a sufficient ratification of that arrangement on the part of the United States Government.

His Majesty's Government fully share the desire of your Government that the provisions of the *modus vivendi* should be made effective at the earliest moment possible, and the necessary instructions for its observance were accordingly sent to the government of Newfoundland immediately on receipt of your excellency's communication.

I have the honor to be, with the highest consideration,

Your excellency's most obedient, humble servant,

E. GORST,

(In the absence of the Secretary of State.)

His Excellency the Honorable WHITELAW REID,
Etc., etc., etc.

[Inclosure 3.]

MEMORANDUM.

My Government hears with the greatest concern and regret that in the opinion of His Majesty's Government there is so wide a divergence of views with regard to the Newfoundland fisheries that an immediate settlement is hopeless.

But it is much gratified with His Majesty's Government's desire to reach a *modus vivendi* for this season, and appreciates the readiness to waive the foreign fishing vessels act of 1906. This and other restrictive legislation had compelled our fishermen to use purse seines or abandon their treaty rights.

My Government sees in the offer not to apply section 3, act of 1905, and that part of section 1 relating to boarding fishing vessels and bringing them into port fresh proof of a cordial disposition not to press unduly this kind of regulation.

Our fishermen will also gladly pay light dues, if not hindered in their right to fish. They are not unwilling, either, to comply with the regulation to report at custom-houses, when possible. It is sometimes physically impossible, however, to break through the ice for that purpose.

Most unfortunately the remaining proposals, those as to purse seining and Sunday fishing, present very grave difficulties.

We appreciate perfectly the desire of His Majesty's Government to prevent Sunday fishing. But if both this and purse-seine fishing are taken away, as things stand there might be no opportunity for profitable fishing left under our treaty rights. We are convinced that purse seines are no more injurious to the common fishery than the gill nets, commonly used—are not, in fact, so destructive and do not tend to change the migratory course of the herring as gill nets do, through the death of a large percentage of the catch and consequent pollution of the water.

The small amount of purse seining this season could not, of course, materially affect the common fishery anyway. Besides, many of our fishermen have already sailed with purse seines, as usual, and the others are already provided with them. This use of the purse seine was not the free choice of our fishermen. They have been driven to it by local regulations, and the continued use of it at this late date this years seems vital.

But we will renounce Sunday fishing for this season if His Majesty's Government will consent to the use of purse seines, and we can not too strongly urge an acceptance of this solution.

AMERICAN EMBASSY, *London, September 12, 1906.*

[Inclosure 4.]

MEMORANDUM.

His Majesty's Government have considered, after consultation with the government of Newfoundland, the proposals put forward in the memorandum communicated by the United States ambassador on the 12th instant, respecting the suggested "modus vivendi" in regard to the Newfoundland fishery question.

They are glad to be able to state that they accept the arrangement set out in the above memorandum and consent accordingly to the use of purse seines by United States fishermen during the ensuing season, subject, of course, to due regard being paid, in the use of such implements, to other modes of fishery.

His Majesty's Government trust that the United States Government will raise no objection to such a stipulation, which is only intended to secure that there shall be the same spirit of give and take and of respect of common rights between the users of purse seines and the users of stationary nets as would be expected to exist if both sets of fishermen employed the same gear.

They further hope that, in view of this temporary authorization of the purse seines, the United States Government will see their way to arranging that the practice of engaging Newfoundland fishermen just outside the 3-mile limit, which, to some extent, prevailed last year, should not be resorted to this year.

An arrangement to this effect would save both His Majesty's Government and the Newfoundland government from embarrassment which, it is conceived, having regard to the circumstances in which the "modus vivendi" is being settled, the United States Government would not willingly impose upon them. Moreover, it is not in itself unreasonable, seeing that the unwillingness of the United States Government to forego the use of purse seines appears to be largely based upon the inability of their fishermen to engage local men to work the form of net recognized by the colonial fishery regulations.

The United States Government assured His Majesty's late Government in November last that they would not countenance a specified evasion of the Newfoundland foreign fishing vessels act, 1905, and the proposed arrangement would appear to be in accordance with the spirit which prompted that assurance.

FOREIGN OFFICE, *September 25, 1906.*

Consul Cornelius to the Third Assistant Secretary of State.

AMERICAN CONSULATE,
St. Johns, Newfoundland, November 3, 1906.

SIR: I beg to inclose the first official copy of the sections of the fish-bait act, published for general information. I regret that I could not procure a copy sooner.

I am, etc.,

GEORGE O. CORNELIUS.

[Inclosure.]

PUBLIC NOTICE.

The following sections of the act entitled "Of the exportation, sale, etc., of bait fishes" are published for general information:

SECTION 1. No person shall (1) export or cause or procure to be exported or assist in the exportation of; or (2) haul, catch, take, or have in his possession for the purpose of exportation; or (3) purchase or receive in trade or barter for the purpose of exportation; or (4) take, ship, or put or haul on board, or assist in taking, shipping, or hauling on board of any ship or vessel for any purpose whatever; or (5) carry or convey on board of any ship or vessel for any purpose whatever, any herring, caplin, squid, or other bait fishes from, on, or near any part of this colony or its dependencies, or from or in any of the bays, harbors, or other places therein, without a license in writing, to be granted and issued as hereinafter provided.

SEC. 9. Any person who shall violate any of the provisions of section 1 of this chapter or any of the subsections thereof; or (1) use, dispose of, or deal with any bait fishes otherwise than in accordance with the terms of the affidavit made upon application for a license or with the terms of such license; or (2) make any untrue statement in any affidavit upon application for a license under this chapter; or (3) obtain a license under this chapter by means of any false statement or misrepresentation or by the suppression or concealment of any material fact, shall be liable for every first offense to a penalty not exceeding \$1,000 or imprisonment for a period not exceeding twelve months.

Any person convicted of a second or subsequent offense under this chapter shall, on conviction, be subject to imprisonment with hard labor for a period of not less than twelve months.

ELI DAWE,
Minister of Marine and Fisheries,
 Per W. B. PAYN.

OFFICE OF MARINE AND FISHERIES, *October 31, 1906.*

The Secretary of State to Ambassador Reid.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 13, 1906.

(Mr. Root quotes the following telegram from United States fisheries agent now in Newfoundland:)

"Yesterday the colonial authorities interfered with native fishermen shipped outside 3-mile limit on the United States of America fishing vessel since notice was posted stating such shipment illegal.

Authorities have summoned crew to appear at court, Birchy Cove, which, if complied with, will be the means of several broken voyages. The captain of vessel is inclined to ignore summons, and objects men being taken out of vessel. Advise me.

“ALEXANDER.”

(The department's answer was:)

“Your dispatch November 13 received. Penal proceedings against Newfoundland fishermen for shipping on American vessels outside 3-mile limit appear to be clear violation of *modus vivendi*. We can not believe that the government of Newfoundland intends wholesale punishment of her own fishermen for seeking means of livelihood in accordance with the express permission of the Government of Great Britain. We therefore assume the purpose of Newfoundland is merely to make a test case in which to dispute the power of Great Britain to control Newfoundland legislation by the agreement embodied in the *modus vivendi*, although we understood that the Newfoundland government has assented to the agreement.

“Ascertain from Newfoundland officials whether this is their purpose. If it is, while our rights under the treaty and *modus vivendi* can not be taken away or affected by any decision in such a proceeding and we must regard it as purely a matter relating to the internal affairs of the British Empire, nevertheless, to avoid any conflict or disturbance, you should facilitate the raising of the question in an orderly and seemly way. The appearance of one or two men in court should be sufficient for this purpose. If, on the contrary, you find a disposition to conduct the proceedings in such a way that the proceedings themselves, in advance of any authoritative decision and in advance of any opportunity by Great Britain to make good her agreement with us, break up or seriously interfere with our fishing under the *modus vivendi*, inform this department promptly, and such advice will be given as the occasion demands.”

(Mr. Root adds that he answered in this way hoping to avoid conflict which might excite colonial feeling. Of course, if Newfoundland government is really trying to break up fishing under *modus vivendi*, the American Government can not permit men to be taken from its ships. Mr. Root does not doubt that Great Britain will enforce respect for its agreement with us, but prompt and vigorous action on her part seems necessary.)

Ambassador Reid to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
London, November 14, 1906.

(No. 100. On receipt of department's telegram, Mr. Reid had an interview this afternoon with Sir Edward Grey. He told him unofficially and confidentially substance of Mr. Root's correspondence with agent at Newfoundland and his view that if they were seeking

more than material for a test case, prompt and vigorous action here would be needed. He had evidently not heard of circumstances, but promised immediate attention.)

Ambassador Reid to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
London, November 22, 1906.

(No. 104. Sir Edward Grey writes Mr. Reid that his information in matter has not gone beyond preparation of test cases which Mr. Root anticipated, two men convicted under Bait Act and appealed, third to be prosecuted for breach custom-house regulations. Sir Edward Grey was then making further inquiries of colonial office, but hopes there will be no practical interference actual working modus vivendi.)

The Secretary of State to Ambassador Reid.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 4, 1906.

(Department is informed by Alexander that he has heard reports of one American vessel fishing on Sunday. Department will advise Mr. Reid if report is found to be true. In the meantime strictest injunction has been repeated against any such fishing.)

The Acting Secretary of State to Chargé Carter.

No. 354.]

DEPARTMENT OF STATE,
Washington, December 12, 1906.

SIR: With reference to the Newfoundland fishery question, I quote for your information the substance of a telegram, dated the 6th instant, from Fisheries Agent Alexander:

“Fishermen fully aware importance complying with the requirements of modus vivendi. No further trouble expected on account fishing Sunday.”

I am, etc.,

ROBERT BACON,
Acting Secretary.

APPENDIX.

CORRESPONDENCE RESPECTING THE NEWFOUNDLAND FISHERIES.^a*Table of contents.*

No.	Name.	Date.	Subject.	Page.
1	Mr. Root to Sir M. Durand..	Oct. 12, 1905	Requests an interview with his excellency with regard to the alleged interference by the Newfoundland government with United States fishermen on the treaty shore.	1
2	.....do	Oct. 19, 1905	Informs of views of the United States Government regarding the position of affairs on the coast of Newfoundland and the rights of American fishing vessels in those waters under the treaty of 20th October, 1818.	1
3	To Mr. Whitelaw Reid	Feb. 2, 1906	See No. 2. Views of United States Government have received the serious attention of His Majesty's Government. Transmits a memorandum dealing seriatim with the six propositions formulated by Mr. Root, and with his observations respecting some of the provisions of recent Newfoundland legislation for the regulation of the fisheries.	5
4	Mr. Whitelaw Reid.....	July 20, 1906	See No. 3. The foreign office memorandum has had Mr. Root's careful consideration. Transmits a letter from Mr. Root giving reasons which prevent his agreement with several of the views therein stated. Requests that American fishermen exercising treaty rights shall not be interfered with by the Newfoundland government.	10
5	Sir M. Durand.....	July 18, 1906	Transmits cuttings from Boston newspapers respecting Newfoundland fisheries. It appears State Department hold that the Newfoundland regulation prohibiting purse seining is unreasonable as against American fishermen.	16
6	The Earl of Elgin to Sir W. MacGregor.	Aug. 6, 1906	Transmits No. 4. Mr. Root's letter is engaging the careful attention of His Majesty's Government.	17
7	The Earl of Elgin (telegraphic).	Aug. 8, 1906	See No. 6. His Majesty's Government are informing the United States Government of their willingness, pending further discussion of questions at issue, and without prejudice to such discussion, to negotiate a provisional arrangement for the ensuing fishery season. To report whether Newfoundland government have any suggestions to offer as to the nature of the agreement.	18
8	Sir W. MacGregor (telegraphic).	(Received Aug. 14).	Will reply to No. 7 without unnecessary delay. Newfoundland government assume that His Majesty's Government regard their consent as the essential preliminary to any modification of territorial or maritime rights.	19
9	To Mr. Whitelaw Reid	Aug. 14, 1906	Acknowledges No. 4. His Majesty's Government are ready to confer with United States Government with a view to some arrangement for ensuing fishery season.	19
10	Sir W. MacGregor (telegraphic).	(Received Aug. 16).	Has received from his ministers comprehensive reply to Nos. 6 and 7.	19
11	To Sir W. MacGregor (telegraphic).	Aug. 17, 1906	See No. 10. To telegraph brief summary.....	19

^a London: Printed for His Majesty's stationery office by Harrison & Sons, St. Martin's lane, printers in ordinary to His Majesty, and to be purchased, either directly or through any bookseller, from Wyman & Sons (Limited), Fetter lane, E. C., and 32 Abingdon street, Westminster, S. W.; or Oliver & Boyd, Edinburgh; or E. Ponsonby, 116 Grafton street, Dublin. [Cd. 3262.] Price, 8d.

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14	Sir W. MacGregor (telegraphic).do.....	See No. 11. Transmits summary. Newfoundland government can not admit claims of United States Government.	20
15	.....do.....	(Received Aug. 22).	See No. 13. Committee of council strongly urge issue of proclamation to bring into force "foreign fishing vessels act, 1906," and deprecate any provisional arrangement with the United States.	22
16	Sir W. MacGregor.....	Aug. 20, 1906	See No. 14. Transmits copy of minute of council prepared by his ministers after receipt of No. 7.	22
17	.....do.....	.....do.....	Refers to No. 13. Transmits copy of letter to Sir R. Bond, calling his attention to fact that Newfoundland government had offered no suggestions that would facilitate the preparation of the proposals that His Majesty's Government desire to submit to the United States Government to establish a modus vivendi.	27
18	To Sir W. MacGregor (telegraphic).	Sept. 3, 1906	His Majesty's Government have received No. 14 with much disappointment. Informs of nature of their proposal to the United States Government.	28
19	Sir W. MacGregor (telegraphic).	.....do.....	Refers to No. 18. Are Newfoundland government ready to indemnify His Majesty's Government against any claims for compensation preferred by United States Government, and to agree to reference to arbitration, and to meet expenses of such arbitration?	29
20	To Mr. Whitelaw Reid.....	.....do.....	See No. 9. Submits proposals for a provisional arrangement.	29
21	To Sir W. MacGregor.....	Sept. 7, 1906	Acknowledges No. 17. Approves terms of letter to Sir R. Bond.	30
22	Sir W. MacGregor (telegraphic).	(Received Sept. 8)	See Nos. 18 and 19. Newfoundland government earnestly urge proclamation of act No. 1 of 1906, and undertake to apply it only to their own people.	30
23	Memorandum communicated by Mr. Whitelaw Reid.	Sept. 12, 1906	Proposals respecting the suggested modus vivendi in regard to the Newfoundland fishery question. Urge His Majesty's Government to consent to the use of purse seines.	30
24	To Sir W. MacGregor (telegraphic).	Sept. 13, 1906	Refers to No. 22. Proposals for modus vivendi, including suspension of act No. 1 of 1906, made to United States ambassador on September 3.	31
25	Sir W. MacGregor (telegraphic).	(Received Sept. 15)	Newfoundland government have learned with profound regret that His Majesty's Government has proposed, as one of the terms of the modus vivendi, the suspension of the foreign fishing vessels act of 1906. Consider arrangement to be an interference with the internal affairs of the colony.	31
26	To Sir W. MacGregor (telegraphic).	Sept. 19, 1906	Informs of nature of United States memorandum on subject of modus vivendi (see No. 23). His Majesty's Government propose to consent to use of purse seines.	31
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30	To Sir W. MacGregor.....do	Acknowledges No. 25. Reasons why His Majesty's Government can not indorse policy of Newfoundland government, and why they concluded a <i>modus vivendi</i> with United States Government.	37
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32	Memorandum communicated to Mr. Whitelaw Reid.	Sept. 25, 1906	Refers to No. 23. His Majesty's Government accept arrangement set out in the United States memorandum, and consent to the use of purse seines by United States fishermen.	38
33	To Sir M. Durand	Sept. 26, 1906	Views of Mr. Whitelaw Reid as to No. 32. His Excellency suggested suspension of the clause in the act of 1905 which made it illegal to enlist men within the 3-mile limit.	39
34	To Sir W. MacGregor (telegraphic).	Sept. 29, 1906	Refers to No. 31. United States ambassador informed on 25th September that His Majesty's Government consented to use of purse seines on certain conditions.	39
35	Sir W. MacGregor (telegraphic).	(Received Sept. 29)	Reports arrival of American schooner at Bonne Bay with purse seines. Newfoundland government desire to know whether they are free to enforce colonial customs and fishery laws.	40
36	To Sir W. MacGregor (telegraphic).	Oct. 1, 1906	Informs of a private suggestion made by United States ambassador that Newfoundland government should suspend for fishing season prohibition to engage crews in territorial waters, in return for which United States vessels would stop using purse seines after 1st November.	40
37	To Sir M. Durand .....	.....do.....	Informed Mr. Carter that above proposal had been telegraphed to Newfoundland government. Question of date on which <i>modus vivendi</i> would be put in force.	40
38	Sir W. MacGregor (telegraphic).	(Received Oct. 4)	Refers to No. 36. Newfoundland government unable to accept proposed arrangement with regard to purse seines.	41
39	Memorandum communicated to Mr. Carter.	Oct. 4, 1906	Informs of above. Asks for views of United States Government on the <i>modus vivendi</i> proposals contained in No. 32.	41
40	Sir W. MacGregor (telegraphic).	(Received Oct. 5)	Refers to No. 38. Inspector of fisheries sent to examine position at Bay St. George and Bay of Islands, so that proper steps be taken to preserve the peace.	41
41	Mr. Whitelaw Reid.....	Oct. 6, 1906	Refers to No. 32. Authorized to ratify a <i>modus vivendi</i> in regard to Newfoundland fishery question on the basis of the foreign office memorandum.	42
42	To Sir W. MacGregor (telegraphic).	.....do.....	See No. 34. Informs of No. 41.....	42
43	Sir W. MacGregor (telegraphic).	.....do.....	Refers to No. 40. His Majesty's ship <i>Brilliant</i> ordered to remain in Newfoundland waters until end of season.	43
44	To Mr. Whitelaw Reid	Oct. 8, 1906	Acknowledges No. 41. Government of Newfoundland informed.	43

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No. 1.]

Mr. Root to Sir M. Durand.

DEPARTMENT OF STATE,
Washington, October 12, 1905.

(Received at Foreign Office, October 27.)

DEAR MR. AMBASSADOR: I have just telegraphed you at Lenox expressing my wish for an interview at your early convenience. The occasion for the request is a dispatch which I have just received from Senator Lodge, containing the following statement based, I assume, upon information received from his constituents in Massachusetts, who are interested in the fisheries:

Newfoundland cruiser *Fiona* has arrived in Bay of Islands, on treaty coast, with minister of marine and fisheries on board. The minister has forbidden all vessels on American register to fish on treaty coast, where they now are, and where they have fished unmolested since 1818.

The American boats are already upon the treaty coast. I have felt bound to advise Senator Lodge that I have no doubt of their right to proceed to take fish upon the ground where the minister of marine and fisheries of Newfoundland has prohibited them from fishing. The history of the fisheries and the numerous difficulties which have arisen upon the treaty coast indicates that this conflict between the orders of the Newfoundland government and the rights of our fishermen, as we conceive them to be, may lead to very serious and regrettable incidents. It seems unfortunate that the government of Newfoundland should undertake to prohibit a practice justified by the construction of the various treaties relating to the Newfoundland

fisheries for more than a century without any suggestion by the Government of Great Britain that that Government proposes any change of construction, and without any exchange of views between the two Governments upon the subject.

I shall wish to satisfy you that immediate representation should be made to the government of Newfoundland which will lead to a different way of raising and disposing of any questions which there may be regarding our fishermen's rights under the existing treaty.

I am, etc.,

(Signed)

ELIHU ROOT.

No. 2.]

Mr. Root to Sir M. Durand.

DEPARTMENT OF STATE,

Washington, October 19, 1905.

(Received at foreign office, October 27.)

EXCELLENCY: Mr. Gardner, the Representative in Congress of the Gloucester district, has placed in my hands a number of dispatches received by him from masters of American vessels now on the Newfoundland coast. These dispatches are answers to inquiries sent by him at my request for the purpose of ascertaining definitely, if possible, what is the precise difficulty there.

These dispatches agree in the statement that vessels of American registry are forbidden to fish on the treaty coast. One captain says that he was informed that he could not fish by the inspector of the revenue-protection service of Newfoundland, and several of them that they have been ordered not to take herring by the collector of customs at Bonne Bay, Newfoundland.

It would seem that the Newfoundland officials are making a distinction between two classes of American vessels. We have vessels which are registered, and vessels which are licensed to fish and not registered. The license carries a narrow and restricted authority; the registry carries the broadest and most unrestricted authority. The vessel with a license can fish, but can not trade; the registered vessels can lawfully both fish and trade. The distinction between the two classes in the action of the Newfoundland authorities would seem to have been implied in the dispatch from Senator Lodge, which I quoted in my letter of the 12th,^a and the imputation of the prohibition of the minister of marine and fisheries may perhaps have come from the port officers, in conversation with the masters of American vessels, giving him as their authority for their prohibitions.

As the buying of herring and bait fish, which until recently has been permitted for a good many years in Newfoundland, is trading, the American fishing fleet have come very generally to take an American registry, instead of confining themselves to the narrower fishing license, and far the greater part of the fleet now in northern waters consists of registered vessels. The prohibition against fishing under an American register substantially bars the fleet from fishing. American vessels have also apparently been in the habit of entering at the

^a No. 1.

Newfoundland custom-houses and applying for a Newfoundland license to buy or take bait, and I gather from all the information I have been able to get that both the American masters and the customs officials have failed to clearly appreciate the different conditions created by the practical withdrawal of all privileges on the part of Newfoundland and the throwing of the American fishermen back upon the bare rights which belong to them under the treaty of 1818.^a

I am confident that we can reach a clear understanding regarding those rights and the essential conditions of their exercise, and that a statement of this understanding to the Newfoundland government, for the guidance of its officials on the one hand, and to our American fishermen for their guidance on the other, will prevent causeless injury and possible disturbances, such as have been cause for regret in the past history of the northeastern fisheries.

I will try to state our view upon the matters involved in the situation, which now appears to exist upon the treaty coast. We consider that—

1. Any American vessel is entitled to go into the waters of the treaty coast and take fish of any kind.

She derives this right from the treaty (or from the conditions existing prior to the treaty and recognized by it) and not from any permission or authority proceeding from the government of Newfoundland.

2. An American vessel seeking to exercise the treaty right is not bound to obtain a license from the government of Newfoundland, and, if she does not purpose to trade as well as fish, she is not bound to enter at any Newfoundland custom-house.

3. The only concern of the government of Newfoundland with such a vessel is to call for proper evidence that she is an American vessel, and, therefore, entitled to exercise the treaty right, and to have her refrain from violating any laws of Newfoundland not inconsistent with the treaty.

4. The proper evidence that a vessel is an American vessel and entitled to exercise the treaty right is the production of the ship's papers of the kind generally recognized in the maritime world as evidence of a vessel's national character.

5. When a vessel has produced papers showing that she is an American vessel, the officials of Newfoundland have no concern with the character or extent of the privileges accorded to such a vessel by the Government of the United States. No question as between a registry and license is a proper subject for their consideration. They are not charged with enforcing any laws or regulations of the United States. As to them, if the vessel is American she has the treaty right, and they are not at liberty to deny it.

6. If any such matter were a proper subject for the consideration of the officials of Newfoundland, the statement of this department that vessels bearing an American registry are entitled to exercise the treaty right should be taken by such officials as conclusive.

If your Government sees no cause to dissent from these propositions, I am inclined to think a statement of them as agreed upon would resolve the immediate difficulty now existing on the treaty coast.

^a Appendix No. 1, p. 750.

I have, however, to call your attention to a further subject, which I apprehend may lead to further misunderstanding in the near future if it is not dealt with now. That is, the purposes of the government of Newfoundland in respect of the treatment of American fishing vessels as exhibited in a law^a enacted during the past summer by the legislature of that colony, under the title "An act respecting foreign fishing vessels."

This act appears to be designed for the enforcement of laws previously enacted by Newfoundland, which prohibited the sale to foreign fishing vessels of herring, caplin, squid, or other bait fishes, lines, seines, or other outfits or supplies for the fishery or the shipment by a foreign fishing vessel of crews within the jurisdiction of Newfoundland.

The act of last summer respecting foreign fishing vessels provides:

"Section 1. Any justice of the peace, subcollector, preventive officer, fishery warden, or constable, may go on board any foreign fishing vessel being within any port of the coasts of this island, or hovering within British waters within 3 marine miles of any of the coasts, bays, creeks, or harbors in this island, and may bring such foreign fishing vessel into port, may search her cargo, and may examine the master upon oath touching the cargo and voyage, and the master or person in command shall answer truly such questions as shall be put to him under a penalty not exceeding \$500. And if such foreign fishing vessel has on board any herring, caplin, squid, or other bait fishes, ice, lines, seines, or other outfits or supplies for the fishery purchased within any port on the coast of this island, or within the distance of 3 marine miles from any coasts, bays, creeks, or harbors of this island, or if the master of the said vessel shall have engaged or attempted to engage any person to form part of the crew of the said vessel in any port or on any part of the coasts of this island, or has entered such waters for any purpose not permitted by treaty or convention for the time being in force, such vessel and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.

"Section 3. In any prosecution under this act the presence on board any foreign fishing vessel in any port of this island, or within British waters aforesaid of any caplin, squid, or other bait fishes, of ice, lines, seines, or other outfits or supplies for the fishery shall be prima facie evidence of the purchase of the said bait, fishes, and supplies and outfits within such port or waters."

It seems plain that the provisions above quoted constitute a warrant to the officers named to interfere with and violate the rights of American fishing vessels under the treaty of 1818.

The first section authorizes any of the officers named to stop an American vessel while fishing upon the treaty coast and compel it to leave the fishing grounds, to prevent it from going to the places where the fish may be, to prevent it departing with the fish which it may have taken, and to detain it for an indefinite period during a search of the cargo and an examination of the master under oath under a heavy penalty.

It is to be observed that this section does not require that the vessel shall have been charged with any violation of the laws of Newfound-

^aAppendix No. 9, p. 778.

land, or even that she shall have been suspected of having violated the laws of Newfoundland as a condition precedent to compelling it to desist from the exercise of its treaty rights, and virtually seizing it and taking it into port. In the consideration of this provision, it is unnecessary to discuss any question as to the extent to which American vessels may be interfered with in the exercise of their treaty rights pursuant to judicial proceedings based upon a charge of violation of law, or even upon reasonable ground to believe that any law has been violated, for the authority of the acts authorized appears to be part of no such proceeding.

When we consider that the minor officials named in the act, invested with this extraordinary and summary power, are presumptively members of the fishing communities, in competition with which the American fishermen are following their calling, it is plain that in denying the right of the government of Newfoundland to do what this section provides for we are not merely dealing with a theoretical question, but with the probability of serious injustice.

The third section of the act above quoted in full makes the presence on board of an American vessel of the fish gear—the implements necessary to the exercise of the treaty right—prima facie evidence of a criminal offense against the laws of Newfoundland, and it also makes the presence on board the vessel of the fish which the vessel has a right to take under treaty prima facie evidence of a criminal offense under the laws of Newfoundland. This certainly can not be justified. It is in effect providing that the exercise of the treaty right shall be prima facie evidence of a crime.

I need not argue with the Government of Great Britain that the first section of this act purports to authorize the very kind of official conduct which led to the establishment in England of the rule against unreasonable searches and seizures, now firmly embedded in the jurisprudence of both nations. Nor need I argue that American vessels are of right entitled to have on them in the waters of the treaty coast both fish of every kind, and the gear for the taking of fish, and that a law undertaking to make that possession prima facie proof of crime deprives them of that presumption of innocence to which all citizens of Great Britain and America are entitled. When the legislature of Newfoundland denies these rights to American fishing vessels, it imposes upon them a heavy penalty for the exercise of their rights under the treaty, and we may reasonably apprehend that this penalty will be so severe in its practical effect as to be an effectual bar to the exercise of the treaty right.

I feel bound to urge that the Government of Great Britain shall advise the Newfoundland government that the provisions of law which I have quoted are inconsistent with the rights of the United States under the treaty of 1818, and ought to be repealed, and that in the meantime, and without any avoidable delay, the governor in council shall be requested, by a proclamation which he is authorized to issue under the eighth section of the act respecting foreign fishing vessels, to suspend the operation of the act.

There is still another phase of this subject to which I must ask your attention. I am advised that there is a very strong feeling among the Newfoundland fishermen on the treaty coast against the enforcement of the Newfoundland act prohibiting the sale of bait, and that at a recent mass meeting of fishermen at the Bay of Islands,

resolutions were adopted urging the repeal or suspension of that act, and containing the following clauses:

“If our requests are not granted immediately we shall be compelled, in justice to ourselves and families, to seek other ways and means to engage with the Americans.

“We would also direct the attention of his excellency the governor in council to what took place in Fortune Bay a few years ago when Capt. Solomon Jacobs seined herring against the wishes of the people, and the result. If a similar occurrence should take place here, who will be responsible?”

This resolution indicates the existence of still another source from which, if not controlled, may come most unfortunate results when the American fishermen proceed to the exercise of their treaty rights; that is, the Newfoundland fishermen themselves acting independently of their government.

You are aware that for a considerable period American fishing vessels, instead of themselves taking herring, caplin, and squid upon the treaty coast, have been in the habit of buying those fish from the Newfoundland fishermen. For many of the Newfoundland fishermen this trade has been a principal means of support. That has been especially so in and about the Bay of Islands. It has been profitable to the local fishermen, and it has been for the Americans a satisfactory substitute for the exercise of their treaty right to catch the fish themselves. It is, indeed, not unnatural that these fishermen should struggle in every way open to them to prevent the loss of their means of support, and that if they can not control their own government so as to secure permission to sell herring and bait, they should seek to prevent the Americans from taking the bait, in the hope that as the result of that prevention, their profitable trade may be restored.

The resolution which I have quoted referring to the Fortune Bay case is a clear threat of violence to prevent the exercise of the treaty right. If the threat should be carried out it is too much to expect that some at least of the American fishermen will not refuse to yield to lawless force which seeks to deprive them of their rights and of their means of livelihood.

We shall do everything in our power to prevent such a collision, and we should indeed deeply deplore it, but the true and effective method of prevention plainly must be the exercise of proper control by the government of Newfoundland over the fishermen of Newfoundland, and it seems to me that the danger is sufficiently real and imminent to justify me in asking that the Government of Great Britain shall take speedy steps to bring about the exercise of such control.

I have, etc.,

(Signed)

ELIHU ROOT.

No. 3.]

Sir Edward Grey to Mr. Whitelaw Reid.^a

FOREIGN OFFICE, *February 2, 1906.*

^a Printed ante, p. 669.

No. 4.] *Mr. Whitelaw Reid to Sir Edward Grey.*

AMERICAN EMBASSY,
London, July 20, 1906.
(Received July 23.)

SIR: The memorandum sent me on the 2d February, 1906, embodying the views of His Majesty's Government on the propositions formulated by the Secretary of State of the United States as to the rights of American fishing vessels on the Newfoundland coast, in his letter to Sir Mortimer Durand of the 19th October, 1905, has had Mr. Root's careful consideration.

He has now addressed me a letter, under date of the 30th June, 1906, giving the reasons which prevent his agreement with several of the views stated in this memorandum. I am instructed, while communicating to you these reasons, to ask for such action as shall prevent any interference upon any ground by the officers of the Newfoundland government with American fishermen when they go to exercise their treaty rights upon the Newfoundland coast during the approaching fishing season.

I beg to inclose herewith a copy of this letter from the Secretary of State of the United States.^a

I have, etc.

(Signed) WHITELAW REID.

No. 5.] *Sir M. Durand to Sir Edward Grey.*

LENOX, MASS., July 18, 1906.
(Received July 30.)

SIR: I have the honor to transmit to you herewith copies of cuttings from newspapers of Boston, Mass., on the subject of the Newfoundland fisheries. According to a letter from Representative Gardner, of Massachusetts, to the Gloucester Board of Trade, the State Department holds that the local regulation prohibiting purse seining is unreasonable as against American fishermen. Mr. Gardner declares that if American fishermen undertake to fish in this manner the State Department will do all in its power to help them and to secure adequate compensation in case of interference.

I have, etc.,

(Signed) H. M. DURAND.

[Inclosure 1 in No. 5.]

Extract from the Boston Herald of July 9, 1906.

[Special dispatch to the Boston Herald.]

Gloucester, July 10, 1906.—The following self-explanatory letter bearing upon the Newfoundland herring fishery, and in line with what was published in the Herald this morning, has been received by the board of trade of this city from Congressman Gardner:

“HAMILTON, July 7, 1906.

“To the Gloucester Board of Trade, Gloucester:

“GENTLEMEN: I am in receipt of a letter dated the 2d July, 1906, from the Secretary of State just before his departure for South America, answering a

large number of the questions raised in my memorandum of Mr. Alexander, of the United States Fish Commission, dated the 30th June, relative to the fishery regulation of Newfoundland coast.

"The State Department holds that the local regulation prohibiting purse seining is unreasonable as against American fishermen. If our fishermen undertake to exercise their rights in this way, the State Department will do everything in its power to help them, and, if vessels should be seized or their fishing interfered with, to secure adequate compensation. It is my view therefore that it would be wise for Gloucester vessels desirous of doing so to prepare to take herring by purse seines this autumn.

"I am well aware that I am taking a great responsibility and risk in offering this advice, but the situation is such that I feel it would be unjustifiable for me to decline to give a definite opinion. It is, of course, within the bounds of possibility that American fishermen taking herring with purse seines may be subject to such annoyance as may cause serious financial losses. Nevertheless, it is necessary for our fishermen to receive some definite statement, and the advice that I give is the result of my most serious thought.

"Many of the provisions of the new act passed on the 10th May, 1906,^a are extremely unfriendly, but some of those which are unfriendly are probably not violations of our treaty rights. The State Department believes that Newfoundland has the right to prohibit its own citizens from engaging in our crews unless they are inhabitants of the United States. If they are inhabitants of the United States we are entitled to have them fish from our vessels regardless of their citizenship. The views expressed above, if correct, would permit our vessels to go purse seining with crews shipped in American waters, but our right to secure such crews by advertisement in the Newfoundland papers would undoubtedly be contested by Great Britain. In order to avoid the raising of this question at the present time I suggest that no such advertisements shall be inserted.

"With regard to the question of gill netting as carried on in the Bay of Islands and elsewhere, I do not think that we can contest the right of Newfoundland to forbid her citizens from shipping aboard our vessels; and this prohibition may perhaps apply to other British subjects. We contend, however, that Newfoundland is not entitled to inquire into the nationality of our crews; but the contrary view appears to be taken by the British Government. At the present time, therefore, it is undesirable to raise this question if a successful herring season can be obtained in some other way.

"My advice as to the coming fishing season is to refrain from shipping British subjects in British waters or British ports. I am aware, of course, that this advice, if carried out, practically precludes gill netting for the coming season, unless that operation is carried on by combining the crews of several vessels. The State Department is now contending with the Government of Great Britain that Newfoundland had no right to interfere with our fishermen by any regulation that did not exist when the treaty of 1818 was made. At the same time we have offered to join with Great Britain in agreeing to reasonable regulations. The courses of diplomacy, however, are so slow that I do not believe it would be possible to arrive at any definite conclusion prior to 1907.

"I feel the very grave responsibility which I take in giving any advice at all, and if it is followed I shall not cease to feel uneasy for fear that I may have made a mistake. Nevertheless, I feel it my duty to advise either to pursue the herring fisheries for the year 1906 with purse seines or to continue with the nets only with crews shipped in American ports or waters.

"Very respectfully,

"(Signed) A. P. GARDNER."

[Inclosure 2 in No. 5.]

Extract from the Boston Traveller of July 9, 1906.

Gloucester, July 10, 1906.—The announcement made here yesterday that American vessels would not only seine for herring along the treaty or west coast of Newfoundland this fall and winter, but that they would be backed up by the State Department at Washington, was received here with many manifestations of pleasure.

Seining is in direct violation of the local laws of Newfoundland, yet Secretary Root in his report is expected to say that not only have the American vessels the right to seine along the treaty coast, but that they will be protected in those rights.

In 1905 the foreign fishing act of Newfoundland was proclaimed almost as soon as it was adopted. The present spring an even more stringent foreign fisheries act was adopted, but so far as can be learned it has not been proclaimed, and this is looked upon as significant, and many seem to think that it indicates that the British foreign office is not so ready to interfere with any treaty which may exist between the two countries.

This winter the State Department will be represented in Newfoundland waters, but it will not be on the deck of a sailing vessel but a government steamer of some kind, to see that the rights of the American fishermen are well looked after. Local vessel owners will send the salt-herring fleet earlier than usual this year, and they will in all cases be equipped with proper nets or seines to take fish along the treaty coast.

No. 6.]

The Earl of Elgin to Governor Sir W. MacGregor.

DOWNING STREET, August 6, 1906.

SIR: I have the honor to forward, to be laid before your ministers, copy of a note from the United States ambassador at this court,^a inclosing copy of a letter from Mr. Root which sets out the views of the United States Government as to the conditions on which the rights of American fishermen under the convention of 1818 are to be exercised.

2. Copies of the memorandum of His Majesty's Government which Mr. Root's letter discusses were forwarded to you on the 15th February last.^b

3. Mr. Root's letter is engaging the careful attention of His Majesty's Government. I will communicate with you again as soon as I am in a position to state the decision to which they have come in the matter.

I have, etc.,

(Signed) ELGIN.

No. 7.] *The Earl of Elgin to Governor Sir W. MacGregor.*

[Telegram.]

DOWNING STREET, August 8, 1906.

Copies went to you by last mail of communication from United States Government in which they contend that convention of 1818 justifies no interference, reasonable or unreasonable, with exercise of American rights of fishery, and request His Majesty's Government to prevent any interference upon any ground by officers of Newfoundland government with American fishermen when they go to exercise their treaty rights upon the coast of Newfoundland during approaching fishing season. They disclaim desire that Newfoundland fisheries shall go unregulated, and express their readiness to join with His Majesty's Government in agreeing upon all reasonable and suitable regulations for due control of fishermen of both countries in exercise of their rights, but state that they can not permit exercise of these rights to be subject to will of Newfoundland.

^a No. 4.

^b Inclosure in No. 3.

Pending such an agreement, the furthest they are prepared to go is to accept such limitations as were in existence at time convention of 1818 was concluded, and in support of this position appeal to Lord Salisbury's note to United States minister of the 3d April, 1880, in connection with disturbances at Fortune Bay. Light dues were presumably not levied in 1818, seines were apparently in use, the prohibition of Sunday fishing had been abolished in 1776 (see 15 George III, cap. 31), and fishing ships were exempted from entry at custom-house, and required only to make a report on first arrival and on clearing (see same act). United States vessels could, on the basis of the status quo in 1818, only be asked to make report at custom-house on arrival and on clearing.

It is clear that with such a wide divergence of view between the two Governments no immediate settlement of questions involved is possible, and His Majesty's Government are of opinion that any attempt on part of your Government to apply to American fishermen the regulations to which exception is taken by the United States Government while the discussion of the questions is proceeding between the two Governments might give rise to a highly undesirable and even dangerous situation, and that it is therefore essential that some provisional arrangement should be made to secure the peaceable conduct of the coming fishery. His Majesty's Government are therefore informing United States Government that they are prepared, pending the further discussion of questions at issue and without prejudice to such discussion, to negotiate a provisional arrangement which will enable the ensuing fishery to be carried on in good order and friendship, and that they will shortly submit proposals with that object. Please report whether your ministers have any suggestions to offer as to the nature of that arrangement. It seems to be certain that if your ministers press for prohibition both of seines and of Sunday fishing some concessions other than exemption from light dues and customs law will be expected. Can any such concessions be offered? If not, there is little prospect that both points will be conceded by United States, and as greater possibility of disorder is understood to be attached to Sunday fishing, it would seem better to try and obtain assent of United States to prohibition of this practice in return for use of seines. Have your ministers any observations as to any fair and reasonable limitations or conditions to be imposed on use of seines if this course is adopted? Telegraph reply immediately.

No. 8.] *Governor Sir W. MacGregor to the Earl of Elgin.*

[Telegram.]

(Received August 14, 1906.)

Will transmit full reply to your telegram of the 8th August without unnecessary delay. Meantime my responsible advisers rely on assurance contained in dispatch of the 26th March, 1857,^a that His Majesty's Government regard the consent of the community of Newfoundland as the essential preliminary to any modification of their

^a For text of this dispatch see p. 11 of C. 6365, "Newfoundland. Correspondence with the Newfoundland delegates respecting the proposed imperial legislation for carrying out the treaties with France."

territorial or maritime rights, and they assume that His Majesty's Government will not submit any proposals that would be at variance with that engagement to the United States Government.

No. 9.] *Sir Edward Grey to Mr. Whitelaw Reid.*

FOREIGN OFFICE, August 14, 1906.

YOUR EXCELLENCY: The note which you were so good as to address to me on the 20th ultimo, forwarding a letter from Mr. Secretary Root respecting the rights of American fishing vessels on the Newfoundland coast, is receiving the careful consideration of His Majesty's Government, and they have observed with much regret that the wide divergence of views between the two Governments which is disclosed by the correspondence makes it hopeless to expect an immediate settlement of the various questions at issue.

Pending the further discussion of these questions, however, and without prejudice to it, His Majesty's Government are prepared, in accordance with the suggestion made in Mr. Root's letter, to confer with the United States Government, with a view to some arrangement which will secure the peaceable and orderly conduct of the forthcoming fishery, and they hope very shortly to be able to submit proposals with this object. I may add that such an arrangement would be merely in the nature of a *modus vivendi*, applicable only to the ensuing season, and would not in any way affect any of the rights and claims of either party.

I have, etc.,

(Signed)

EDWARD GREY.

No. 10.] *Governor Sir W. MacGregor to the Earl of Elgin.*

[Telegram.]

(Received August 16, 1906.)

Have received from my ministers a comprehensive reply to your telegram and Mr. Root's communication. I shall forward copy by earliest opportunity. Next mail leaves here Wednesday next.

No. 11.] *Governor Sir W. MacGregor to the Earl of Elgin.*

[Telegram.]

DOWNING STREET, August 17, 1906.

Referring to your telegram of the 16th August, please send brief summary of your ministers' reply to me by telegraph.

No. 12.] *Mr. Whitelaw Reid to Sir Edward Grey.*

AMERICAN EMBASSY,

London, August 16, 1906.

(Received August 18.)

No. 13.]

The Earl of Elgin to Governor Sir W. MacGregor.

[Telegram.]

DOWNING STREET, August 19, 1906.

Referring to your telegram of the 14th August, there is no question of ceding or exchanging rights at present enjoyed by community of Newfoundland. Sole object of proposed provisional arrangement is to enable discussion as to extent, etc., of those rights under convention of 1818 to proceed in friendly manner, and United States Government have been distinctly informed that it would be merely in nature of *modus vivendi*, applicable only to ensuing season, and should not in any way affect rights or claims of either party. I am confident that your ministers appreciate prejudicial effect on British case of any untoward incidents in course of next season, and that they will readily cooperate with His Majesty's Government in endeavoring to make such incidents impossible. I may mention in continuation of my telegram of the 8th August that the Canadian government, who are, of course, also interested, while agreeing with your ministers on other points, are of opinion that there should be no discrimination against United States vessels as regards light dues.

No. 14.]

Governor Sir W. MacGregor to the Earl of Elgin.

[Telegram.]

AUGUST 19, 1906.

Referring to your telegram of the 17th August.

Résumé of minute as follows has been sent me by prime minister:

While observing the contention of United States Government and its request to His Majesty's Government, ministers feel that both contention and request can not but be regarded as unreasonable and such as neither His Majesty's Government nor the government of the colony can concur in. The contention that the convention of 1818 justifies no interference, reasonable or unreasonable, with the exercise by Americans of the fisheries in Newfoundland waters, is equivalent to declaration that 700 miles of territorial waters were by that instrument reserved from British jurisdiction and set apart as area within which American citizens were exempt from statute law and free to use any fishing implement, no matter how injurious. Fishery regulations were adopted by legislature with a view to preservation and continuance of fishery, and resulted from petitions sent in by fishermen of colony who, in order to secure continuance of industry upon which they solely depended for livelihood, were prepared to submit to restrictions and limitations on their own labor. Such regulations have heretofore been regarded by United States Government as not only reasonable but desirable, as will appear on perusal of circular issued by Department of State, Washington, to collector of customs, Boston, dated the 28th March, 1856, and quoted in full in Lord Salisbury's dispatch to Mr. Hoppin, dated the 3d April, 1880;^a also by

^a See "United States No. 1 (1880)," No. 8.

reference to dispatches from Mr. Bayard, of Department of State, Washington, to Sir Lionel West, dated the 10th ^a and 20th May, ^b 1886.

If fishery regulations or laws of colony had been so framed and executed as to make any discrimination in favor of British fishermen or to impair rights conveyed to the United States by treaty, then there would be sufficient justification for position set up by United States Government, the fishery under treaty being a fishery in common with His Majesty's subjects. It is not disputed that British sovereignty on treaty coast is limited in its scope to extent implied by words "in common," but it is submitted, as regulations contain no discrimination in favor of British fishermen, the obligation on the part of the United States fishermen to observe them attached from the date the treaty came into force. Great Britain was not by the signing of the treaty of 1818 the recipient of sovereignty to which conditions were attached, but the possessor of prior existing sovereignty, conveying to American fishermen in common with subjects of His Majesty. Fundamental rights connected with said treaty are prior to and take precedence of derivative rights; in other words, rights of property and sovereignty are superior to special rights granted from them. It would be inversion of this well-recognized principle to suppose British Government, in granting American fishermen a fishery in common with British subjects, conveyed any other fishery, much less an exemption from laws governing the territory in which privileges conveyed were to be exercised.

Even if treaty were of doubtful meaning in respect to matters in dispute, well-recognized principles of international law would demand that doubt should be resolved in favor of sovereign power. This is first time that right of Newfoundland legislature to legislate for protection of its fisheries and revenues and validity of such legislation as against citizens of foreign countries has been called into question, and they feel that His Majesty's Government will not fail to point out that such legislation, unless it is disallowed by His Majesty, becomes part of law of Empire. Sir John Thomson, minister of justice of Canada, 1886, in report ^c declared that the efforts made by United States Government to deny and refute validity of colonial statutes in reference to fisheries have been continued for many years, and in every instance were set at naught by the imperial authorities and judicial tribunals. This Government has taken every precaution to prevent unreasonable interference with American fishermen, and during the last autumn herring fishery, when public feeling ran exceedingly high, because of unlawful proceedings of American fishermen, no single case of unreasonable interference by either officers of this Government or fishermen of colony was reported to Government. When American Government complained to His Majesty's Government that the nets of the American fishermen had been interfered with, rigid inquiry was made, resulting in seven American captains making affidavit before commissioner emphatically denying that there had been any interference, and declaring that American fishermen were well treated in best possible manner

^a See "United States No. 1 (1887)," No. 40.

^b *Ibid.*, No. 49.

^c See "United States No. 1 (1887)," No. 148.

by Newfoundlanders. The reference by United States Government to Lord Salisbury's note dated the 3d April, 1880, is not entirely clear, but if United States Government desires it to be inferred that words of Lord Salisbury limited operation of municipal law to that which was at date of signing treaty in force, ministers are of opinion that there is no justification for such an inference; for the words "in common" clearly mean that there was to be equality of enjoyment of fisheries, which there would not be if the Americans could use fishing implements not permitted to British subjects, and could prosecute fishery on a Sunday, while British fishermen were prevented from so doing.

The presumption in reference to light dues is probably correct, for the reason that colony at that time had no system of marine lights on the coast. Lights have since then been established out of revenue of colony and maintained from same source. It is difficult to imagine that a foreign nation actuated by a desire for justice alone would contend that while British fishermen are under necessity of submitting to taxation for maintaining light-houses, foreigners should be permitted to enjoy benefits without contributing to expense of upkeep. Reference to 15 Geo. III, cap. 31, is noted, but ministers fail to observe that said statute justifies in any way position taken by United States Government. Since that passed others have been enacted, approved, and enforced that rescind provisions referred to, and later enactments, ministers hold, are binding on American citizens in common with subjects of His Majesty, provided that no invidious distinction is drawn between subjects of two nations. The real source of the difficulty that has arisen is well understood. It is found in irritation among fishermen of Gloucester, on account of the termination by this Government of privilege of purchasing bait fishes, which was gratuitously permitted to them for past fifteen years, in anticipation of ratification of trade conventions of 1890^a and 1902.^b Government of Newfoundland has given indisputable proof of its earnest desire to cultivate and extend commercial relations with United States, and it is through no fault of theirs that the conduct of fisheries has been relegated to convention of 1818.

In view of rejection by United States Senate of the foregoing fisheries arrangement, which was approved by late Secretaries of State, Messrs. Blaine and Hay, on behalf of Government of the United States, it can hardly be regarded as unreasonable that colony should insist on right secured to her by treaty and withhold those privileges that were gratuitously extended during the past fifteen years. The granting of such claims as those now set up by United States Government, namely, exemption from the laws of this colony or from their enforcement by officers of this Government, and the use of fishing appliances such as seines, which are prohibited in the waters of this colony, would involve in this consequences deprivation of people of valuable maritime enterprise, ultimate extinction of present source of wealth, and virtual transfer of sovereignty within certain territorial waters of the colony to foreign power. For more than a

^a See C. 6303, "North America. Correspondence relating to a proposed convention to regulate questions of commerce and fishery between the United States and Newfoundland," Nos. 46 and 47.

^b Appendix No. 6.

century this treaty coast was barred to British enterprise by anomalous and intolerable condition of affairs arising out of French claims.

Only within the last two years has the colony been relieved from that condition. If the claims now set up by United States Government are acquiesced in, the later condition of things will be worse than the first. Against any recognition of such claim ministers respectfully and earnestly protest, and can not consent to any relaxation of statute law of colony in favor of American citizens. They would strongly deprecate any provisional arrangement such as suggested by His Majesty's Government in dispatch under reference, which would relieve American citizens from proper recognition of statute laws. It is submitted that interests of Empire, and not those of colony alone, require that rightful sovereignty within its own dominions should be maintained inviolate, and ministers can not accept the view that any foreign power has a statutory claim in matter of framing, adoption, or carrying out of laws for government any portion of this colony. It is observed that the closing paragraph of Mr. Root's communication has reference to "foreign fishing act, 1905." That act was at instance of His Majesty's Government amended during the present year. Ministers advise that in order to avoid any misunderstanding as regards intention of Government and legislation of colony and to prevent such a complaint as that contained in Mr. Phelps's dispatch to Lord Rosebery of date 2d June, 1886, a proclamation do issue immediately bringing into operation foreign fishing vessels' act of 1906. The early issue of such a proclamation will, they believe, operate as deterrent and prevent necessity of international interference by officers of this Government, which is apparently anticipated by United States Government.

No. 15.]

Governor Sir W. MacGregor to the Earl of Elgin.

[Telegram.]

(Received August 22, 1906.)

Referring to your telegram of the 19th August, committee of council again strongly urge issue of proclamation to bring into force "foreign fishing vessels act," 1906," and deprecate any provisional arrangement with United States. Light dues may rest in abeyance. Ministers can not acquiesce in evasion of customs and fishery laws. They declare interests of Newfoundland not identical with those of Canada and earnestly hope that the Newfoundland fishery question may be kept apart. Minute posted the 23d August.

No. 16.]

Governor Sir W. MacGregor to the Earl of Elgin.

GOVERNMENT HOUSE,

St. John's, Newfoundland, August 20, 1906.

(Received August 31.)

MY LORD: I have the honor to transmit herewith a copy of a minute of council prepared by my ministers after receipt of your telegram here of the 8th August. Your dispatch of the 6th instant, cover-

ing copies of the letter of Mr. Root, dated the 30th June last, arrived while ministers had the telegram referred to above under consideration, so that this minute was prepared with a full knowledge of the situation as set forth in the papers mentioned above.

2. A résumé of this minute was made by my prime minister for transmission to your lordship by telegram, and this was telegraphed to you on the evening of the 19th instant.

I have, etc.,

(Signed)

WM. MACGREGOR.

[Inclosure in No. 16.]

Minutes of the committee of the honorable the executive council, submitted for the approval of his excellency the governor.

The committee of council have had under consideration the telegram received by his excellency the governor from the right honorable the secretary of state for the colonies of date the 8th instant, together with his dispatch, confidential, of the 6th instant, and its inclosure. They observe the contention of the United States Government and its request to His Majesty's Government "to prevent any interference upon any grounds by officers of the Newfoundland government with American fishermen when they go to exercise their treaty rights upon the Newfoundland coast during the approaching fishery season."

Ministers feel that the contention and the request can not but have been regarded by His Majesty's Government as entirely unreasonable, and such as neither His Majesty's Government nor the government of this colony can concur in.

The contention "that the convention of 1818 justifies no interference, reasonable or unreasonable, with the exercise by America of the fisheries" in the waters of Newfoundland, is equivalent to a declaration that 700 miles of the territorial waters of this colony were by that instrument reserved from British jurisdiction, and set apart as an area within which American citizens were exempt from the operation of statute law, and free to use any fishing implements, no matter how injurious, in the conduct of the fishery. In "the exercise by America of the fisheries" in the waters of this colony there have been in the past very grave violations of statute law, such as murder, assaults, robberies, and smuggling. The offenders were punished in accordance with the law relating to each particular offense, and this was a reasonable interference, to which the United States Government now appear to take exception.

If it be stated in explanation that the contention only had reference to the fishery regulations now in force in this colony, ministers would observe that such regulations are as much the statute law as the chapters under which the above-recited offenses were dealt with, and that they apply to all persons, irrespective of nationality, who operate the fisheries within the territorial waters of the colony.

These fishery regulations were adopted by the legislature with a view to the preservation and continuance of the fisheries.

Most of them have been in force for years, and their necessity is made evident by the fact that they have resulted from petitions to the legislature sent in by fishermen of the colony, who were prepared to submit to restrictions and limitations being placed upon their own labor in order to secure a continuance of the industry upon which they solely depended for a livelihood.

That such fishery regulations or laws have heretofore been regarded by the United States Government as not only reasonable but desirable will appear on perusal of a circular that issued from the Department of State, Washington, to the collector of customs at Boston, dated the 28th March, 1856, and which was quoted in full by Lord Salisbury in his dispatch to Mr. Hoppin under date the 3d April, 1880.^a

The United States Government, as far back as that date (1856), ordered that it should be made known to the masters of fishing vessels that, as there were

^a See "United States No. 1 (1880)," No. 8.

certain "acts of the colonial legislature, and also, perhaps, executive regulations, intended to prevent the wanton destruction of the fish which frequent the coasts of the colonies and injuries to the fishing thereon, it is deemed reasonable and desirable that both United States and British fishermen should pay a like respect to such laws and regulations which are designed to preserve and increase the productiveness of the fisheries on these coasts. Such being the object of these laws and regulations, the observation of them is enforced upon the citizens of the United States in a like manner as they are observed by British subjects. By granting the mutual use of the inshore fisheries neither party has yielded its right to civic jurisdiction over a marine league along its coast. Its laws are as obligatory upon the citizens or subjects of the other as upon its own."

The committee of council would also have reference to the dispatch^a from Mr. Bayard, of the Department of State, Washington, to Sir Lionel West, bearing date 10th May, 1886, wherein Mr. Bayard stated: "Since 1818 certain important changes have taken place in fishing which have materially modified the conditions under which the business of inshore fishing is conducted, and it must have great weight in any present administration of the treaty * * * Everything will be done by the United States to cause its citizens engaged in fishing to conform to the obligations of the treaty and prevent an infraction of the fishing laws of the British provinces."

Again, in a dispatch from Mr. Bayard to Sir Lionel West of date 20th May, 1886, that gentleman stated that he was desirous that due and full observance should be paid by citizens of the United States to local laws and commercial regulations of the ports of the British provinces. In view of the foregoing, and of the fact that the Government of the United States has long been aware of the necessity of reference to the colonial governments in matters affecting their inshore fisheries, the objection or the contention now set up by the United States is somewhat remarkable.

If the fishery regulations or laws of this colony had been so framed and executed as to make any discrimination in favor of British fishermen, or to impair the rights conveyed to the United States fishermen by treaty, then there would be sufficient justification for the position taken by the Government of the United States, the fishery granted to the United States under the treaty of 1818 being a fishery "in common" with His Majesty's subjects.

It will not be disputed that British sovereignty on the treaty coast is limited in its scope to the extent implied by the words "in common;" but, on the other hand, it is submitted that if, as is the case, the fishery regulations or laws of this colony as framed and executed do not make any discrimination in favor of British fishermen, then the obligation on the part of United States fishermen to observe them, in common with His Majesty's subjects, attached from the date that the treaty of 1818 came into force.

It has to be remembered that by the signing of the treaty of 1818 Great Britain was not the recipient of sovereignty to which attached conditions. She was the possessor of prior existing sovereignty, conveying to American fishermen a certain right of fishing in common with the subjects of His Majesty. It will hardly be disputed that in point of law fundamental rights connected with the said treaty are prior to and take precedence of derivative rights; in other words, that rights of property and sovereignty are superior to special rights granted from them.

It would be an inversion of this well-recognized principle to suppose that His Majesty's Government, in granting to American fishermen a fishery "in common" with British subjects, conceded any other fishery, much less an exemption from the laws governing the territory in which the privileges conveyed were to be exercised.

Even if the treaty were of doubtful meaning in respect of matters in dispute, the recognized principles of international law would demand that the doubt should be resolved in favor of the sovereign power. But it is submitted that Article I of the convention expressly recognizes the sovereign right of Great Britain to make and enforce laws in connection with the fishery that she had granted to the citizens of the United States of America, in common with her own subjects.

It would appear that the position now taken by the United States Government is that the fishery and other laws passed by the legislature of this colony and

^a See "United States No. 1 (1887)," No. 40.

enforced by its officers is not binding upon American fishermen exercising in the waters of the colony their treaty rights.

This is the first time, so far as the committee of council is aware, that the right of the Newfoundland legislature to legislate for the protection of its fisheries and its revenues, and the validity of such legislation as against the citizens of foreign countries, has been called in question, and they feel sure that His Majesty's Government will not fail to point out that such legislation, unless it is disallowed by His Majesty, becomes part of the law of the Empire.

While it is the first time in the history of this colony that this position has been set up, we have evidence that it was more than once advanced by the United States Government in relation to Canada.

In a report^a by the late Sir John Thompson, minister of justice of Canada in 1886, it is stated as follows, namely:

"The efforts made on the part of the Government of the United States to deny and refute the validity of colonial statutes on his subject (fisheries) have been continued for many years, and in every instance have been set at naught by the imperial authorities and by the judicial tribunals." (See inclosure 3 in dispatch of Mr. Bramston to Sir Julian Pauncefote, dated the 1st December, 1886.)

The contention of the Government of the United States that the convention of 1818 justifies no "unreasonable" interference with the exercise by Americans of the fisheries on the treaty coast is so self-evident that it was entirely unnecessary to advance it, unless it has been made to appear to the Government of the United States that the government of this colony has exercised or attempted to exercise "unreasonable" interference. It would be a matter of profound regret to ministers if any officer of the Newfoundland government attempted any "unreasonable" interference with Americans exercising their rights of fishery on the treaty coast.

Every possible precaution has been taken by the government of this colony to prevent such unreasonable interference, and during the last autumn fishery on the treaty coast, when public feeling ran exceedingly high on account of the unlawful procedure of American fishermen, which has formed the subject of previous minutes of council, dated the 26th and 27th October, 1905, no single case of "unreasonable" interference by either the officers of this government or the fishermen of the colony was reported to the Government, or, so far as committee of council is aware, occurred throughout the whole season. They are aware that it was reported to the Department of the Secretary of State of the United States from some source unknown to them that there had been an "unreasonable" interference with the exercise by American citizens of their right of fishery, namely, that their nets had been destroyed by certain fishermen of this colony, but on hearing of this alleged offense a rigid inquiry was instituted, which resulted in a complete refutation of the charge, seven captains of American fishing vessels making affidavit before the commissioner, J. O'Reilly, J. P., that no nets or gear belonging to American fishermen were destroyed by Newfoundlanders, and that if any such damage was committed it was done "by the crews of the American vessels against one another and not by Newfoundlanders." The said affidavits further set forth that American fishermen were treated "in the best possible manner by the people of Newfoundland, and were not interfered with in any way by them."

What is meant by the reference of the United States Government to Lord Salisbury's note to the United States minister, dated the 3d April, 1880, is not entirely clear, but if the United States Government desires it to be inferred that the words of Lord Salisbury limited the operation of the municipal law to that which was at the date of the signature of the treaty of Washington in force, the committee of council are of opinion that there is no justification for such an inference, for the words "in common" clearly meant that there was to be equal enjoyment of the fisheries, and there could not be equal enjoyment or fishing in common if American fishermen could prosecute the fishery on Sunday while British fishermen were prevented by municipal law from so doing.

The presumption that light dues were not levied in 1818 is no doubt correct, for the very good reason that the colony had not at that time, nor until a much more recent date, any system of marine lights on that coast. Such lights have, however, been established out of the revenues of the colony, and they have to be maintained from the same source.

^a See "United States No. 1 (1887)," No. 148.

It is therefore difficult to imagine that a foreign nation, actuated by a desire for justice alone, would contend that, while British fishermen are under the necessity of submitting to taxation for the maintenance of light-houses, foreigners should be permitted to participate in their benefits without contributing anything to the expense.

The committee of council noticed the reference to 15 Geo. III, cap. 31, but they fail to observe in that statute any justification whatever for the position taken by the United States Government.

Since that statute was passed others have been enacted, approved, and enforced that rescinded the provisions referred to, and the latter enactments, the committee of council hold, are binding upon American citizens in common with the subjects of His Majesty, provided that it can not be shown that any invidious distinction is drawn between the subjects of the two nations.

The revenue and customs laws were not adopted in order to increase the extent of the restrictions of the treaty of 1818, neither were the fishery regulations framed to limit the privileges of American citizens.

They were adopted by the local legislature and approved by His Majesty's Government for the purpose of protecting the revenues of the colony and the fisheries of the colony. In enforcing these laws the Government were only acting within their constitutional rights and doing what the government of the Dominion of Canada have been and are still doing; and in view of the injury which would result to the revenue and fishery interests of the colony if any facilities not expressly authorized by the treaty of 1818 were conveyed to American fishermen, the committee of council deem it their duty, so long as the relations of Newfoundland with the United States are regulated by that convention, to insist upon a strict observance of its provisions in this respect.

The real source of the difficulty that has arisen is well understood. It is to be found in the irritation that has taken place among the fishermen of Gloucester on account of the termination by the Government of this colony of the privilege of purchasing bait fishes—a privilege which was gratuitously permitted to them for the past fifteen years in anticipation of the ratification of a trade convention negotiated in 1890, then approved by the Government of the United States, and a second time approved in 1902.^a

This Government has given indisputable proof of its earnest desire to cultivate and extend commercial relations with the United States, and it is assuredly from no fault on the part of this Government that the conduct of the fisheries has now been relegated to the Convention of 1818.

In view of the rejection by the United States Senate of the fishery arrangement between this country and the United States, which was approved by the late Secretaries of State (Blaine and Hay) on behalf of the Government of the United States, it is not unreasonable that the colony should insist upon the rights secured to her by treaty, and withhold those privileges which were freely and gratuitously extended to the United States fishermen for the past fifteen years until that arrangement is confirmed.

The exercise of such claims as those that are now set up by the United States Government, namely—

1. Exemption from the laws of this colony or from their enforcement by officers of the Newfoundland government; and
2. The use of fishing appliances, such as seines, which is prohibited in the waters of this colony, would involve in their consequences the deprivation of the people of the colony of a valuable maritime industry, the ultimate extinction of a present source of wealth to its people, and the virtual transfer of the sovereignty within certain territorial waters of the colony to a foreign power.

For more than a century this treaty coast was barred to British enterprise by an anomalous and intolerable condition of affairs that arose out of French claims, and it was only within the last two years that the colony was relieved from that condition. If the claims now set up by the United States Government are acquiesced in, the latter condition of things will be worse than the first.

Against any recognition of such claims the committee of council respectfully and earnestly protest, and they can not be consenting parties to any relaxation of the statute laws of the colony in favor of American citizens who come to the treaty coast to exercise in common with the subjects of His Majesty a right of fishery.

They would strongly deprecate any provisional arrangement, such as is suggested by His Majesty's Government in the dispatch under reference, which would relieve American citizens of a proper recognition of these statute laws.

^a Appendix No. 6, p. 758.

It is submitted that the interests of the Empire, and not those of Newfoundland alone, require that the right of sovereignty within its own dominion should be maintained inviolate, and the committee of council can not accept the view that any foreign power has a status or consultative claim in the matter of framing, or adoption, or the carrying out, of laws for the government of any portion of this colony.

The quotation from the speech of the premier of this colony, contained in Mr. Root's communication to Mr. Whitelaw Reid, of date 30th June, 1906,^a is wrongfully applied, and this will be immediately apparent to His Majesty's Government on a perusal of the said speech. Up to the date of the approval of the bill therein referred to, American fishermen, by the courtesy of this Government, were permitted to freely purchase bait supplies all around the coast of this colony. This was a privilege gratuitously extended to them for fifteen years, dating from the signing of what is known as the Blaine-Bond convention of 1890.

The premier's remarks had reference only to the determination of the government of this colony to terminate that privilege and to confine American fishermen to such rights as they possessed under the convention of 1818.

It is observed that the closing paragraph of Mr. Root's communication aforesaid has reference to the foreign fishing vessels act of 1905.

At the instance of His Majesty's Government that act was amended during the present year, and in order that there shall be no misunderstanding as regards the intention of the legislature of the colony, and to prevent such a complaint as that contained in Mr. Phelps' dispatch to Lord Rosebery of date 2d June, 1886, that restrictions were about to be enforced without notice, the committee of council would advise that a proclamation do issue bringing into operation the foreign fishing vessels act of 1906.

They believe that its early issue will operate as a deterrent and prevent the necessity for that interference by officials of this Government that the United States Government evidently anticipate.

The committee of council advise that your excellency be moved to transmit a copy of this minute to the right honorable the secretary of state for the colonies.

(Signed) R. BOND, *Colonial Secretary.*

AUGUST 15, 1906.

No. 17.] *Governor Sir W. MacGregor to the Earl of Elgin.*

GOVERNMENT HOUSE,
St. Johns, Newfoundland, August 20, 1906.

(Received August 31.)

MY LORD: With reference to your telegram of yesterday, I have the honor to inclose herewith copy of a letter I have written to my prime minister, covering a transcript of the telegram referred to above.

I have adopted that course because it does not seem to me that in the minute of council of the 15th August, a résumé of which was sent you by telegram last night, my ministers have offered any suggestions that would facilitate the preparation of the proposals that His Majesty's Government desire to submit to the Government of the United States to establish temporarily a *modus vivendi*.

In my letter, copy of which is inclosed, I have called the attention of ministers to this fact, and have invited them to submit such suggestions as they desire to receive consideration in the framing of the proposals. As my prime minister will not arrive in town till some time to-morrow, I may not receive an answer to either my letter or the telegram it covers for a day or two.

I have, etc.,

(Signed) WM. MACGREGOR.

[Inclosure in No. 17.]

Governor Sir W. MacGregor to Sir R. Bond.

AUGUST 20, 1906.

DEAR SIR ROBERT BOND: I have the honor to transmit herewith a transcript of a telegram received on Sunday afternoon from the Secretary of State.^a

2. I would point out to ministers that it would appear from the telegram of the 8th August that His Majesty's Government were at that date informing the Government of the United States that, pending discussion of the questions at issue, they were prepared to negotiate a provisional arrangement, and would shortly submit proposals for that purpose. This decision apparently had not been arrived at when the Secretary of State wrote his dispatch of the 6th August, covering copy of Mr. Root's letter of the 30th June.

3. It is clear from the telegram received yesterday that the position and views of His Majesty's Government remain unchanged. They find it necessary that they, to avoid a position that, in their opinion, might become undesirable and even dangerous, should make proposals to the United States Government that would enable the discussion to be carried on in a friendly manner, and the ensuing autumn fishery to be carried out without any untoward incident. It is clear enough that His Majesty's Government fear the occurrence of such incidents if this Government should proceed to put into effect as against American vessels those regulations to which the United States Government take exception.

4. In the telegram of the 8th August, His Majesty's Government show a manifest desire to prepare the proposals to be submitted by them to the United States Government as far as possible in conformity with the wishes of this Government. The Secretary of State has therefore invited an expression of opinion from this Government as to what proposals could be made in order to relax the political tension now existing. I now desire to direct the earnest attention of ministers to this point, at the same time reminding them that this question seriously concerns the foreign relations of the Empire, and that His Majesty's Government clearly regard it as of weighty importance.

I should therefore be glad to receive from ministers such suggestions as they may be prepared to offer to the Secretary of State with a view to relieving the present political tension and to procuring time for an amicable consideration of the points as to which divergent views are at present entertained by the two Governments.

I have, etc.,

(Signed)

WM. MACGREGOR.

No. 18.]

The Earl of Elgin to Governor Sir W. MacGregor.

[Telegram.]

DOWNING STREET, *September 3, 1906.*

His Majesty's Government have received with much disappointment your telegram of the 19th August. They can not but feel that your ministers have failed to appreciate serious difficulty in which their policy has placed both them and His Majesty's Government. I will return a full reply to your ministers' statement by mail in due course. In the meantime, please remind them of Lord Kimberley's speech in the House of Lords in 1891, in which, when discussing the course taken by Lord Salisbury's Government, he said: "While the negotiations are proceeding with France it is plainly necessary that there should be a truce until the respective rights are specifically ascertained. The *modus vivendi* does not in any way infringe the assurance given by Mr. Labouchere to the colony, for the *modus*

^a Not printed.

vivendi is not for the purpose of making new treaty arrangements, but for the purpose of ascertaining what the existing treaty engagements are."

His Majesty's Government have decided to act on the principles indicated in those remarks, which not only had been adopted by the then British Government, but also represented the consensus of opinion of both political parties at the time, and are accordingly proposing to United States Government *modus vivendi* under which, on the one part, foreign fishing vessels act, 1906, will remain in abeyance, first part of section 1 of act of 1905 and whole of section 3 will be held not to apply to United States fishing vessels, and light dues will be waived; and, on the other, United States vessels will report at custom-house on entry and on clearance, and United States fishermen will comply with colonial fishery regulations.

As regards call at custom-house, your ministers are of course aware that the negotiations which led up to the convention of 1818 virtually bind His Majesty not to exact customs duties in respect of goods on board United States vessels necessary for prosecution of fishery, and support of fishermen during fishery, and during voyages to and from fishing grounds.

His Majesty's Government hope that United States Government will accept proposal outlined above, but wish to warn your ministers that some further concessions may be necessary if a *modus vivendi* is to be arranged. In that event they trust that your ministers will assist the efforts of His Majesty's Government to reach some settlement which will obviate the grave difficulties and dangers to be apprehended in the course of the ensuing fishery.

No. 19.]

The Earl of Elgin to Governor Sir W. MacGregor.

[Telegram.]

DOWNING STREET, *September 3, 1906.*

Referring to my telegram of even date, please state whether your ministers, in the event of the negotiations for a *modus vivendi* breaking down, are prepared to indemnify His Majesty's Government against any claims for compensation which may be preferred by United States Government, and which it may not be possible consistently with a fair interpretation of treaty rights to refuse; also whether, in the event of a reference to arbitration becoming in the opinion of His Majesty's Government necessary or desirable, your ministers will agree to such reference, and undertake to meet expenses of arbitration and pay the award, if any.

No. 20.]

Sir Edward Grey to Mr. Whitelaw Reid.

FOREIGN OFFICE, *September 3, 1906.*

YOUR EXCELLENCY: In my note of the 14th August I stated that His Majesty's Government hoped shortly to be able to submit to the Government of the United States proposals for a provisional arrange-

ment, which would secure the peaceable and orderly conduct of the forthcoming herring fishery on the coast of Newfoundland. I have now the honor, on the understanding mentioned in my note, viz, that the arrangement would be in the nature of a *modus vivendi* to be applicable only to the ensuing season, and not in any way to affect the rights and claims of either party to the convention of 1818, to submit the following proposals, viz:

(1) His Majesty's Government will not bring into force "The Newfoundland foreign fishing vessels act, 1906," which imposes on United States fishing vessels certain restrictions in addition to those imposed by the act of 1905.

(2) The provisions of the first part of section 1 of the act of 1905 as to boarding and bringing into port, and the whole of section 3 of the same act will not be regarded as applying to the United States fishing vessels.

(3) The United States Government will in return direct their fishermen to comply with the colonial fishery regulations, as was in fact done last year, with the exception of certain breaches of the prohibition of Sunday fishing.

(4) The demand for payment of light dues will be waived by His Majesty's Government.

(5) The United States Government will direct the masters of United States fishing vessels to comply with the provisions of the colonial customs law as to reporting at a customs-house, on arrival in and departure from colonial waters.

2. As regards head (3) of this arrangement, I would point out that of the three restrictions which the colonial fishery regulations impose on the herring fishery in the waters open to United States fishermen, the first, viz, the prohibition of "purse" seines, is in force in all the waters of the colony. It is also in force in all the waters of Canada. The second, the prohibition of herring traps, is also in force in Placentia, St. Marys and Fortunes bays, and in the district of Twillingate. The third, the prohibition of "herring" seines, is in force also subject to some reservations as to bating purposes in the inner waters of Placentia Bay, and in certain waters on the northeast coast. The application of these three restrictions to the herring bays of the west coast is, of course, prior to and not in any way connected with the present policy of the colonial government, and His Majesty's Government have the testimony of the naval officers who have been employed on the treaty coast as to the destructive results of the use of seines. His Majesty's Government therefore hope that the United States Government will recognize that His Majesty's Government are, apart from any question of right, acting in the interests of the continuation of the common fishery in proposing as a part of the provision arrangement compliance with the three restrictions mentioned.

The fourth restriction, viz, the prohibition of Sunday fishing, is of general application throughout the colony, and is also in force in Canada. Having regard to the duration of the fishing season and to other circumstances, His Majesty's Government do not feel that compliance with this prohibition involves any material inconvenience to United States fishermen. On the other hand, in view of the strong feeling against Sunday fishing which prevails in the colony, the disregard of it is fraught with possibilities of serious disorder. It is

therefore hoped that the United States Government will assist His Majesty's Government in the maintenance of peaceable relations between the two sets of fishermen by not countenancing any breach of the prohibition during the ensuing season.

3. As regards head (5), as explained in the memorandum communicated to your excellency on the 2d February, a call at a custom-house, whether on entering or on leaving the waters of the colony, need involve no interference with a vessel's fishing operations, and is in itself a requirement which may be reasonably made in the interests not only of the colonial revenue but of the United States fishermen.

4. I trust that you will be able to inform me at an early date that the arrangement outlined above is agreed to by your Government.

I have, etc.,

(Signed) EDWARD GREY.

No. 21.] *The Earl of Elgin to Governor Sir W. MacGregor.*

DOWNING STREET, *September 7, 1906.*

SIR: I have the honor to acknowledge the receipt of your dispatch of the 20th ultimo, forwarding copy of a letter which you addressed on the same date to your prime minister on the subject of the United States fishery question.

2. I am obliged to you for the action which you have taken, and I approve the terms of your letter.

I have, etc.,

(Signed) ELGIN.

No. 22.] *Governor Sir W. MacGregor to the Earl of Elgin.*

[Telegram.]

(Received September 8, 1906.)

Referring to your telegrams of the 3d September, chief desire of my responsible advisers is to prevent our fishermen from selling fish to or working for Americans. They earnestly urge proclamation of act No. 1 of 1906, and undertake to apply it only to our own people and to leave in abeyance questions of the light-house dues, customs entrance, nationality of American crews, purse seines, and undertake preservation of peace, and without your sanction to enter into no case against Americans. I am sending by next mail minutes and dispatch.

No. 23.]

Memorandum communicated by Mr. Whitelaw Reid, September 12, 1906.

My Government hears with the greatest concern and regret that in the opinion of His Majesty's Government there is so wide a divergence of views with regard to the Newfoundland fisheries that an immediate settlement is hopeless.

But it is much gratified with His Majesty's Government's desire to reach a modus vivendi for this season, and appreciates the readiness to waive the foreign fishing vessels act of 1906. This and other restrictive legislation had compelled our fishermen to use purse seines or abandon their treaty rights.

My Government sees in the offer not to apply section 3, act of 1905, and that part of section 1 relating to boarding fishing vessels and bringing them into port fresh proof of a cordial disposition not to press unduly this kind of regulation.

Our fishermen will also gladly pay light dues, if not hindered in their right to fish. They are not unwilling, either, to comply with the regulation to report at custom-houses when possible. It is sometimes physically impossible, however, to break through the ice for that purpose.

Most unfortunately the remaining proposals, those as to purse seining and Sunday fishing, present very grave difficulties.

We appreciate perfectly the desire of His Majesty's Government to prevent Sunday fishing. But if both this and purse-seine fishing are taken away, as things stand there might be no opportunity for profitable fishing left under our treaty rights. We are convinced that purse seines are no more injurious to the common fishery than the gill nets commonly used—are not, in fact, so destructive and do not tend to change the migratory course of the herring as gill nets do, through the death of a large percentage of the catch and consequent pollution of the water.

The small amount of purse seining this season could not of course materially affect the common fishery anyway. Besides, many of our fishermen have already sailed, with purse seines as usual, and the others are already provided with them. This use of the purse seine was not the free choice of our fishermen. They have been driven to it by local regulations, and the continued use of it at this late date this year seems vital.

But we will renounce Sunday fishing for this season if His Majesty's Government will consent to the use of purse seines, and we can not too strongly urge an acceptance of this solution.

No. 24.]

The Earl of Elgin to Governor Sir W. MacGregor.

[Telegram.]

DOWNING STREET, *September 13, 1906.*

Referring to your telegram of the 8th September, proposals for modus vivendi, including suspension of act No. 1 of this year, made to United States ambassador the 3d September. Copies of correspondence went by last mail.

No. 25.]

Governor Sir W. MacGregor to the Earl of Elgin.

[Telegram.]

(Received September 15, 1906.)

I am desired by my ministers to state that they have learned with profound regret that His Majesty's Government has, without refer-

ence to this colony, proposed to the United States ambassador, as one of the terms of a modus vivendi, the suspension of the foreign fishing vessels act this year, which was only adopted after consultation with His Majesty's Government and mainly with a view to enable the government of this colony to deal with the local fisheries, and thus secure during the coming autumn peaceable conduct of the fisheries.

They respectfully submit that any arrangement embracing the suspension of that act interferes with the internal affairs of the colony and is in violation of the pledge furnished by Lord Salisbury through the British Parliament of the 5th May, 1891, during the debate on Newfoundland fisheries bill, "that the government of this colony is given unlimited power with respect to its internal affairs." They had hoped and expected that before a modus vivendi was proposed to the United States Government a full text of the same would have been submitted to this Government, and thus have afforded an opportunity for suggestion or remonstrance. They also submit that the reasonableness of this expectation was warranted by the statement of Lord Salisbury in the debate on the Newfoundland fisheries bill of the 28th April, 1891. The suspension of the act under reference renders them entirely powerless to carry out their fisheries policy and to secure that peaceable conduct of the fisheries during the coming season, for which so much anxiety has been expressed by His Majesty's Government.

No. 26.]

The Earl of Elgin to Governor Sir W. MacGregor.

[Telegram.]

DOWNING STREET, September 19, 1906.

United States ambassador has presented memorandum on subject of modus vivendi, of which following is substance: First, it expresses appreciation of readiness to waive foreign fishing-vessels act, 1906, and points out that this and other restrictive legislation had compelled United States fishermen to use purse seines or abandon their rights; second, it acknowledges cordial disposition evinced by offer not to apply section 3 and first part of section 1 of act of 1905; third, United States fishermen will gladly pay light dues if not hindered in their right to fish, and are not unwilling to comply with regulation to report at custom-houses when possible, but it is remarked that it is sometimes physically impossible to break through ice for that purpose; fourth, as regards purse seines and Sunday fishing, very grave difficulties present themselves, since if both these are taken away there might be, as things stand, no opportunity for profitable fishing under United States treaty rights. United States Government are convinced that purse seines are no more injurious to common fishery than gill nets; are not, in fact, so destructive, and do not tend to change migratory course of herring, as gill nets do, through death of large percentage of catch and consequent pollution of water. The small amount of purse seining could not, of course, materially affect common fishery this season; besides, many United States fishermen have already sailed with purse seines, as usual, and the others

are already provided with them. This use of purse seines was not free choice of United States fishermen; they have been driven to it by local regulations, and continued use of it at this late date this year seems vital. United States Government will, however, renounce Sunday fishing for this season if His Majesty's Government will consent to use of purse seines, and they can not too strongly urge acceptance of this solution. (End of substance of memorandum.)

His Majesty's Government propose to consent to use of purse seines, subject of course to due regard being paid to other modes of fishery, and earnestly trust that your ministers will see their way to agree to this course and to pass regulation temporarily removing prohibition of use of purse seines. If your ministers fall in with this proposal, His Majesty's Government will be happy to endeavor to arrange with United States Government that practice of engaging Newfoundland fishermen just outside 3-mile limit, which to some extent prevailed last year, should not be resorted to this year. Telegraph reply as soon as possible.

No. 27.]

The Earl of Elgin to Governor Sir W. MacGregor.

[Telegram.]

DOWNING STREET, *September 19, 1906.*

Referring to your telegram of the 15th September, I am sending full reply by mail. I would like, in the meantime, to observe, first, that Lord Salisbury's speech referred to drew clear distinction between internal affairs of colony and matters of international interest, and insisted strongly on right of Imperial Government to intervene in matters coming within latter category; secondly, I have never admitted, and can not admit, that "foreign fishing-vessels act, 1906," comes within former category; thirdly, like my predecessor, I have never approved policy embodied in act of 1905, nor have I ever given any indication that I should be prepared to advise His Majesty in council to bring into operation amended act of 1906.

No. 28.]

Governor Sir W. MacGregor to the Earl of Elgin.

GOVERNMENT HOUSE,

St. Johns, Newfoundland, September 7, 1906.

(Received September 20.)

MY LORD: I have the honor to transmit herewith copy of a minute of committee of council which has reference to your lordship's two telegrams of the 3d instant. This minute has been prepared after earnest consideration by my ministers, and embraces their unanimous opinions on the points dealt with by them.

2. Clause 3 of the minute defines the policy of this government as embracing the following points:

(a) To prevent the sale of bait fishes to American vessels by the fishermen of this colony.

(b) To prevent the fishermen of this colony from assisting the crews of American vessels in catching bait fishes.

(c) To enforce the revenue and customs laws so as to prevent smuggling by American fishing vessels.

(d) To secure compliance by American fishing vessels with the fishery regulations of this colony.

The minute states in paragraph 7 "that there is nothing in the policy of this government that is new or novel or that should occasion difficulty or embarrassment."

3. As regards the points comprised under (a) and (b), your lordship's predecessor, in his telegram of the 25th October last, instructed me as follows: "Your responsible advisers have the power, if desired, to prevent the inhabitants of Newfoundland from assisting in the exercise of their (Americans) fishery rights. Secondly, it is in strictness within the power of your responsible advisers to refuse permission to purchase fish to all United States vessels on any part of the coast of Newfoundland, whether for bait purposes or for export in bulk."^a From this it may be inferred that His Majesty's Government accept the proposition that this part of the policy of the colonial government is within its competency, apart from the question of the wisdom or otherwise of such a policy.

4. My ministers understand from the memorandum^b conveyed to me in your dispatch of the 15th February last that His Majesty's Government is in sympathy with them as regards the policy indicated under (c) and (d), and they have expressed grateful recognition of the force and clearness with which their rights and aims have been put forward in that memorandum.

My ministers do not fail to recognize the fact that His Majesty's Government may have difficulty in getting the United States Government to admit the reasonableness of the contentions advanced in the memorandum in support of the policy embraced under (c) and (d); and they are keenly conscious of the responsibility that devolves on them as servants of the Crown to abstain from any action that would produce other than friendly and amicable relations between His Majesty's Government and the Government of the United States.

5. Section 12 of the minute states that the real questions at issue are—

(1) The right of the inhabitants of the United States to purchase bait fishes within the territorial jurisdiction of this colony;

(2) The right of American masters to engage the people of this colony to procure such supplies for them.

This statement of "the real questions at issue" should be understood to mean that these two questions, which I understand to be admittedly within the competency of the government of the colony, are those that my ministers regard as of urgent and prime importance at the present time. My ministers do not, in making this statement, ignore the fact that the most serious points in the whole controversy are those that are connected with the question of the validity

^a The telegram referred to continued thus: "But His Majesty's Government would strongly deprecate any such action, and must decline to be responsible for any consequences in the way of retaliation by the United States which may result therefrom."

^b No. 3.

of the local fishery laws and regulations, and of the customs laws as applied to American fishing vessels.

6. The course that my ministers urge on your lordship for disposing of the two questions specified in paragraph 12 of the minute is that the foreign fishing vessels act of 1906 may be brought into operation. It might at first sight appear as if this would be the reverse of a remedy for existing difficulties, but it can be shown that the proposal deserves careful consideration on the following grounds:

(a) The proclamation of that act would remove, as pointed out in the minute, the objections that have been advanced by the Americans to the act of 1905.

(b) It would enable this government to give practical effect to their policy, as expressed in what they regard, in paragraph 12 of the minute, as "the real questions at issue."

(c) It does not appear that giving effect to that part of the policy and wishes of this government would seriously complicate the negotiations now pending between His Majesty's Government and the Government of the United States.

(d) It would not improbably gravely complicate matters were the act of 1906 made valid, and were, for example, sections 5 and 13 put into active operation as against American fishing vessels, in the light of the views held by this Government and of the ground taken in the memorandum referred to above.

But I am in a position to give to your lordship the most positive assurance that, were the act of 1906 brought into force, its special provisions would not be exercised by this government against any American fishing vessel without first obtaining your lordship's sanction to such a proceeding.

My ministers do not forget the grave and serious responsibility that would devolve on them were they to proceed to enforce on American vessels at the present time such provisions as those contained in sections 5 and 13 of the act of 1906, or, for example, the fishery regulations that prohibit the use of purse seines in the herring fishery, or that forbidding fishing on Sunday.

My ministers feel quite certain that under such circumstances they could maintain perfect peace between the fishermen of the two nations during the coming season, while at the same time preventing our own fishermen (under the act of 1906) from fishing for and from selling fish to the Americans.

I have no hesitation in saying that your lordship may implicitly rely on the assurance given that the action that would be taken under the act of 1906 would be limited by this government to what is stated above—simply to restrain the actions of our own fishermen, and that by proceeding only against them.

7. Such a course as that suggested by my ministers would practically mean that proceedings would not, without your sanction, be taken against American masters on the rights now forming the subject of negotiations, such as the payment of light dues, entering at the customs, fishing on Sunday, the composition of American crews, and using purse seines.

The last point calls for some remarks. It is reported in the press that American fishermen are coming here provided with purse seines. If they use those nets in these waters then this government, to put

our fishermen on equal terms with the American fishermen, will have to rescind the regulation that at present prohibits them from using the purse seine. This is an admittedly undesirable expedient, but my ministers feel that it would be greatly better to adopt it than to institute proceedings against Americans that might produce serious complications.

8. My ministers believe that, if the course suggested in the two last preceding paragraphs is adopted, your lordship will fully concur with them in thinking that the presence in these waters of an American vessel for the purpose of controlling the fishermen will become quite unnecessary. The presence of a government vessel on such a service could hardly fail to produce an undesirable feeling in the minds of fishermen and others, and would tend to weaken the relations of trust and friendship that up to now have subsisted between the fishermen of the two nations, and which it would be a pity to disturb.

9. The contents of this dispatch have been communicated to my ministers, and they unreservedly pledge themselves to carry out loyally and in good faith all that is undertaken in it. I inclose copy of a letter I have received from my prime minister to that effect.

I have, etc.,

WM. MACGREGOR.

[Inclosure 1 in No. 28.]

Minutes of the committee of the honorable the executive council, submitted for the approval of his excellency the governor.

The committee of council have had under consideration two cablegrams received by his excellency the governor from the right honorable the secretary of state for the colonies, bearing date the 3d instant, and regret to observe that their minute of the 15th ultimo has been received by His Majesty's Government with much disappointment.

They had hoped that the reasonableness of the position they set up, and the argument adduced in support of the same, would have found favor with His Majesty's Government.

2. They can not conceive how their policy in respect to American fishermen visiting the coasts of this colony in quest of bait fishes, outlined in the foreign fishing vessels act of last session, can have placed His Majesty's Government in any serious difficulty, for it involves no breach of any treaty obligation, neither does it interfere in any way with any rights heretofore exercised by American citizens under treaty.

3. The policy that they have adopted is intended to prevent the sale of bait fishes to American vessels by fishermen of this colony, and to prevent them from assisting the crews of American vessels in catching such fishes, to enforce the revenue and customs laws so as to prevent smuggling, and to secure compliance with colonial fishery regulations that have been framed with a view to the protection and continuance of the fisheries.

4. With regard to the prohibition of the sale of bait fishes to American vessels, and of the capture of such fish by the fishermen of this colony when intended for sale to foreigners, the committee would observe that the principle involved in such restrictions was approved by His Majesty's Government in 1887, when the bait act came into operation, and the principle has been carried into practice for many years against the subjects of France who visit the coasts of this colony to engage in the fisheries, exception only being made in certain localities when it was made manifest to the Government that an injury would accrue to the fishermen of the colony by a strict enforcement of the act.

5. The revenue and customs laws were ever enforced against American vessels entering the territorial waters of the colony to engage in its fisheries up to last year, when for the first time the captains of American vessels objected to complying with those laws, and out of deference to the wish expressed by His Majesty's Government ministers abstained from enforcing them.

6. Up to last year, with but few exceptions, American vessels conformed to our fishery regulations, and, as was pointed out in the minute of committee of council above referred to, the State Department at Washington by official instruments enjoined on United States fishermen the duty of respecting those regulations.

7. There is nothing, therefore, in the policy of this Government that is new or novel or that should occasion difficulty or embarrassment.

8. The committee of council notice that His Majesty's Government have decided to act on the principles indicated in Lord Kimberley's speech in the House of Lords in 1891 when discussing the course taken by Lord Salisbury's government in the matter of a *modus vivendi* with France, and have already proposed to the United States Government a *modus vivendi*, under which the first part of section 1 and the whole of section 3 of the foreign fishing-vessels act of 1905 will be held not to apply to United States fishing vessels, and light dues will be waived.

9. The committee of council would venture to point out that the foreign fishing-vessels act of 1906, which was passed in order to meet the views of His Majesty's Government in respect to sections 1 and 3 of the act of 1905, as well as to enable the government of this colony to restrain the fishermen of the colony from engaging themselves to Americans to catch bait fishes, would, by being brought into force by proclamation, remove that which appears to be the principal, if not the only, objection to the 1905 act, and obviate the necessity of the proposed *modus vivendi*, the main provisions of which, as set forth in the dispatch under reference, deal with sections 1 and 3 of the 1905 act.

10. The government of this colony has never exacted duties in respect of goods on board United States vessels necessary for the prosecution of the fishery and support of the fishermen during the voyages to and from the fishing grounds, and neither is any such action contemplated.

11. It is respectfully submitted that the quotation from Lord Kimberley's speech in the House of Lords in 1891 justifying the *modus vivendi* with France, is scarcely applicable to the case under discussion. Lord Knutsford, in introducing that measure, and the Earl of Kimberley, in supporting the same, set forth that it was impossible to avoid such legislation, "first and principally because it had been discovered that in fact there existed at the time no lawful mode of enforcing His Majesty's treaty obligations in Newfoundland," the act which gave the necessary power having been allowed to lapse.

Further, the right of British subjects to erect permanent structures on the treaty shore had been questioned; great excitement and bad feeling had been aroused by the removal and destruction of such properties, and it was by reason of these circumstances that the *modus vivendi* of 1891 was regarded by both political parties in England as absolutely necessary.

12. No such condition of things appertains in the case under discussion, the real questions at issue being—

(1) As to the right of the inhabitants of the United States to purchase bait fishes within the territorial jurisdiction of his colony; and

(2) As to their right to engage the people of this colony to procure such supplies for them.

There is in this case no question of the lapse of imperial authority to enforce treaty obligations; no question as to territorial rights, nor any excitement or bad feeling manifested in connection with the conduct of the fishery such as was held to warrant the *modus vivendi* of 1891.

13. The committee of council is extremely anxious to assist the efforts of His Majesty's Government in obviating the difficulties and dangers which His Majesty's Government consider are to be apprehended in the course of the approaching autumn and winter fishery, and having full knowledge of local conditions, which it is impossible for His Majesty's Government to possess, they consider that such assistance can be best rendered if they are empowered to call into force the foreign fishing-vessels act of last session, which would convey to them an authority to deal with the fishermen of the colony, as they can not do at the present time.

If His Majesty's Government intimates its willingness to consent to the foreign fishing-vessels act of 1906 being proclaimed, and decides that the government of this colony can be justly held liable for an arbitration which, in the opinion His Majesty's Government, may render necessary or desirable by reason

of the ambiguity of the treaty that this colony is in no way responsible for, then the committee of council will consider the question of such liability, as well as that of any damages arising out of the ambiguity of the treaty, and that may accrue from the enforcement of the foreign fishing-vessels act of 1906.

R. BOND, *Colonial Secretary.*

SEPTEMBER 5, 1906.

[Inclosure 2 in No. 28.]

Sir R. Bond to Governor Sir W. MacGregor.

COLONIAL SECRETARY'S OFFICE,
St. Johns, Newfoundland, September 7, 1906.

SIR: Referring to your communication of this day's date, forwarding, for the perusal of your ministers, a dispatch on the American question which you propose to forward to the right honorable the secretary of state for the colonies, I have the honor to intimate that I read the said dispatch to committee of council this afternoon and its contents were unanimously concurred in.

I have, etc.,

R. BOND, *Colonial Secretary.*

No. 29.]

Sir Edward Grey to Sir M. Durand.

FOREIGN OFFICE, *September 20, 1906.*

SIR: The American ambassador called at this office to-day, and requested an early reply to the memorandum communicated by his excellency on the 12th instant respecting the proposed modus vivendi in regard to the Newfoundland fishery question.

His excellency was informed that His Majesty's Government were doing all that they could to expedite an early and satisfactory reply, that they were pressing the Newfoundland government to authorize temporarily the use of purse seines, on the understanding that care would be taken not to interfere with other modes of fishing, and that they hoped that, if this were agreed to, the United States Government would do all in their power to discourage and prevent the engagement of Newfoundland fishermen just outside the 3-mile limit.

Mr. Whitelaw Reid said that he would telegraph in this sense to his Government.

I am, etc.,

EDWARD GREY.

No. 30.]

The Earl of Elgin to Governor Sir W. MacGregor.

DOWNING STREET, *September 20, 1906.*

SIR: I have the honor to acknowledge the receipt of your telegram of the 15th instant, in which your ministers complain of the action of His Majesty's Government in the matter of the proposed fishery modus vivendi with the United States Government.

2. Your ministers submit that any arrangement involving the suspension of the foreign fishing vessels act, 1906, is an interference with the internal affairs of the colony, which violates the pledge given by the late Lord Salisbury in the House of Lords in 1891, to the effect that the colony had been given unlimited power with respect to its internal affairs.

3. In the speech referred to, Lord Salisbury drew a clear and precise distinction between the internal affairs of the colony and matters of international and outside interest, and insisted strongly on the right of the Imperial Government to intervene in questions touching the relations of the empire with foreign states. I am compelled, therefore, to infer that your ministers regard the enforcement of the provisions of the foreign fishing vessels act, 1906, on United States fishermen as a matter of purely local concern.

4. I am at a loss to discover the grounds on which they hold that view, and I regret that I am unable to record my assent to it. It will be within your recollection that when you informed me, in February last, of the intention of your ministers to propose to the colonial legislature additional legislation to prevent British subjects resident in the colony from fishing for American vessels, and suggested that such legislation would be regarded by His Majesty's Government as a matter of local concern, I replied that I held the contrary view and that His Majesty's Government, as responsible for the proper carrying out of the provisions of Article I of the convention of 1818, were closely and directly interested in any legislation intended to define the conditions on which the rights of the inhabitants of the United States under that article were to be exercised.

5. Your ministers state that the act of 1906 was passed after consultation with His Majesty's Government. This remark appears to me to require qualification. The only provisions of the act with which His Majesty's Government have identified themselves are those which exempt vessels exercising treaty rights of fishery from the application of section 3 and the first part of section 1 of the act of 1905. It is true that all the other amendments of the act of 1905 drawn up by your ministers were submitted to His Majesty's Government, and that in order to remove certain obvious objections to your ministers' proposals His Majesty's Government suggested some alterations which were eventually embodied in the act of 1906. But His Majesty's Government was careful at the same time to explain that its action in suggesting these alterations was not to be understood as in any way prejudicing the consideration of the act when passed or as in any way identifying His Majesty's Government with the policy of your ministers, which they did not approve and which they did not believe to be in the interests even of the colony itself.

6. The act as passed provided that it should not be brought into operation until approved and confirmed by His Majesty in council. In the circumstances which I have described it was at least uncertain whether His Majesty's Government would be prepared to take upon themselves the responsibility of bringing the act into operation, and when the reply of the United States Government to the British memorandum was received and it became necessary, owing to the great divergence of view between the two governments which it disclosed, to arrange a *modus vivendi*, it was clearly out of the question to complicate the situation, which it was the object of the *modus vivendi* to relieve, by imposing on United States fishermen the additional restrictions contemplated by the act.

7. It would be a source of great regret to me if in this or any other matter His Majesty's Government should fail either in respect for the constitutional rights of the colony or in courtesy toward your

ministers. As to the right of His Majesty's Government to allow the act to remain in suspense there can, I submit, be no doubt, and the decision to do so was communicated to you at the same time as to the United States ambassador.

8. I asked in my telegram of August 8 whether your ministers had any suggestions to make as to the nature of the proposed *modus vivendi*. By your telegram of August 19 your ministers informed me that they could not consent to any relaxation of the laws of the colony in favor of United States fishermen, and that they strongly deprecated any provisional arrangement with the United States Government, and urged that the act of 1906 should be brought into force at once. In your telegram of August 22 your ministers again urged that the act of 1906 should be brought into force and again deprecated any provisional arrangement. The question of the payment of light dues, they added, might remain in abeyance, but they could not acquiesce in any evasion of the customs and fishery laws. His Majesty's Government were thus left to their own unaided devices to discover and arrange, in the very short time remaining before the commencement of the fishery, a basis for a *modus vivendi* with the United States Government, but the proposals which they made to the United States Government on the 3d instant included no concessions which your ministers were not prepared to make, apart from the suspension of the act of 1906, and that, as I have already pointed out, was entirely within the discretion of His Majesty's Government. It was not until some days after these proposals had been submitted to the United States Government that your ministers evinced any readiness to consider a *modus vivendi*. They then informed me that provided the act of 1906 was brought into force they were prepared to give way on practically all the questions in dispute. This intimation unfortunately came too late, and while I regret that the proposals made to the United States Government do not commend themselves to your ministers, I can not but feel that in the circumstances no blame can fairly be imputed to His Majesty's Government.

I have, etc.,

ELGIN.

No. 31.]

Governor Sir W. MacGregor to the Earl of Elgin.

[Telegram.]

(Received September 21, 1906.)

My responsible advisers request me to transmit following message:

With reference to your telegram of the 19th instant, for the reasons that have been fully set forth in previous minutes, ministers regret they are unable to become consenting parties to *modus vivendi* with the United States Government. They entirely dissent from the views expressed by United States Government in respect to usage of purse seines and their effect upon the herring fishery, but, as stated in dispatch from his excellency the governor to the secretary of state for colonies of date 7th instant, in which ministers fully concurred, if His Majesty's Government consent to their use by American fishermen, then, while fully recognizing the evils likely to result, this government will be obliged, in justice to the people of this colony, to pass a regulation removing the prohibition of the usage of purse seines, so that competition with Americans may be possible for local fishermen.

No. 32.]

Memorandum communicated to Mr. Whitelaw Reid, September 25, 1906.

His Majesty's Government have considered, after consultation with the government of Newfoundland, the proposals put forward in the memorandum communicated by the United States ambassador on the 12th instant respecting the suggested modus vivendi in regard to the Newfoundland fishery question.

They are glad to be able to state that they accept the arrangement set out in the above memorandum, and consent accordingly to the use of purse seines by United States fishermen during the ensuing season, subject, of course, to due regard being paid, in the use of such implements, to other modes of fishery.

His Majesty's Government trust that the United States Government will raise no objection to such a stipulation, which is only intended to secure that there shall be the same spirit of give and take and of respect for common rights between the users of purse seines and the users of stationary nets as would be expected to exist if both sets of fishermen employed the same gear.

They further hope that, in view of this temporary authorization of the purse seine, the United States Government will see their way to arranging that the practice of engaging Newfoundland fishermen just outside the 3-mile limit, which to some extent prevailed last year, should not be resorted to this year.

An arrangement to this effect would save both His Majesty's Government and the Newfoundland government from embarrassment, which it is conceived, having regard to the circumstances in which the modus vivendi is being settled, the United States Government would not willingly impose upon them. Moreover, it is not in itself unreasonable, seeing that the unwillingness of the United States Government to forego the use of purse seines appears to be largely based upon the inability of their fishermen to engage local men to work the form of net recognized by the colonial fishery regulations.

The United States Government assured His Majesty's late Government in November last that they would not countenance a specified evasion of the Newfoundland foreign fishing-vessels act, 1905, and the proposed arrangement would appear to be in accordance with the spirit which prompted that assurance.

FOREIGN OFFICE, *September 25, 1906.*

No. 33.]

Sir Edward Grey to Sir M. Durand.

FOREIGN OFFICE, *September 26, 1906.*

SIR: Your excellency is already aware that I had communicated to the American ambassador a memorandum containing the views of His Majesty's Government on the proposed modus vivendi on the subject of the Newfoundland fisheries.

On receipt of this communication, of which a copy was inclosed in my dispatch of the 14th September, Mr. Whitelaw Reid called yester-

day and said he had every reason to hope that the terms therein proposed would be accepted by his Government. He was not, however, quite sure as to what was meant by interference of purse seines with other modes of fishing.

As to that part of the memorandum dealing with the enlistment of Newfoundlanders outside the 3-mile limit, he expressed his personal conviction that his Government would do all that lay in their power to prevent the exasperation and irritation which is naturally caused by such proceedings just outside the limit; but he wished to throw out a suggestion, that the best way to avoid such irritation would be to waive temporarily that clause in the act of 1905 which makes it illegal to enlist men within the 3-mile limit.

He pointed out that nothing could prevent the American captains from enlisting men outside the territorial waters of Newfoundland, and that to waive the application of the latter part of the first section of the act would prevent disputes cropping up, and would promote peace and harmony on the coast of Newfoundland.

I am, etc.

EDWARD GREY.

No. 34.]

The Earl of Elgin to Governor Sir W. MacGregor.

[Telegram.]

DOWNING STREET, *September 29, 1906.*

His Majesty's Government were much disappointed by your telegram of September 21, but felt that under the circumstances there was no alternative to course indicated in my telegram of September 19. United States ambassador was informed accordingly on September 25 that His Majesty's Government consent to use of purse seines on the condition stated, and at same time His Majesty's Government expressed hope that recruiting just outside territorial waters will not be resorted to this year. Copy of communication will be sent by next mail.

No. 35.]

Governor Sir William MacGregor to the Earl of Elgin.

[Telegram.]

(Received September 29, 1906.)

My responsible advisers request me to transmit following message:

Minister of finance has received information to-day by telegraph from the subcollector of customs at Bonne Bay, stating that an American schooner has arrived equipped with purse seines and declines to pay light dues, and desiring to be advised whether the laws are to be enforced. Ministers are placed in a most embarrassing position, not knowing whether agreement has been arrived at between His Majesty's Government and that of the United States by which Americans may use such seines and are exempt from payment of light dues. They desire to be advised promptly as to the exact position of affairs, and whether they are free to enforce the customs and fisheries laws of this colony against American fishermen.

No. 36.]

The Earl of Elgin to Governor Sir William MacGregor.

[Telegram.]

DOWNING STREET, *October 1, 1906.*

Will answer your telegram of 29th September as soon as possible. In meantime, please inform your ministers that United States ambassador has suggested privately, but not as on behalf of his Government, that in order to minimize inconveniences and discontent arising from use of purse seines by United States fishermen and the shipping of Newfoundland fishermen outside 3-mile limit, following arrangement might be adopted, viz, Newfoundland government to suspend for this season prohibition to engage crews in territorial waters, in return for which United States vessels would stop using purse seines after November 1, by which time they would have engaged enough men to work with nets only. Would your ministers be prepared to entertain such an arrangement?

No. 37.]

*Sir Edward Grey to Sir M. Durand.*FOREIGN OFFICE, *October 1, 1906.*

SIR: I told Mr. Carter to-day that the suggestion contained in Mr. Whitelaw Reid's private letter, to suspend the clause in section 1 of the act of 1905 which prevented American vessels from recruiting fishermen in Newfoundland waters, if the Americans in return would stop using purse seines after the 1st November, had been telegraphed to the colony by the colonial office. If the colonial government accepted the suggestion at once, there would be no difficulty about including it in the *modus vivendi*, but in view of the fact that the legislation of 1906 in the colony had been suspended, and that this had been done with very great reluctance, I assumed that the point now raised would have to depend entirely on the opinion of the colony with regard to it.

Mr. Carter asked me whether he was to understand that we wished the *modus vivendi* to be absolutely concluded and put in force at once, without waiting for the new point to be settled.

I said I should like not to answer this question until I had consulted the colonial office as to whether they desired to wait for the reply of the colony on the new point now raised or not, but I would send a reply in a day or two.

I am, etc.,

EDWARD GREY.

No. 38.]

Governor Sir W. MacGregor to the Earl of Elgin.

[Telegram.]

(Received October 4, 1906.)

I have been asked by my responsible advisers to transmit following minute:

Referring to your telegram of 1st October, my responsible advisers anxiously await a reply to their minute of the 28th ultimo, in which they desired to be

advised promptly as to the exact position of affairs, and whether they are free to enforce the customs and fisheries laws of this colony against American fishermen. They would most strongly deprecate any arrangement consenting to the use of purse seines by American fishermen and to shipping of Newfoundland fishermen, and they are not prepared to consent to local fishermen being engaged to work for Americans in the conduct of fisheries of this colony. By such a concession the policy of this Government in respect to herring fishery, which received such marked indorsement at the polls in 1904, and is rightly considered by mercantile body as of vital interest to the trade of the colony, would be completely thwarted. A telegram received from the subcollector of customs at Port Saunders to-day states that American schooners *Norma* and *Annie M. Parker* from Gloucester arrived that morning and were preparing to seine and net herring for export, and had refused to pay light dues. In another communication from the subcollector of customs at Bay of Islands it is stated that Captain Bonia, of Gloucester, special agent for Gloucester firms, arrived there by railway on the 28th ultimo, and is engaging men and hiring boats for the full fishery. My responsible advisers again earnestly pray that His Majesty's Government will permit the proclaiming of sections 6 and 7 of the foreign fishing vessels act, 1906, so as to enable them to deal with local fisheries, for it is entirely evident that disorder can not be avoided and the peaceable conduct of the fisheries maintained in any other way.

I have asked my responsible advisers [to] tell me, for your information, from what quarter, at what places, and under what circumstances disorder is expected, and what measures to preserve peace are being taken.

No. 39.]

Memorandum communicated to Mr. Carter, October 4, 1906.

FOREIGN OFFICE, *October 4, 1906.*

The proposals contained in Mr. Whitelaw Reid's private letter for the suspension of the recruiting clause in section 1 of the act of 1905, if United States fishermen would refrain from using purse seines after the 1st November, have been considered by the Newfoundland government, but they find themselves quite unable to accept them.

In these circumstances His Majesty's Government would be glad to be favored at the earliest possible moment with the views of the United States Government on the modus vivendi proposals contained in Sir E. Grey's memorandum of the 25th September, in order that if they are accepted the colonial government and United States fishermen may both be made acquainted at once with the terms of the arrangement proposed, and the necessary instructions given for its observation.

No. 40.]

Governor Sir W. MacGregor to the Earl of Elgin.

[Telegraphic.]

(Received October 5, 1906.)

With reference to the last part of my telegram of the 3d instant, my responsible advisers inform me that they have been apprised that the people of Bay St. George and Bay of Islands regard the usage of purse seines with great disfavor and alarm, and as destructive to their means of livelihood, and threats to destroy them have been ex-

pressed. They hold that if number of Newfoundland fishermen engage [to] Americans the majority will resent this. The sub-collector at the Bay of Islands writes that armed force will be wanted, as certain naturalized resident American subjects advise the people to defy and ignore law. My responsible advisers have sent inspector of fisheries to examine position and report, so that proper steps to preserve peace may be taken.

No. 41.]

Mr. Whitelaw Reid to Sir Edward Grey.

LONDON, *October 6, 1906.*

(Received October 6.)

SIR: I am authorized by my Government to ratify a *modus vivendi* in regard to the Newfoundland fishery question on the basis of the foreign office memorandum, dated the 25th ultimo, in which you accept the arrangement set out in my memorandum of the 12th ultimo, and consent accordingly to the use of purse seines by American fishermen during the ensuing season, subject, of course, to due regard being paid in the use of such implements to other modes of fishery, which, as you state, is only intended to secure that there shall be the same spirit of give and take and of respect for common rights between the users of purse seines and the users of stationary nets as would be expected to exist if both sets of fishermen employed the same gear.

My Government understand by this that the use of purse seines by American fishermen is not to be interfered with, and the shipment of Newfoundlanders by American fishermen outside the 3-mile limit is not to be made the basis of interference or to be penalized; at the same time they are glad to assure His Majesty's Government, should such shipments be found necessary, that they will be made far enough from the exact 3-mile limit to avoid any reasonable doubt.

On the other hand, it is also understood that our fishermen are to be advised by my Government, and to agree not to fish on Sunday.

It is further understood that His Majesty's Government will not bring into force the Newfoundland foreign fishing-vessels act of 1906, which imposes on American fishing vessels certain restrictions in addition to those imposed by the act of 1905, and also that the provisions of the first part of section 1 of the act of 1905, as to boarding and bringing into port, and also the whole of section 3 of the same act will not be regarded as applying to American fishing vessels.

It also being understood that our fishermen will gladly pay light dues if they are not deprived of their rights to fish, and that our fishermen are not unwilling to comply with the provisions of the colonial customs law as to reporting at a custom-house when physically possible to do so.

I need not add that my Government are most anxious that the provisions of the *modus vivendi* should be made effective at the earliest possible moment. I am glad to be assured by you that this note will be considered as sufficient ratification of the *modus vivendi* on the part of my Government.

I have, etc.,

WHITELAW REID.

No. 42.]

The Earl of Elgin to Gov. Sir W. MacGregor.

[Telegraphic.]

DOWNING STREET, *October 6, 1906.*

Referring to my telegram of the 29th ultimo, His Majesty's Government have now concluded *modus vivendi* with United States Government. Its terms are embodied in note from United States ambassador as follows:

I am authorized by my Government to ratify a *modus vivendi* in regard to the Newfoundland fishery question on the basis of the foreign office memorandum, dated the 25th ultimo, in which you accept the arrangement set out in my memorandum of the 12th ultimo, and consent accordingly to the use of purse seines by American fishermen during the ensuing season, subject, of course, to due regard being paid in the use of such implements to other modes of fishery, which, as you state, is only intended to secure that there shall be the same spirit of give and take, and of respect for common rights between the users of purse seines and the users of stationary nets, as would be expected to exist if both sets of fishermen employed the same gear.

My Government understand by this that the use of purse seines by American fishermen is not to be interfered with, and that the shipment of Newfoundlanders by American fishermen outside the 3-mile limit is not to be made the basis of interference or to be penalized; at the same time, they are glad to assure His Majesty's Government, should such shipments be found necessary, that they will be made far enough from the exact 3-mile limit to avoid any reasonable doubt.

On the other hand, it is also understood that our fishermen are to be advised by my Government, and to agree not to fish on Sunday.

It is further understood that His Majesty's Government will not bring into force the Newfoundland foreign fishing-vessels act of 1906, which imposes on American fishing vessels certain restrictions in addition to those imposed by the act of 1905, and also that the provisions of the first part of section I of the act of 1905, as to boarding and bringing into port, and also the whole of section III of the same act, will not be regarded as applying to American fishing vessels.

It is also being understood that our fishermen will gladly pay light dues if they are not deprived of their rights to fish, and that our fishermen are not unwilling to comply with the provisions of the colonial customs law as to reporting at a custom-house when physically possible to do so.

I need not add that my Government are most anxious that the provisions of the *modus vivendi* should be made effective at the earliest possible moment. I am glad to be assured that this note will be considered by you as sufficient ratification of the *modus vivendi* on the part of my Government.

Please communicate copy to officer commanding His Majesty's ship *Brilliant*.

American fishermen will be instructed by United States Government to observe *modus vivendi*, and your ministers will no doubt give similar instructions on their part.

No. 43.]

The Earl of Elgin to Governor Sir W. MacGregor.

[Telegraphic.]

DOWNING STREET, *October 6, 1906.*

Referring to your telegram of the 5th instant, His Majesty's ship *Brilliant* has been ordered to remain in Newfoundland waters until end of season.

No. 44.]

*Sir Edward Grey to Mr. Whitelaw Reid.*FOREIGN OFFICE, *October 8, 1906.*

YOUR EXCELLENCY: I have received with satisfaction the note of the 6th instant, in which your excellency states that you have been authorized by your Government to ratify a *modus vivendi* in regard to the Newfoundland fishery question, on the basis of the memorandum which I had the honor to communicate to you on the 25th ultimo, and I am glad to assure your excellency that the note in question will be considered by His Majesty's Government as a sufficient ratification of that arrangement on the part of the United States Government.

His Majesty's Government fully share the desire of your Government that the provisions of the *modus vivendi* should be made effective at the earliest moment possible, and the necessary instructions for its observance were accordingly sent to the government of Newfoundland immediately on receipt of your excellency's communication.

I have, etc.,

EDWARD GREY.

APPENDIX No. 1.

*Convention between His Britannic Majesty and the United States of America.
Signed at London, October 20, 1818.*

ARTICLE I.

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's Dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coasts of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks from Mount Jolly, on the southern coast of Labrador, to and through the Straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company. And that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled it shall not be lawful for the said fishermen to dry or cure fish at such portions so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounced forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits; Provided, however, that the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

APPENDIX No. 2.

[59 George III, Cap. 38.]

AN ACT To enable His Majesty to make regulations with respect to the taking and curing fish on certain parts of the coasts of Newfoundland, Labrador, and His Majesty's other possessions in North America, according to a convention made between His Majesty and the United States of America. (June 14, 1819.)

Whereas a convention between His Majesty and the United States of America was made and signed at London on the 20th day of October, 1818, and by the first article of the said convention, reciting that differences had arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish in certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coasts of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks from Mount Joly on the southern coasts of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudsons Bay Company; and it was also by the said article of the said convention agreed that the American fishermen should have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland above described, and of the coast of Labrador, but that so soon as the same, or any portion thereof, should be settled it should not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And whereas it is expedient that His Majesty should be enabled to carry into execution so much of the said convention as is above recited and to make regulations for that purpose, be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and the Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this act it shall and may be lawful for His Majesty, by and with the advice of His Majesty's privy council, by any order or orders in council, to be from time to time made for that purpose, to make such regulations and to give such directions, orders, and instructions to the governor of Newfoundland, or to any officer or officers on that station, or to any other person or persons whomsoever as shall or may be from time to time deemed proper and necessary for the carrying into effect the purposes of the said convention with relation to the taking, drying, and curing of fish by the inhabitants of the United States of America in common with British subjects within the limits set forth in the said article of the said convention, and hereinbefore recited, any act or acts of Parliament or any law, custom, or usage to the contrary in anywise notwithstanding.

2. And be it further enacted, that from and after the passing of this act it shall not be lawful for any person or persons, not being a natural-born subject of His Majesty, in any foreign ship, vessel, or boat, nor for any person in any ship, vessel, or boat, other than such as shall be navigated according to the laws of the United Kingdom of Great Britain and Ireland, to fish for, or to take, dry, or cure any fish of any kind whatever within 3 marine miles of any coasts, bays, creeks, or harbors whatever, in any part of His Majesty's dominions in America, not included within the limits specified and described in the first article of the said convention, and hereinbefore recited; and that if any such foreign ship, vessel, or boat, or any persons on board thereof, shall be found fishing, or to have been fishing, or preparing to fish within such distance of such coasts, bays, creeks, or harbors, within such parts of His Majesty's dominions in America out of the said limits as aforesaid, all such ships, vessels, and boats, together with their cargoes, and all guns, ammunition, tackle, apparel, furniture, and stores, shall be forfeited, and shall and may be seized, taken, sued for, prosecuted, recovered, and condemned by such and the like ways, means, and methods, and in the same courts, as ships, vessels, or boats may be forfeited, seized, prosecuted, and condemned for any offense against any laws relating to the revenue of customs, or the laws of trade and navigation, under any act or acts of the Parliament of Great Britain, or of the United

Kingdom of Great Britain and Ireland: *Provided* That nothing in this act contained shall apply or be construed to apply to the ships or subjects of any prince, power, or state in amity with His Majesty, who are entitled by treaty with His Majesty to any privilege of taking, drying, or curing fish on the coasts, bays, creeks, or harbors, or within the limits in this act described.

3. *Provided always*, And be it enacted, that it shall and may be lawful for any fisherman of the said United States to enter into any such bays or harbors of His Britannic Majesty's dominions in America as are last mentioned, for the purpose of shelter and repairing damages therein, and of purchasing wood, and of obtaining water, and for no other purpose whatever; subject nevertheless to such restrictions as may be necessary to prevent such fishermen of the said United States from taking, drying, or curing fish in the said bays or harbors, or in any other manner whatever abusing the said privileges by the said treaty and this act reserved to them, and as shall for that purpose be imposed by any order or orders to be from time to time made by His Majesty in council under the authority of this act, and by any regulations which shall be issued by the governor or person exercising the office of governor in any such parts of His Majesty's dominions in America, under or in pursuance of any such order in council as aforesaid.

4. And be it further enacted, that if any person or persons, upon requisition made by the governor of Newfoundland, or the person exercising the office of governor, or by any governor or person exercising the office of governor in any other parts of His Majesty's dominions in America as aforesaid, or by any officer or officers acting under such governor, or person exercising the office of governor, in the execution of any orders or instructions from His Majesty in council, shall refuse to depart from such bays or harbors; or if any person or persons shall refuse or neglect to conform to any regulations or directions which shall be made or given for the execution of any of the purposes of this act; every such person so refusing or otherwise offending against this act shall forfeit the sum of £200, to be recovered in the superior court of judicature of the island of Newfoundland, or in the superior court of judicature of the colony or settlement within or near to which such offense shall be committed, or by bill, plaint, or information in any of His Majesty's courts of record at Westminster; one moiety of such penalty to belong to His Majesty, his heirs, and successors, and the other moiety to such person or persons as shall sue or prosecute for the same: *Provided always*, That any such suit or prosecution, if the same be committed in Newfoundland, or in any other colony or settlement, shall be commenced within three calendar months; and, if commenced in any of His Majesty's courts at Westminster, within twelve calendar months from the time of the commission of such offense.

APPENDIX No. 3.

At the court at Carlton House, the 19th June, 1819.

Present: His Royal Highness the Prince Regent, in council.

Whereas an act was passed in the present session of parliament entitled "An act to enable His Majesty to make regulations with respect to the taking and curing of fish in certain parts of the coasts of Newfoundland, Labrador, and His Majesty's other possessions in North America, according to a convention made between His Majesty and the United States of America," wherein it is enacted that "whereas a convention between His Majesty and the United States of America was made and signed at London on the 20th day of October, 1818, and by the first article of the said convention it is agreed that the inhabitants of the America was made and signed at London on the 20th day of October, 1818, and by the first article of the said convention it is agreed that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands; on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands; on the shores of the Magdalen Islands; and also on the coasts, bays, harbors, and creeks from Mount Joly, on the southern coasts of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights

of the Hudsons Bay Company; and it was also by the said article of the said convention agreed that the American fishermen should have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland above described and of the coast of Labrador, but that so soon as the same or any portion thereof should be settled it should not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground; and whereas it is expedient that His Majesty should be enabled to carry into execution so much of the said convention as is above recited and to make regulations for that purpose," "it shall and may be lawful, from and after the passing of the said act, for His Majesty, by and with the advice of His Majesty's privy council, by any order or orders in council to be from time to time made for that purpose, to make such regulations and to give such directions, orders, and instructions to the governor of Newfoundland, or to any officer or officers on that station, or to any other person or persons whomsoever, as shall or may be from time to time deemed proper and necessary for the carrying into effect the purposes of the said convention with relation to the taking, drying, and curing of fish by inhabitants of the United States of America, in common with the British subjects, within the limits set forth in the said article of the said convention, any act or acts of Parliament, or any law, custom, or usage to the contrary in any wise notwithstanding. It is ordered by his royal highness the prince regent, in the name and on the behalf of His Majesty, and by and with the advice of His Majesty's privy council, in pursuance of the powers vested in His Majesty by the said act, that the governor of Newfoundland do give notice to all His Majesty's subjects being in or resorting to the said ports that they are not to interrupt in any manner the aforesaid fishery so as aforesaid allowed to be carried on by the inhabitants of the said United States in common with His Majesty's subjects on the said coasts within the limits assigned to them by the said treaty; and that the governor of Newfoundland do conform himself to the said treaty and to such instructions as he shall from time to time receive thereon in conformity to the said treaty and to the above-recited act from one of His Majesty's principal secretaries of state, anything in His Majesty's commission under the great seal constituting him governor and commander in chief in and over the said island of Newfoundland in America, and of the islands and territories thereunto belonging, or in His Majesty's general instructions to the said governor to the contrary notwithstanding; and his royal highness, in the name and on the behalf of His Majesty, doth hereby annul and make void each and every of the said general instructions which are or shall be deemed contrary to the intent and meaning of the said convention and of the said act. And the Right Hon. Earl Bathurst, one of His Majesty's principal secretaries of state, is to take the necessary measures therein accordingly.

JAS. BULLER.

APPENDIX No. 4.

[Anno Quinquagesimo Secundo Victoriæ Reginæ. CAP. VI.]

AN ACT To amend and consolidate the laws relating to the exportation and sale of bait fishes. (Passed June 1, 1889.)

Section.

1. Persons shall not export, haul, catch, take, purchase, or have in possession any bait fishes for the purpose of exportation.
2. Licenses may be granted for certain purposes.
3. Licenses issued under certain authority.
4. Power of governor in council to suspend or limit operation of act.
5. Conditions under which licenses granted.

Section.

6. To whom applications for licenses shall be made.
7. Licensee shall give bond to receiver-general.
8. Form of license, bond, etc.
9. Penal clause.
10. Power given to convicting magistrate to confiscate, etc.
11. Penalty for violation of act.
12. Onus probandi upon accused party.
13. Power to appoint commissioners conferred upon governor in council.

Section.

14. Power to board and search ships or vessels conferred upon certain persons.
15. Certain persons may be examined on oath by a J. P. and other officials of the government.
16. Additional powers given to officials.
17. What shall be evidence.
18. Offenders may be prosecuted summarily before a stipendiary magistrate.

Section.

19. Power of appeal.
20. Want of form in proceeding not ground for setting aside judgment.
21. Interpretation clause.
22. Treaty rights preserved.
23. Power of stipendiary magistrates.
24. Repealing clause: Proviso.
25. Time at which act shall come into force.

Be it enacted by the governor, legislative council, and assembly, in legislative session convened, as follows:

1. No person shall—

(1) Export, or cause or procure to be exported, or assist in the exportation of; or

(2) Haul, catch, take, or have in his possession, for the purpose of exportation; or

(3) Purchase or receive in trade or barter, for the purpose of exportation; or

(4) Take, ship, or put, or haul on board, or assist in taking, shipping, putting, or hauling on board of any ship or vessel for any purpose whatever; or

(5) Carry or convey on board of any ship or vessel for any purpose whatever any herring, caplin, squid, or other bait fishes from, on, or near any parts of this colony or its dependencies, or from or in any of the bays, harbors, or other places therein, without a license in writing, to be granted and issued as hereinafter provided.

2. Licenses may be granted for any of the following purposes, viz:

(a) To export bait fishes to a foreign country for bait purposes.

(b) To export bait fishes to a foreign country for food or consumption.

(c) To export bait fishes for use for bait purposes in prosecuting deep-sea fisheries.

(d) To haul, catch, or take bait fishes for exportation.

(e) To purchase bait fishes for exportation for food or consumption.

(f) To take, ship, or put on board a ship or vessel, or to carry or convey on board a ship or vessel, bait fishes for exportation for food or consumption.

(g) To purchase bait fishes for exportation for bait purposes.

(h) To take, ship, or put on board a ship or vessel, or to carry or convey on board a ship or vessel, bait fishes for exportation for bait purposes.

(i) To take, ship, or put on board a ship or vessel, or to carry or convey on board a ship or vessel, coastwise, to be discharged or landed or transhipped to some other ship or vessel within some port in this colony.

3. No such licenses shall be issued except under the authority of the governor in council and countersigned by the colonial secretary.

4. The governor in council may, from time to time, by proclamation, suspend or limit the operation of this act, and the issue of licenses thereunder, in relation to any district or part of this colony, or the coasts thereof, and for such period, and in relation to sale or exportation to such places or for such purposes and in such quantities as shall appear expedient and as shall be declared and defined in the proclamation.

5. No license under this act shall be granted to any person unless he shall have first made an affidavit before a subcollector or preventive officer of customs, or a stipendiary magistrate, setting forth the following particulars, viz: The name of the person to whom the license is to be granted, the name of the vessel on board of which it is intended to convey or export bait fishes, the purpose for which such bait fishes are intended to be conveyed or exported, whether for food or consumption or for bait purposes, the country to which it is intended to export the same or the place where the fishery is to be prosecuted for which such bait fishes are to be used.

6. Applications for licenses under this act shall be made to a stipendiary magistrate or a customs officer, who shall require the applicant in each case to make before him an affidavit stating the facts and particulars, as required under section 5 to be set forth in the license; and it shall be the duty of the said stipendiary magistrate or customs officer to report to the governor in council any refusal on the part of the applicant to make such affidavit, or any bona

vide doubt on the part of such stipendiary magistrate or customs officer of the truth of any of the statements set forth in such affidavit, or of a belief on his part that such license is applied for for the purpose of evading or defeating, or assisting in evading or defeating, the provisions of this act. In such case it shall be the duty of such stipendiary magistrate or other officer to withhold such license and await further instructions.

7. In every case in which a license is granted under this act the person to whom the same is granted shall also give bond to the receiver-general of this colony, with two sufficient securities, in the sum of not less than \$1,000 or more than \$2,000 each, containing the condition that the terms of the license shall in all respects be complied with; and in the case of a license to export to a foreign country, that satisfactory proof of the landing of the cargo in such foreign country will be furnished within a stated period, and the forfeiture of the penal sum under such bond shall be in addition to any other penalty, forfeiture, or punishment which may be imposed for the same offense under this act.

8. The forms of the licenses, affidavits, and bonds above provided shall be prescribed by the governor in council.

9. Any person who shall violate any of the provisions of section 1 of this act, or any of the subsections thereof; or

(1) Use, dispose of, or deal with any bait fishes, otherwise than in accordance with the terms of the affidavit made upon application for a license, or with the terms of such license; or

(2) Make any untrue statement in any affidavit upon application for a license under this act; or

(3) Obtain a license under this act by means of any false statement or misrepresentation, or by the suppression or concealment of any material fact, shall be liable for every first offense to a penalty not exceeding \$1,000, or imprisonment for a period not exceeding twelve months.

(4) Any person convicted of a second or subsequent offense under this act shall, on conviction, be subject to imprisonment, with hard labor, for a period of not less than twelve months.

10. In addition to the punishment prescribed by the foregoing section, the convicting magistrate may order the confiscation and sales of the herring, caplin, squid, or other bait fishes which have been sold, purchased, hauled, taken, conveyed, or exported in violation of the provisions of this act, or the terms of any license thereunder, or of the boat or vessel on board of which such bait fishes shall be found to have been unlawfully shipped, conveyed, or exported, and the forfeiture of any license held by the offender.

11. Any person who shall sell any herring, caplin, squid, or other bait fishes, for the purpose of shipping or putting on board of any ship or vessel, or for the purpose of exportation to any person not holding or producing a license under this act, shall be liable to a fine not exceeding \$500, or to imprisonment not exceeding three months.

12. In any prosecution under the next preceding section, the onus of proof that the bait fishes were not intended for shipment or for exportation shall rest upon the party accused: Provided there be proof of a sale under such circumstances as shall be consistent with a reasonable presumption that shipment or exportation was intended.

13. The governor in council may from time to time appoint special commissioners for the purpose of enforcing the provisions of this act.

14. Any such commissioner, or any justice of the peace, subcollector, preventive officer, fishery warden, or constable may board and examine and search any boat or vessel suspected of having on board, or of conveying or exporting, bait fishes contrary to the provisions of this act or of any license granted thereunder; and in case any such commissioner, justice of the peace, subcollector, preventive officer, fishery warden, constable, or the crew of any vessel employed by the government, shall make a signal by hoisting the international signal "B. M. I.," meaning "Heave to; I will send a boat," and firing a gun, or by dipping at the main peak three times the flag with the badge of the colony, as prescribed by the colonial regulations, it shall be the duty of the owner, master, or person managing or controlling such vessel to heave to until such commissioner, justice, subcollector, fishery warden, or constable shall have boarded and examined such last-named vessel; and in case of such owner, master, or person managing or controlling such last-named vessel omitting to heave her to, or obstructing or omitting to afford facilities for such commissioner, justice, sub-

collector, preventive officer, fishery warden, or constable in boarding and examining such vessel, he shall be subject to a penalty not exceeding \$500, or to imprisonment for a term not exceeding three months. The master of any vessel who shall refuse or unreasonably delay in obeying such signal may be arrested and brought before a stipendiary magistrate, and his vessel may be seized and held by any such commissioner, justice, subcollector, preventive officer, fishery warden, or constable, until an adjudication shall have taken place upon a complaint under this section.

15. Any person found hauling, catching, taking, purchasing, selling, shipping, or conveying any bait fishes, or any person having any such fishes in his possession, or the master, owner, or crew of any boat or vessel on board of which any bait fishes may be found, may be examined on oath by a justice of the peace, subcollector, or preventive officer, fishery warden, or commissioner appointed under this act, as to the quantity and kind of bait fishes in his possession or on board of such boat or vessel, the purpose for which such bait fishes are intended to be used, or as to the place to which the same are intended to be conveyed or exported; and upon his refusing to answer, or answering untruly, or failing to produce a license under this act, or, having such license, being found to have violated or failed to comply with the provisions thereof, such justice, subcollector, preventive officer, fishery warden, or commissioner may seize the boat or vessel on board of which such bait fishes shall have been hauled or caught, or put, kept, shipped, carried, conveyed, or exported, or on board of which the same may have been found, her tackle, apparel, furniture, and outfit, and the said bait fishes so found as aforesaid, and may hold the same until an adjudication shall have been had upon a complaint in relation to such alleged offense.

16. In any such case as mentioned in the next preceding section, any officer therein authorized to seize any boat or vessel, and any constable or peace officer then present shall have power, by direction of any such officer authorized as aforesaid, and without any warrant or complaint upon oath, to arrest any person found committing or omitting to do any of the acts for or on account of which such boat or vessel may be seized, and to detain him in custody until an adjudication shall have taken place as before provided.

17. In any prosecution under this act, the fact of shipping, putting, or having bait fishes on board of any boat or vessel shall be prima facie evidence of the same having been so shipped, put, had, or conveyed for the purpose of exportation, and the refusal or failure to produce a license upon being called upon so to do shall be prima facie evidence of such bait fishes having been shipped, put, conveyed, or exported without a license; and any exportation or intended exportation of bait fishes shall, in the absence of proof to the contrary, be held to be an exportation or intention to export for bait purposes.

18. All offenders against the provisions of this act may be prosecuted and convicted, and all fines, forfeitures, penalties, orders for confiscation, and other punishments imposed, recovered, and made in a summary manner before a stipendiary magistrate. In the event of the prosecution of an offender who would not be liable to or ordered to pay a fine, then the reasonable expenses of the prosecutor, including a fair amount for his time and labor expended in and about such prosecution, shall, on the certificate of the magistrate who heard the case, be paid to the prosecutor by the receiver-general.

19. If any person convicted under this act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of Her Majesty's supreme court holden in or nearest to the place where such conviction shall have been had: Provided notice of such appeal and of the cause and matter thereof be given to the convicting magistrate, in writing, within seven days next after such conviction, and the party desiring to appeal shall also, within fourteen days after such notice, give and enter into recognizance, with two approved sureties, before the convicting magistrate, conditioned for the appearance of the person convicted at such next sitting of the supreme court on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the judgment of the court thereon and for the delivery and surrender of any vessel or other property ordered to be confiscated, and to pay such costs as the court shall award. Any person who shall be convicted and imprisoned by any such magistrate for an offense against this act, and who shall have given such notice of appeal, and shall have entered into such recognizance with approved sureties, may be discharged from prison, in which case the recognizance shall be further conditioned for the surrender of the convicted party on the first day of such next sitting of the supreme court to the sheriff of the district in which such appeal may be heard.

20. No proceeding or conviction by or order of any justice or other officer under this act shall be quashed or set aside for any informality, provided the same shall be substantially in accordance with the intent and meaning of this act.

21. In this act the word "vessel" shall include any boat or ship, registered or not registered; jack, skiff, punt, or launch, whether propelled by sails, oars, or steam.

22. Nothing in this act shall affect the rights and privileges granted by treaty to the subjects of any state in amity with Her Majesty.

23. For the purposes of this act, all stipendiary magistrates shall be deemed to be stipendiary magistrates for the colony, and may exercise the jurisdiction given by this act in any part of the colony. All officers engaged in carrying out this act, and the masters and crews of all vessels engaged in the said service may severally be sworn as special constables, and shall, while engaged in carrying out this act, have all the powers, authority, and protection of police constables.

24. The act passed in the fiftieth year of the reign of Her present Majesty, chapter 1, entitled "An act to regulate the exportation and sale of herring, caplin, squid, and other bait fishes," and the act passed in the fifty-first year of the said reign, chapter 9, entitled "An act to amend an act passed in the fiftieth year of the reign of Her present Majesty, entitled 'An act to regulate the exportation and sale of herring, caplin, squid, and other bait fishes,'" are hereby repealed: *Provided*, That this repeal shall not be held to affect any penalty, forfeiture, or liability incurred under the said act, or any proceedings for enforcing the same, had, done, completed, or pending at the time of this repeal, or any office, appointment, or authority or duty created, conferred, or imposed, or any right or privilege acquired or existing, or any license granted under the authority of the said acts. *And provided further*, That every person holding a license under either of the said acts shall, as soon as practicable after the passing of this act, surrender the same to the nearest magistrate or customs officer authorized to issue licenses under this act, who shall thereupon grant in lieu thereof a license under the provisions of this act for such purpose as the same shall be required; and any license issued under the authority of said acts, not so surrendered as soon as practicable, or within a reasonable period, shall be held to have been terminated and to be of no further effect.

25. This act shall come into force at such date as shall be appointed by the governor by his proclamation.

APPENDIX No. 5.

NEWFOUNDLAND FOREIGN FISHING VESSELS ACT, 1893.

AN ACT Respecting foreign fishing vessels. (Passed May 24, 1893.)

Be it enacted by the governor, the legislative council, and house of assembly in legislative session convened, as follows:

1. The governor in council may authorize the issuing of licenses to foreign fishing vessels, enabling them to enter any port on the coasts of this island for the following purposes: The purchase of bait, ice, seines, lines, and all other supplies and outfits for the fishery, and for the shipping of crews.

2. Any justice of the peace, subcollector, preventive officer, fishery warden, or constable may go on board any foreign fishing vessel within any port on the coasts of this island, or hovering in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbors in this island, and may stay on board such vessel so long as she remains within such port or distance.

3. Any one of the officers or persons hereinbefore mentioned may bring any foreign fishing vessel, being within any port on the coasts of this island, or hovering in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbors of this island, into port, may search her cargo, and may examine the master upon oath touching the cargo and voyage; and the master or person in command shall answer truly such questions as shall be put to him, under a penalty not exceeding \$500. And if such foreign fishing vessel has on board any herring, caplin, squid, or other bait fishes, ice, lines, seines, or other outfits or supplies for the fishery, purchased within any port on the coasts of this island, or within the distance of 3 marine miles from any of the coasts,

bays, creeks, or harbors of this island, or if the master of the said vessel shall have engaged or attempted to engage any person to form part of the crew of the said vessel in any port, or on any part of the coasts of this island, without a license therefor in writing first granted to any such vessel under the provisions of this act, or has entered such waters for any purpose not permitted by treaty, convention, or act of the legislature for the time being in force, such vessel and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.

4. All goods and vessels, and the tackle, rigging, apparel, furniture, stores, and cargo thereof, liable to forfeiture under this act may be seized and secured by any officer or person mentioned in the second section of this act, and every person opposing any officer or person in the execution of his duty under this act, or aiding or abetting any other person in such opposition, shall be deemed guilty of a misdemeanor and liable to a fine of \$500.

5. In any prosecution under this act, the presence on board of any foreign fishing vessel, in any port of this island, or within British waters aforesaid, of any caplin, squid, or other bait fishes, of ice, lines, seines, or other outfits or supplies for the fishery, shall be prima facie evidence of the purchase of the said bait fishes and outfits within such ports or waters, and the refusal or failure to produce a license upon being called upon so to do shall be prima facie evidence of the purchase of bait, ice, lines, seines, or other supplies or outfits for the fishery without a license.

6. All offenders against the provisions of this act may be prosecuted and convicted, and all fines, forfeitures, penalties, and other punishments imposed, recovered, and made, in a summary manner, before a stipendiary magistrate. For the purposes of this act all stipendiary magistrates shall be deemed to be stipendiary magistrates for the colony, and may exercise the jurisdiction given by this act in any part of the colony.

7. If any person convicted under this act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of Her Majesty's supreme court, holden in or nearest the place where such conviction shall have been had, or in St. John's: *Provided*, That notice of such appeal and of the cause and matter thereof be given to the convicting magistrate in writing, within seven days next after such conviction, and the party desiring to appeal shall also, within fourteen days after such notice, give and enter into recognizance with two approved sureties before the convicting magistrates conditioned for the appearance of the person convicted at such next sitting of the supreme court, on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the judgment of the court thereon, and for the delivery and surrender of any vessel or other property ordered to be confiscated, and to pay such costs as the court may award.

8. No proceeding or conviction by, nor order of, any magistrate or other officer under this act shall be quashed or set aside for any informality, provided the same shall be substantially in accordance with the intent and meaning of this act.

9. Nothing in this act shall affect the rights and privileges granted by treaty to the subjects of any state in amity with Her Majesty.

10. Any foreign fishing vessel may enter any port of entry of this island for the purpose of applying for a license under the provisions of this act. Applications for licenses under this act shall be made to a customs officer at a port of entry in this colony, who is hereby authorized to issue the same. The fee for such license shall be \$1.50 per registered ton, to be paid to the customs officer issuing said license. The form of such licenses and the terms and conditions under which the same shall be granted shall be determined by the governor in council.

11. In this act the word "vessel" shall include any boat or ship, registered or not registered, jack, skiff, punt, or launch, whether propelled by sails, oars, or steam.

APPENDIX No. 6.

Convention between Great Britain and the United States of America for the improvement of commercial relations between the United States and His Britannic Majesty's colony of Newfoundland.

The Governments of Great Britain and the United States, desiring to improve the commercial relations between the United States and His Britannic Majesty's colony of Newfoundland, have appointed as their respective plenipotentiaries,

and given them full powers to treat of and conclude such convention, that is to say—

His Britannic Majesty, on his part, has appointed the Right Hon. Sir Michael Herbert, K. C. M. G., C. B., His Britannic Majesty's ambassador extraordinary and plenipotentiary at Washington; and the President of the United States has appointed, on the part of the United States, John Hay, Secretary of State:

And the said plenipotentiaries, after having exchanged their full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I.

United States fishing vessels entering the waters of Newfoundland shall have the privilege of purchasing herring, caplin, squid, and other bait fishes at all times, on the same terms and conditions, and subject to the same penalties as Newfoundland vessels.

They shall also have the privilege of touching and trading, buying, and selling fish and oil, and procuring supplies in Newfoundland, conforming to the harbor regulations, but without other charge than the payment of such light, harbor, and customs dues as are, or may be, levied on Newfoundland fishing vessels.

ARTICLE II.

Codfish, cod oil, seal oil, whale oil, unmanufactured whalebone, sealskins, herrings, salmon, trout and salmon trout, lobsters, cod roes, tongues, and sounds, being the produce of the fisheries carried on by the fishermen of Newfoundland, and ores of metals, the product of Newfoundland mines, and slates from the quarry untrimmed, shall be admitted into the United States free of duty. Also all packages in which the said fish and oils may be exported shall be admitted free of duty. It is understood, however, that unsalted or fresh codfish are not included in the provisions of this article.

ARTICLE III.

The officer of customs at the Newfoundland port where the vessel clears shall give to the master of the vessel a sworn certificate that the fish shipped were the produce of the fisheries carried on by the fishermen of Newfoundland, which certificate shall be countersigned by the consul or consular agent of the United States.

ARTICLE IV.

When this convention shall come into operation, and during the continuance thereof, the following articles imported into the colony of Newfoundland from the United States shall be admitted free of duty:

Agricultural implements and machinery imported by agricultural societies for the promotion of agriculture.

Cranes, derricks, fire clay, fire brick, rock drills, rolling mills, crushing mills, separators, drill steel, machinery of every description for mining used within the mine proper or at the surface of the mine, smelting machinery of all kinds when imported directly by persons engaged in mining, or to be used in their mining operations and not for sale.

Brick machines.

Dynamite, detonators, blasting powder, and fuse.

Raw cotton and cotton yarn.

Corn for the manufacture of brooms and whisks.

Chair cane, unmanufactured.

Cotton-seed oil, olive oil, boracic acid, acetic acid, preservatine, when imported by manufacturers to be used in the preservation of fish or fish glue.

Hemp, hemp yarn, coir yarn, sisal, manila, jute, flax, and tow.

Indian corn.

Oil cake, oil-cake meal, cotton-seed cake, cotton-seed meal, pease meal, bran, and other preparations for cattle feed.

Manures and fertilizers of all kinds, and sulphuric acid when imported to be used in the manufacture of manures.

Lines and twines used in connection with the fisheries, not including sporting tackle.

Ores to be used as flux.

Gas engines when protected by patent.

Plows, harrows, reaping, raking, potato-digging, and seed-sowing machines when imported by those engaged in agriculture, and not for sale.

Engravers' plates of steel, polished, for engraving thereon; photo-engraving machinery, viz: Router, beveling, and squaring machines, screen holders, cross-line screens, and chemicals for use in engraving, wood for blocking, engraving tools, and process plates.

Printing presses, printing paper, printing types, printers' ink, when imported by bona fide printers for use in their business.

Salt, in bulk, when imported for use in the fisheries; and the duties to be levied and collected upon the following enumerated merchandise imported into the colony of Newfoundland from the United States shall not exceed the following amounts, viz:

Flour, 25 cents per barrel.

Pork, \$1.50 per barrel of 200 pounds.

Bacon and hams, tongues, smoked beef, and sausages, 2½ cents per pound, or \$2.50 per 112 pounds.

Beef, pigs' heads, hocks, and feet, salted and cured, \$1 per barrel of 200 pounds.

Indian meal, 20 cents per barrel.

Peas, 30 cents per barrel.

Oatmeal, 30 cents per barrel of 200 pounds.

Rice, one-fourth cent per pound.

Kerosene oil, 6 cents per gallon.

ARTICLE V.

It is understood that if any reduction is made by the colony of Newfoundland at any time during the term of this convention in the rate of duty upon the articles named in Article IV of this convention coming from any other country, the said reduction shall apply to the United States, and that no heavier duty shall be imposed on articles coming from the United States than is imposed on such articles coming from elsewhere.

ARTICLE VI.

The present convention shall be duly ratified by His Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at Washington as soon thereafter as practicable.

Its provisions shall go into effect thirty days after the exchange of ratifications, and shall continue and remain in full force for the term of five years from the date at which it may come into operation and, further, until the expiration of twelve months after either of the contracting parties shall give notice to the other at the end of the said term of five years, or at any time afterwards.

In faith whereof we, the respective plenipotentiaries, have signed this convention and have hereunto affixed our seals.

Done in duplicate at Washington this 8th day of November, in the year of our Lord 1902.

APPENDIX No. 7.

Speech by Sir R. Bond on second reading of foreign fishing vessels bill of 1905, delivered April 7, 1905.

The Right Honorable the Premier (Sir Robert Bond). Mr. Speaker, when moving the first reading of this bill on Wednesday last, in reply to a question put by the leader of the opposition, I stated that the object of the measure is to inform foreign fishermen that they are no longer entitled to enter within the 3-mile limit for any purpose whatever, except as provided by treaty with His Majesty's Government.

Under the foreign fishing vessels act of 1893, which this bill is intended to repeal, the governor in council was authorized to issue licenses to foreign fishing vessels, enabling them to enter any port on the coasts of this colony to purchase bait, ice, supplies, and outfits for the fishery, and to ship crews.

Authority was conveyed to foreign fishing vessels to enter any port of entry for the purpose of applying for such license, and power was given to the governor in council to make rules and regulations respecting the terms and conditions under which such licenses should issue.

It is proposed to repeal the whole act of 1893, but certain sections of that act are embodied in this bill. For instance, sections 2 and 3 of that act are combined in section 1 of this bill, excepting that reference to the issue of licenses is omitted. Section 2 of this bill is practically the same as section 4 of the act of 1893. Section 3 is the same as section 5 of the old act, omitting reference to licenses. Section 4 of this bill is the same as section 6 of the 1893 act; section 5 is the same as section 7 of that act; section 6 is the same as section 8 of that act; section 7 is the same as section 9 of that act; and section 8 is the same as section 11 of the 1893 act. It may be contended that under acts which relate to our fisheries there is sufficient power to do all that is contemplated by this bill. My reply to that would be that the government is advised that the measure now before the house is desirable. It is desirable that the policy of the government in respect to foreign fishing vessels should be made perfectly clear and unmistakable.

That policy is not to grant licenses to such vessels, enabling them to enter any of the ports of this colony and purchase bait, ice, supplies, and outfits for the fishery, and to ship crews, under existing circumstances. This being the policy of the government, the retention on our statute book of the foreign fishing vessels act of 1893 would be misleading and might prove vexatious.

What are the existing circumstances that render it desirable and expedient that foreign fishing vessels should be precluded the privileges contemplated by the foreign fishing vessels act of 1893?

In the case of the French fishing vessels, the disadvantage at which our fishermen are placed by reason of the bounty system which the Government of France extends to her fishermen on our coasts, and which enables them to undersell us in foreign markets.

In the case of American fishermen, the almost prohibitive tax which Congress continues to impose upon all our fishery products that seek a market within the border of the United States, and the pronounced hostility of those fishermen, whose interests have been sustained by the supplies obtained from within our jurisdiction, to that measure of reciprocity that the administration of their country has pronounced equitable and just.

And the further circumstance that warrants the present policy of the government in respect to all foreign fishing vessels is the shortage of bait supplies that has confronted our own fishermen during the past two years.

That that shortage is but of a temporary character we have every reason to believe. The herring, caplin, and squid, which comprise our bait fishes, are most erratic in their habits. Scientists tell us so, and experience has proved it. That those fish for some reason forsake long stretches of coast for a season, and in some instances for years, and then return again to their former habitat, we have had demonstrated to us over and over again. But while this is so, while we know that the embarrassment in respect to the scarcity of bait on certain sections of our coast is only temporary, it would be an act of madness on our part to continue to supply to foreigners what we require ourselves, unless we receive therefor a quid pro quo.

The generous treatment that we have been extending to American fishermen in this respect during the past fifteen years, while fully appreciated and respected by the administration of the United States, is apparently not appreciated, and is certainly not respected, by the fishermen of that country, who have so largely benefited by it; and the best way to bring them to a realization of their position of dependence upon our bait supplies is to withhold those supplies. We have said to the fishermen of the United States, provided our fishery products are admitted into your markets upon the same footing as your own, we will permit you to obtain from our supply all the bait fishes you require for the conduct of your fisheries. The answer we have received from those fishermen has been, "We don't thank you for bait. We pay for it, and hundreds of your people are dependent upon the dollars that we scatter in the purchase of that bait." They go further, and by misrepresentation succeed in influencing the Senate to thwart the administration of their country in consummating a measure that, while dealing out justice to this country, would have been mutually advantageous.

Permit me to refer to proof of the correctness of my allegations.

On the 4th December, 1902, Senator Lodge presented to the United States Senate certain papers and statistics in regard to Gloucester and New England fisheries. These papers were referred to the Committee on Foreign Relations to be printed, and I have been favored with a copy of the said papers and statistics, that I now have before me.

The first paper is a letter addressed by Messrs. John Pew & Son, of Gloucester, to the Hon. Henry Cabot Lodge, under date the 1st December, 1902. In the main, this deals with the mackerel fishery conducted from Gloucester and the probable result of competition. Suffice it to say in reply thereto that Newfoundland has no mackerel fishery whatsoever. There was a time, forty or fifty years ago, when mackerel was as plentiful as caplin upon our shores, and people used them in the same manner. They were so plentiful that they were carted through the streets of this city to be used in the making of compost for manure by farmers, as caplin and squid are used to-day. However, during the last thirty-five or forty years they have almost if not altogether disappeared from our coasts, so that the statement of Messrs. Pew & Son, made for the purpose of influencing the United States Senate, is entirely misleading and incorrect, and has no bearing whatever upon the Newfoundland treaty. It is quite probable that no more than six or seven, if that number, of the Senators were cognizant of the fact that Newfoundland possessed no mackerel fishery, and the majority of the Senators were therefore deceived by the paper that was put before them, from which I have quoted.

Messrs. Pew & Son then proceed to ask in their paper the question, "What does Gloucester get by such a treaty?" and to answer it thus: "Only this one small thing, the withdrawal of the tonnage tax which Newfoundland imposes, namely, \$1.50 per net ton on American fishing vessels that seek Newfoundland ports at certain seasons of the year for the purpose of buying fresh bait. * * * Under the treaty of 1818, Article I, we understand that United States inhabitants have forever the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to Rameau Islands; on the western and northern coasts of Newfoundland from Cape Ray to Quirpon Islands; and also on the coasts, bays, harbors, and creeks from Mount Joly on the southern coast of Labrador to and through the Straits of Belleisle, and thence northwardly indefinitely. Therefore the liberty of buying bait free of tonnage tax already exists in this long stretch of seacoast, and the Hay-Bond treaty is no benefit whatever."

This deliberate statement, made to influence the Senate, is fallacious and misleading.

In the first place, the treaty that I had the honor of negotiating in 1902^a means to the United States fishermen not only "the withdrawal of the tonnage tax" but the important privilege of purchasing bait fishes in any of the harbors of this colony, a privilege for the ten years' use of which, under the Washington treaty, the Halifax Fishery Commission, which sat in 1877, awarded Newfoundland \$1,000,000, or an annual subvention of \$100,000 per annum. The treaty of 1818, to which Messrs. Pew & Son referred in their paper to the Senate, conveys no such privilege. Under that treaty they have no right whatever to buy bait on any part of the Newfoundland coast, and they have only been permitted to do so by virtue of the foreign fishing vessels act, which this bill now before the House proposes to repeal.

The treaty of 1902, now before the Senate of the United States, is intended to secure to American fishermen equal privileges with our own people in the winter herring fishery; and I repeat that the statement made by Messrs. Pew & Son that the Americans under the treaty of 1818 have the right to buy or take these herring in the creeks and harbors on the southern coast of Newfoundland between Cape Ray and Rameau Islands and on the northern and western coast of Newfoundland between Cape Ray and Quirpon Islands is incorrect and misleading; and I desire to emphasize the statement that, in my opinion, the fishermen of the United States of America have no right, under the treaty of 1818, either to take for themselves or to purchase bait fishes in the harbors, creeks, or coves between Cape Ray and Rameau Islands on the southern coast of Newfoundland, or in the harbors, creeks, or coves between Cape Ray and Quirpon Islands on the northern and western coast; and that the liberty extended to them under the treaty of 1818 to take fish in the harbors, bays, and

^a The Hay-Bond convention.

creeks of this colony is limited to that portion of our dependency from Mount Joly on the southern coast of Labrador to and through the Straits of Belle Isle and thence northwardly indefinitely. This is a point of vast importance to the people of this country. I believe I am correct in saying that it is the first time that this position has been taken, and, if I am correct in my interpretation of the treaty of 1818, the whole winter herring fishery of the west coast has been carried on for years by the Americans simply at the sufferance of the government of this colony.

It is surprising that the Senate did not see the fallaciousness of the statement made by the Messrs. Pew in regard to the rights of American fishermen on the portion of the coast of this colony to which I have just referred, for the Hon. Dwight Foster, that eminent American lawyer who represented the United States of America at the Halifax Fishery Commission in 1877, declared in his closing argument on behalf of the United States before that commission that "No rights to do anything upon the land are conferred upon citizens of the United States under the treaty of 1818. So far as the herring trade goes, we could not, if we were disposed to, carry it on successfully under the provisions of the treaty, for this herring trade is substantially a seining from the shore—a strand fishery, as it is called—and we have no right anywhere conferred by treaty to go ashore and seine herring. We have no right to go ashore for any purpose anywhere on the British territories, except to dry nets and cure fish."

I venture to go further than the learned counsel for the United States in his admission, and to express the opinion, after very careful consideration, that American fishermen not only have no right to land and seine herrings, but they have no right to into the harbors, creeks, or coves from Cape Ray to Rameau Islands and from Cape Ray to Quirpon Islands for the purpose of buying herrings or fishing for them.

Messrs. Pew & Son, in their paper, proceeded to state further that "in this stretch of coast—that is to say, between Cape Ray and Quirpon Islands—are situated Bay of Islands and Bonne Bay, where fifty or more of our New England fishing vessels go to engage in the winter herring fishery. Having herring come into the United States free of duty, as contemplated by the Bond-Hay treaty, simply transfers this winter fishery over to the British flag." If the position that I have taken up in regard to this section of the coast of this colony is correct, the exclusive rights to the winter herring fishery are under the British flag to-day, and always have been so ever since the dominion of the British flag was first established in North America.

The other papers presented to the United States Senate by Senator Lodge on behalf of the New England fishermen scarcely merit criticism. They consist of extracts from newspapers published under a wrong impression prior to the publication of the 1902 treaty. It is, perhaps, worthy of notice, however, that the paper marked "No. 2," signed by a Mr. Nickerson, alleges that "if the Hay-Bond treaty is ratified, one of the consequences that will ensue is that vessels from Nova Scotia will go to Newfoundland and register, and that thus the products of the Nova Scotia fisheries would find admission into the United States free through the Newfoundland convention."

The absurdity of this statement will be apparent on reference to the second and third articles of the Hay-Bond treaty. Article II of that treaty stipulates that the fishery products to be admitted into the United States shall be "the products of the fisheries carried on by the fishermen of Newfoundland," and Article III stipulates that "the officer of customs at the Newfoundland port where the vessel clears shall give to the master of the vessel a sworn certificate that the fish shipped were the products of the fisheries carried on by the fishermen of Newfoundland, which certificate shall be countersigned by the consul or consular agent of the United States."

At the time of the drawing up of the Hay-Bond treaty I had in view the possibility which Mr. Nickerson regards as a certainty, and I caused the insertion of the articles to which I have referred in order to prevent any question arising in connection with Canadian fish and a possibility of the evasion of the true intent and meaning of the treaty.

Another paper put in was signed by J. Donahue, F. E. Libby, and other New England fish dealers, who took up the position that our people were dependent upon the Americans coming to our shores to buy bait; that there was no danger of the withdrawal of bait privileges by the government of Newfoundland, inasmuch as a large number of the people of this colony were dependent upon the dollars that the Americans left here in return for the supply of bait fishes; and I have observed that a certain section of the press of New England has

referred to the people of this colony as paupers and to our fishery products as "pauper fish." The challenge has been thrown out by that press that the legislature of this colony dare not interfere or attempt to restrict our people in the supply of bait fishes to the American fishing fleet.

Another position which has been taken, not only by individual vessel owners of Gloucester, but also has been advocated by a large and influential section of the American press, is that the ratification of the Hay-Bond treaty will cause the displacement of American fish in American markets; that it will mean the destruction of the fisheries of New England, which it is contended is the nursery of the American Navy. It would amuse the House if I were to lay before them the special paper which was forwarded by the fishing interests of New England to the United States Senate on this point. It would be amusing in view of the facts that are revealed by the registers of shipping and other public records. It is only necessary to have reference to those records to be convinced of the fact that out of 8,000 fishermen who man the fishing fleets of New England some 4,000 are Newfoundlanders, about 1,500 are of American birth, and the balance consists of Nova Scotians, New Brunswickers, Portuguese, and Scandinavians. We learn that in some instances whole crews of vessels sailing out of Gloucester are made up of Nova Scotians. The Gloucester News of the 20th of November, 1902, gave an interesting report of the three months' trip of the schooner *Aloha*, owned by Messrs. Cunningham & Thompson, in which it was stated that the "skipper was a native of West Bay, Cape Breton, while his fishery lads were the flower of Shelburne County, Nova Scotia."

During the recent war with Spain the United States Government sent two man-of-war ships to Gloucester for recruiting purposes, and although they remained there the whole summer there was only an enlistment of about 300 men, the majority of whom were not American born. At the same time the commercial city of Boston enlisted from its workshops and factories more than 1,700 men for the same purpose.

It can readily be understood why it is that Gloucester and New England fishing interests object to the ratification of the Hay-Bond convention, for at the present time they virtually have a monopoly of the frozen-herring industry. That industry has largely built up the fishery interests of New England. It is impossible for our people to compete with the Americans while they have to face an import duty of three-quarters of a cent per pound, which is equivalent to 25 per cent of the value of the article.

The expenses attending the prosecution of the frozen-herring trade by the Americans are insignificant, because their vessels are not under the necessity of going to the expense of bringing to Newfoundland either large crews or implements of trade.

Under a United States Treasury Department decision herring can be taken by engaging Newfoundland labor, and can be landed free of duty as if the catch had been taken by American crews. This virtually is an evasion of the law, and the matter has recently been freely agitated in the leading journals of New York and Boston under the heading of "The smuggling of herring." As a matter of fact, the frozen herring taken in American schooners to the United States can not be properly termed a product of the American fisheries. The American fishermen do not catch them, neither do they employ Newfoundland fishermen to catch them. They are caught by the people of this colony and sold to the American fishermen as an article of commerce, and are then, as has been termed by the American press, smuggled into the United States free of duty as a product of the American fisheries. One leading American journal has declared that the loss of revenue accruing to the United States Treasury during the year 1894-95 for duty on herring amounted to \$84,000. In the year 1894 I was asked by the special agent of the United States Treasury to furnish statistics in respect of the conduct of the winter herring fishery in his colony by the Americans. I readily complied with the request, and it was upon the statistics that I gave them that the inquiry was based which led to the exposure in connection with the smuggling of herring into the United States in American vessels.

Under date the 12th March, 1894, I wrote the Treasury Department as follows, viz:

"With regard to the facts surrounding the prosecution of the so-called 'frozen-herring industry,' I have much pleasure in supplying the following information, which has been obtained from reliable sources:

"New England schooners visit the southern coast of Newfoundland during the winter months, from October to March, for the purpose of obtaining frozen

herring. As you correctly observe, 'these vessels carry a small complement of men,' sometimes they carry a seine and seine boat, but this is the exception; in fact, it is but seldom that they have either. The bulk of herring obtained by them is purchased from Newfoundlanders in a frozen state for cash; a limited quantity by barter, the commodities supplied being for the most part oil clothes, rubber boots, cheap ready-made goods, flour, sugar, and salt beef; on these articles duty is usually paid.

"I am informed, however, by the receiver-general that there have been instances of attempts to evade the payment of customs duties, and he is of opinion that smuggling is still carried on, notwithstanding the great care taken to protect the revenue. It seems that a plea is made that 'owing to the nature of the voyage an extra allowance of oil clothes, rubber boots, flannels, ship's stores (including spirits) is made the crew and ship,' and there is grave suspicion that this surplus stock is bartered for herring without duty being paid on it. The price paid for the herring varies from 25 cents per basket to 40 cents per basket, and depends on the catch. As a rule, the fish are frozen on shore by Newfoundlanders; in some instances they are caught, frozen, and held in store awaiting the arrival of American vessels, when they are sold to the highest bidder for cash. In no case is gear supplied to Newfoundlanders to take fish except by actual sale of the article; i. e., herring nets or second-hand mackerel seines, the latter of which are too much worn to be of use for the purpose for which they were originally intended. Newfoundlanders are sometimes engaged by American skippers to assist as stevedores, but never for the purpose of catching herring. There is one case on record in which natives of this colony were hired to take fish out of a seine. It occurred in St. Marys Bay in the spring of 1893. One Solomon Jacobs, master of the schooner *Ethel B. Jacobs*, shot his seine in Newfoundland waters, a large haul was made, and Newfoundlanders were hired to take the fish out and place it on board the schooner.

"To my general statement, made above, to the effect that 'as a rule the fish are frozen on shore,' there is one exception. Occasionally the poorer class of fishermen who require an immediate supply of provisions bring their unfrozen fish alongside and barter them. These herring are subsequently frozen on scaffolds on board, and, for the most part, by natives hired for that purpose.

"To sum up: Herring are never taken by Americans themselves. They are purchased in exchange for cash, and in a lesser degree for merchandise, from Newfoundlanders who catch and freeze them. Newfoundlanders are never hired to catch herring for the Americans.

"Care must be taken to distinguish between United States vessels visiting this coast for the purpose of purchasing bait, supplies, etc., for the codfishery; in fact, those making Newfoundland ports a base from which to carry on fishing operations, and those who engage in the frozen-herring trade. To the former licenses (copy of which is inclosed) are issued, for which \$1.50 per ton is charged; to the latter no charge is made except the usual ones, equally chargeable to Newfoundlanders, of light customs dues."

Turning to another phase of the question—

In dealing with this bill, it may not be disadvantageous to give a brief résumé of the history of the fisheries question as it relates to the intercourse between the fishermen of the United States of America and those of this colony.

Before the American Revolution the inhabitants of all the British colonies in North America possessed as a common right the right of fishing on all the coasts of what was then British North America, and these rights were, in the broadest sense, prescriptive and accustomed rights of property. At the end of the Revolution, and by the treaty of peace signed in 1783, the boundaries between the possessions of the two powers—that is to say, the United States and Great Britain—were adjusted by Article III of that treaty, which read as follows:

"Agreed that the people of the United States shall continue to enjoy unmo-
lest the right to take fish of every kind on the Grand Bank and on all the
other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all
other places in the sea where the inhabitants of both countries used at any
time heretofore to fish; and also that the inhabitants of the United States shall
have liberty to take fish of every kind on such part of the coast of Newfound-
land as British fishermen shall use (but not to dry or cure the same on that
island); and also on the coasts, bays, and creeks of all other of His Britannic
Majesty's dominions in America."

This was a grant or recognition of a right agreed upon for a consideration—viz, the adjustment of the boundaries and other engagements into which the United States by that treaty entered.

For our purposes it is unnecessary to deal with the other articles of that treaty.

From 1783 until the war between Great Britain and the United States in 1812, citizens of the United States continued to enjoy the ancient rights belonging to them as subjects of Great Britain before the Revolution, and reserved to them as citizens of the United States, to the extent outlined in the article of the treaty of 1783, to which I have referred. Between those dates other subjects of difference and negotiation, apart from the fisheries, arose between the two nations, which were disposed of by the treaties of 1794 and 1802, but the fishery provisions of 1783 continued down to the period of the outbreak of war in 1812.

At the close of that war a treaty of peace was concluded on the 24th December, 1814, which provided—

(1) For the restoration to each party of all countries, territories, etc., taken by either party during the war, without delay, save some questions of islands in the Bay of Passamaquoddy;

(2) For disposition of prizes and prisoners of war; and

(3) For questions of boundary and dominion regarding certain islands and for the settlement of the northeastern boundary, and also for the northwestern boundary; but it made no reference whatever to any question touching the fisheries referred to in the treaty of 1783.

On the 3d July, 1815, Great Britain entered into a commercial treaty with the United States, which provided for reciprocal liberty of commerce between all the territories of Great Britain in Europe and the territories of the United States, but made no stipulation as regards commercial intercourse between British dominions in North America and the United States.

After the conclusion of the treaty following the war of 1812—viz, that of the 24th December, 1814—there being then no treaty obligations or reciprocal laws in force between or in either of the countries respecting commercial intercourse, the British Government contended that the fishing rights recognized and secured to the citizens of the United States by the treaty of 1783 had become abrogated in consequence of the war of 1812, on the principle of war annulling all unexecuted engagements between two belligerents. The fishing rights conveyed to the United States of America by the treaty of 1783 having been annulled by the war of 1812, the citizens of the United States no longer had the right to fish in any of the North American waters. This exclusion continued until the conclusion of the treaty of the 20th October, 1818, which treaty remains in force to-day, and embodies the whole of the fishing rights or privileges to which United States citizens are entitled in the waters that wash the coasts of this colony.

Article I of that treaty contains a recital of the fishing privileges in British North American waters conveyed to the United States by the Imperial Government. That article reads as follows:

“Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in American, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coasts of Newfoundland from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company; and that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland above described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry and cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounces forever

any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however,* That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

The treaty limited to a territorial extent the fishing rights of the people of the United States, which they had enjoyed as British subjects, and which had been recognized and continued under the treaty of peace of 1783, and down to the year 1812.

It provided for the continuance of the ancient rights of fishing on certain parts of the coast of this colony, and of His Britannic Majesty's other dominions in America. It also provided for a renunciation by the United States of preexisting rights to take fish within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in British North America, not included within the limits set forth in the article which I have read, that renunciation being subject, however, to the proviso that "American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

The House will not fail to observe that the ancient right of fishing enjoyed by the fishermen of the United States, in common with the subjects of Great Britain, was continued in force by the treaty of 1818, in the first place along a certain portion of the coast of Newfoundland, viz: On the southern coast extending from Cape Ray to Rameau Islands, and on the western and northern coasts from Cape Ray to Quirpon Islands; and, in the second place, along the coasts, bays, harbors, and creeks of the Labrador coast, from Mount Joly on the southern coast of Labrador, to and through the Straits of Belleisle, and thence northwardly indefinitely; and that the renunciation on the part of the United States to fish on other coasts of the island, and in the bays, harbors, and creeks thereof, is perfectly clear and emphatic. The treaty contained no provision as respects the exercise of what may be termed "commercial rights" by the American fishing or other vessels in the waters of this colony, and the right remained, and still remains, of the government of this colony to exclude American fishing vessels from all other waters or ports within the jurisdiction of the colony, subject, of course, to the limitation of the general law which applies to all civilized communities, with respect to vessels under circumstances requiring the assistance of humanity.

It was not till the year 1830 that a reciprocal arrangement was entered into between the Government of Great Britain and that of the United States for what might be properly termed "commercial relations," the act of Congress of the 29th May, 1830, provided for the opening of all American ports to certain British colonial vessels on a mutual opening of British colonial ports to American vessels, and a proclamation dated the 5th October, 1830, giving effect to it on the part of Great Britain.

This arrangement would appear to have resulted in acts of aggression on the part of American subjects, and to a violation of the treaty obligations of 1818, for we find that, in the year 1836, the government of this colony passed a bill, entitled "An act to prevent the encroachment of aliens on the fisheries of this colony, and for the further protection of the said fisheries;" that, in the same year, the Province of Nova Scotia passed laws in respect to the seizure of American fishing vessels for trading and fishing within the 3-mile limit; and that, in the year 1838, the said Province of Nova Scotia complained, by address to the Queen, of such aggressions, and asked for naval force to prevent them. The force was supplied by the British Government, and seizures of American fishing vessels became common.

Down through the years until 1854 the same conditions applied, when, on the 5th June, 1854, a comprehensive reciprocal trade treaty was entered into between Her Majesty's Government and that of the United States, under which

Americans were granted the right to fish within the limits prohibited by the treaty of 1818, under certain restrictions. That treaty terminated in the winter of 1864 by a vote of the Congress of the United States.

Between 1864 and 1871 the policy of issuing licenses to American fishermen to fish in the waters from which they were excluded for fishing purposes by the treaty of 1818 was adopted by the Canadian government, and, during the year 1866, 354 licenses were issued by that government at the rate of 50 cents per ton. The next year the license fee was increased to \$1 per ton, and the number of licenses issued amounted to 281. In 1868 and 1869 the license fee was doubled to \$2 per ton, and, in the years 1868 and 1869, 56 and 25 licenses, respectively, were taken out. The Canadian government then changed its policy and enacted exclusive laws against American fishermen, forcing them to keep without the 3-mile limit.

In the year 1871 another reciprocal trade treaty was entered into between Her Majesty's Government and that of the United States, which provided that, for a period of ten years, fishermen of the United States should have, in addition to their rights under the treaty of 1818, the privilege of inshore fishing in the waters of British North America under certain limitations. In return for that privilege it was provided that the fishery products of this colony and of the neighboring dominion were to have free entry into the markets of the United States. On the 1st July, 1885, that treaty was terminated by the Congress of the United States, and the fishing rights of United States citizens reverted back to those outlined in the treaty of 1818.

In the year 1888 an attempt was made by Her Majesty's Government to negotiate another reciprocity treaty with the United States of America on behalf of the Dominion of Canada and this colony. These negotiations resulted in what is known as the "Bayard-Chamberlain treaty," which was signed on the 5th of February, 1888, but which was subsequently rejected by the Senate of the United States, and was never ratified. This treaty was intended to convey to United States fishermen the privilege of entering the ports, bays, and harbors of this colony, free of charge, for the following purposes:

1. The purchase of provisions, bait, ice, seines, lines, and all other supplies and outfits.
2. Transshipment of catch, for transport by any means of conveyance.
3. Shipping of crews, in return for the free entry into the United States of fish oil, whale oil, seal oil, and fish of all kinds (except fish preserved in oil), being the produce of fisheries carried on by the fishermen of this colony, including Labrador.

In the year 1889 the government of this colony approached Her Majesty's Government with a view to negotiations being opened with the United States Government for a measure of reciprocal trade between this colony and the United States.

In the following year it was my privilege to be a delegate to Her Majesty's Government, with Sir William Whiteway and the late Mr. Harvey, on the French shore question, and the opportunity was then availed of to press upon Her Majesty's Government the views of the then government of the colony in relation to the desirability of the government's being granted an opportunity to try and bring about a trade convention with the United States on its own behalf, and as distinct from the Dominion of Canada. It was impressed upon Her Majesty's Government that the interests of this colony and those of the Canadian Dominion were not identical, and that there were questions operating as between the Dominion of Canada and the United States in which this colony had no concern, and which effectively barred the possibility of successful reciprocal negotiations.

Her Majesty's Government, recognizing the force of the position that was set forth, granted permission to the government of Newfoundland to make the attempt on its own behalf, and I was authorized to proceed to the United States of America to assist Lord Pauncefote in negotiating a trade convention. The result of my labors was entirely successful, so far as the making of a treaty was concerned. An agreement was arrived at satisfactory to the government of this colony as well as to the Government of the United States, which has passed into history as the Bond-Blaine convention.

That convention was upon the lines of the 1888 treaty. It proposed to convey to American fishermen the rights intended to be conveyed by the Bayard-Chamberlain treaty, in exchange for the free admission of our fishery products and crude copper ores, the product of Newfoundland mines, into the markets of the United States. That convention was never submitted for ratification,

being held in abeyance by Her Majesty's Government out of deference to the wishes of the Dominion of Canada.

Into the motives that prompted the action of the Dominion of Canada, and the injustice with which this colony was treated by Her Majesty's Government in that connection, I do not propose to enter, as the House is only concerned at the present time with a history of the treaties that have been made, or attempted to have been made, from time to time with the United States of America with respect to the fisheries, and not with the merits of the various proposals.

The convention of 1890 having failed for the reasons that I have mentioned, in the year 1898 the then government of the colony united with the government of the Dominion of Canada and Her Majesty's Government in an attempt to bring about a treaty upon the lines of the Bayard-Chamberlain treaty of ten years previous. The negotiators met, and for some weeks the attempt to arrive at an arrangement satisfactory to all parties was continued, but these negotiations also fell through.

In the year 1902, when in London in connection with the colonial conference, I availed of the opportunity to press the claims of this colony for separate negotiations with the United States a second time upon the attention of the colonial office, and succeeded in obtaining permission from Her Majesty's Government to proceed to Washington, and was given authority to reopen negotiations with the United States Government for a trade treaty between this colony and the United States. I was again successful in my negotiations, and a convention was concluded which has become familiar as the Hay-Bond treaty. That treaty was upon the lines of that of 1890. With its merits I do not propose to deal at this time, as it does not enter into the question before us; suffice it to say that that treaty has been before the United States Senate for the last three years, and is still before that Senate, and that it has been blocked in its passage by the immediate action of the fishing interests of Gloucester through their representative in the Senate, and it is the present condition of things as regards that treaty that in part has necessitated the bill that I have introduced before the House. Since 1890, when our first convention was negotiated, American fishermen have been admitted to one of the principal privileges that it was intended should be conveyed under that convention, viz, that of free access to the waters and harbors of this colony for a supply of bait fishes. That privilege has been continued during the last fifteen years, because this colony had reason to believe that when His Majesty's Government set aside the objections of the Canadian Dominion and signified its willingness to assent to a trade convention that would be satisfactory to this colony, that then the United States Senate would readily give its approval to a measure of reciprocal trade that has been made with the indorsations of J. G. Blaine and Col. John Hay, two of the most eminent and patriotic men that have ever held positions of power in a great Republic.

As I observed a day or two ago, the position as regards the negotiations of treaties in the United States is entirely different from that which appertains in any other part of the world. The practice of other countries when a treaty is negotiated by the government is that it is not open to amendment, and, if it is rejected by the legislature, it would necessarily result in the resignation of the government and a change of administration. In the United States of America the case is entirely different, for when its Government makes a treaty it is recognized that such treaty is liable to be thrown out or entirely altered by the Senate. The law of the United States—that is to say, the tariff act of 1897—authorizes the President of the United States to negotiate reciprocity treaties, provided that the reduction of duties made in same shall not exceed 20 per cent. Under and by virtue of that mandative law the administration of the United States has negotiated treaties with a number of countries—for instance, since 1899, with Barbados, British Guiana, Turks or Caicos Islands, Jamaica, Bermuda, Argentina, the French Republic, and this colony, all of which are in exactly the same position, viz, are hung up in the United States Senate; in other words, the Senate has pigeonholed the entire list, thereby setting aside the policy asserted in the national platform and embodied in the tariff law.

From the movement that is taking place in the commercial centers of the United States, it is evident that it is being recognized that a procedure which brings about such results is defective, and exhibits the Government of the United States as powerless to give expression to the nation's policy and intention.

I have said that the present action in respect to our relations with the United States has been brought about in part by the action of the fishery interests of Gloucester, through the medium of those who, while prepared to accept the privileges freely and generously extended to them during the last fifteen years, are not prepared to admit the correctness of the principle approved by the United States administration, that the extension of such privileges entitle this colony to that measure of reciprocity provided for in the treaty now before the Senate. It would seem that the gratuitous extension of those privileges by the government of this colony over so long a period has given the impression to the people of the fishing settlement of Gloucester, that the few thousand dollars left by them in this colony in the purchase of bait fishes is so important a consideration to the people of this colony that no action is likely to be taken to prevent a discontinuance of those privileges. I have already shown, by extracts from papers presented to the Senate of the United States from Gloucester and from the report of the utterances of some of her representative men, the correctness of our conclusion.

In conclusion, I desire to make clear to this house, and to all those outside of the house who are interested in the question under consideration, what is the attitude of the government.

This must not be regarded in the nature of a threat, as "a declaration of war," as the leader of the opposition has asserted, or as an attempt to strike a blow at the fishery interests of the New England States; but it is, I submit, a wise measure, conceived in the interests of the people of this colony, and calculated only to command the respect of our friends in the great American Republic.

For fifteen years, by a free and generous policy toward our fishery friends of the New England States, we have endeavored to show them that in our desire to secure a measure of reciprocal trade with their country we intend them no injury whatever; on the contrary, we desire to compete with them on equal terms for the enormous market that the 85,000,000 of people in the United States offers for fishery products. In 1890 we said to the people of the United States, Remove the tariff bar that shuts our fishery products out of your markets, and we will grant you all the supplies that you require at our hands to make your fishing a success. The offer still holds good. For the reason that I have explained, the past fifteen years the fishermen of the United States have received those supplies without the tariff barrier to the admission of our fishery products into the United States being removed by act of Congress, but we find the very men to whom we have extended such generous treatment are precisely those who have worked most strenuously to injure us in our trade relations with their country. We now propose to convince those men that the hands that have bestowed the privileges they have enjoyed have the power to withdraw those privileges. In doing this we simply rise to the full dignity of matter-of-fact statesmen. With the administration of the United States we have no shadow of a cause for complaint. They have treated us with the greatest courtesy whenever we have approached them, and have manifested both a friendly and just attitude toward this colony. It is not the fault of the administration at Washington that we are where we are to-day in this matter; the fault lies solely at the door of those who for petty personal interests have misrepresented facts, and by so doing have deceived those who represent them in the Senate of their country. It would ill become us, a little colony of a quarter of a million people, to throw down the gauge of battle to a great nation of eighty-odd millions. We should merely make ourselves the laughingstock of the world. But, by standing upon our rights and exercising such powers as we possess in defense of those rights, we challenge the commendation and respect of all those within this colony and beyond its borders whose judgment is influenced by considerations of justice and patriotism. I beg to move the second reading of the bill.

APPENDIX No. 8.

Speech by Sir R. Bond in moving house of assembly into committee on "The foreign fishing vessels bill, 1905," delivered the 12th April, 1905.

The Right Honorable the Premier, Sir Robert Bond. In moving that this bill be now referred to a committee of the whole house, I desire to make a few observations in reply to the remarks of the honorable leader of the opposition when it

was up for a second reading. In doing so I shall be as brief as possible, and confine myself to the four principal points of the honorable gentleman's criticism.

They may be dealt with under the following heads, namely :

1. American rights of fishing under the 1818 treaty.
2. Their rights by custom.
3. The effect of the operation of this bill upon our own fishermen.
4. What is likely to result to the Americans by virtue of its enforcement.

I shall deal with his criticism in the order that I have named, and I do not think that I shall have very much difficulty in convincing the house that his premises were unsound and his logic seriously defective. The honorable gentleman may have succeeded in convincing himself as to the wisdom of his observations and of the correctness of his conclusions, but I hardly imagine that he convinced the house or any member of it.

Now as to the rights of American fishermen in the waters of this colony under the treaty of 1818 :

Those rights, as I explained on Friday, are defined in Article I of the treaty, and are as follows :

1. To take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to Rameau Islands ;
2. To take fish of every kind on the western and northern coasts of Newfoundland from the said Cape Ray to the Quirpon Islands ; and
3. To take fish of every kind on the coasts, bays, harbors, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Strait of Belle Isle, and thence northwardly indefinitely along the coast.

Subject to these limitations, American fishermen have a right in common with British fishermen to prosecute their industry within those areas.

But this embraces the whole of their privileges in respect to the capture or taking of fish.

Every other right that they ever possessed they renounced under the said treaty, in the following emphatic language, namely :

"The United States hereby renounces forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish in or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included in the above limits."

Their renunciation contained but one qualification, and that was "that American fishermen shall be permitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood and of obtaining water, and for no other purpose whatever."

In dealing with the rights of American fishermen as thus defined, I ventured to take the position that those fishermen have no right to fish within any of the bays, creeks, or harbors on that stretch of coast between Cape Ray and Rameau Islands, and Cape Ray and Quirpon Islands, and that their right to fish in bays, creeks, and harbors is confined and limited by the treaty of 1818 to that portion of coast from "Mount Joly, on the southern coast of Labrador, to and through the Straits of Belleisle, and thence northwardly indefinitely along that coast."

To this position the leader of the opposition took strong objection, and the major portion of his remarks were in support of his objection.

The house was told that "no lawyer could place such a construction upon the treaty;" that "it would be unreasonable to suppose that nearly one hundred years could pass without the position having been discovered by the eminent lawyers of England, America, Canada, and of this colony if that position was tenable;" that it was "an absurd position;" that if the Americans had the right to fish by treaty "they also had the right to do all things incident to the fishery," and that "if they could not fish without landing, they had a perfect right to land;" that it was "a cardinal legal principle that a grant of a privilege carries with it all the incidentals in order to fully possess and enjoy the privilege."

Now, sir, in reference to the assertion that "no lawyer could place such a construction upon the treaty," I would observe that lawyers, like doctors, differ in their opinions. It is their business, apparently, to differ. If they agreed in their construction of treaties and laws, then there would be no litigation, and their avocation, and that of judges and juries, would be gone. But not only do lawyers differ in their interpretation of treaties and laws, but judges do likewise, and hence it is that under our British constitution another tribunal has been established, namely, the privy council, which is called upon to decide when judges differ. I am not a lawyer, I am sorry to say; I am only a humble lay-

man, but it is just possible that I may have given more study to treaties that concern this colony and to the subject of international law than some who have qualified for the practice of that profession.

When my learned friend, the leader of the opposition, declared that "no lawyer would place such a construction" on the treaty of 1818 as that the American fishermen have no right to land on any portion of our coast to fish, he was setting up his opinion not only against my humble view of the matter, but against that of one of the most eminent lawyers that the United States has produced, viz, the Hon. Dwight Foster, who, as I showed on Friday last, when addressing the Halifax Fishery Commission in his closing argument on behalf of the United States, said:

"No rights to do anything upon the land are conferred upon citizens of the United States under the treaty. So far as the herring trade goes we could not, if we were disposed to, carry it on successfully under the provisions of the treaty, for this herring trade is, substantially, a seining from the shore—a strand fishery, as it is called—and we have no right anywhere conferred by the treaty to go ashore and seine herring. We have no right to go ashore for any purpose anywhere on the British territories, except to dry nets and cure fish." (P. 215, Record of Proceedings, Halifax Commission, 1877.)

This is the opinion of a lawyer, an eminent lawyer, a lawyer charged by the United States Government with the defense of its rights and privileges under the treaty of 1818. It is only proper to assume that he would have placed the most favorable construction possible upon the treaty in the interest of his Nation. He could not—he did not—attempt to contend that the right to fish along the coasts of this colony carried with it the "incidentals" to land and fish from the shore. He said, frankly and honestly, American fishermen "have no right to go ashore for any purpose anywhere on British territories, except to dry nets and cure fish." It will be observed, then, that I simply hold Americans to the position that they have defined themselves.

It has been left to the leader of the opposition in this house to set up a claim on behalf of the American people that their Government renounced eighty-seven years ago, and which one of its most eminent lawyers repudiated in 1877, when it was advanced on behalf of the United States before the Halifax Commission.

With respect to the further position that I set up, namely, that not only have the American fishermen no right to land upon any portion of our coast to fish, but that they have no right to enter any bay, creek, or harbor between Cape Ray and Rameau Islands, and Cape Ray and Quirpon Islands to fish, the leader of the opposition said, in the first place, that my contention was absurd, as the word "coast" meant not only from headland to headland, but the bays, coves, creeks, and harbors which form the sinuosities of the coast.

In reply to that observation, I would say that the word "coast" in the treaty has been defined by His Majesty's Government to mean the very opposite to what the leader of the opposition has declared it to mean. In the report of the Committee on Foreign Relations, to which was referred in 1888 the message of the President of the United States concerning the interpretation of the treaty of the 20th October, 1818, I find the following:

"The British contention has been that the word 'coasts' in the treaty relates only to the open seacoasts, and not to the coasts of bays, harbors, and creeks that are claimed and controlled by the provincial governments as territorial waters."

The "absurdity," then, of which I am accused by the leader of the opposition is based upon the construction given to the word "coast" in the treaty of 1818 by His Majesty's Government, who, of course, would be advised in the premises by the law officers of the Crown. My honorable friend, the leader of the opposition, will pardon me if I prefer to accept the opinion of the ablest lawyers in England to his on this matter.

But it was quite apparent that the leader of the opposition was not quite sure of his ground when he proceeded to define the meaning of the word "coast" in the treaty, for he subsequently dealt with what he termed "right by custom." If, he said, "the position of the premier be correct, then custom and practice would entitle the American fishermen to enter the creeks, coves, and harbors between Rameau Islands and Cape Ray, and between Cape Ray and Quirpon Islands, to fish."

While I do not concur in that doctrine, let us briefly examine what the custom has been; and as the leader of the opposition went back to what he termed "the ancient customs"—those which Americans enjoyed when British subjects, and which were not renounced by the treaty of 1818—we will examine the records.

Before the war of Independence in 1775 British-American colonists enjoyed equal privileges in the North American inshore fisheries, but after that war their privileges were curtailed, and the full extent of their privileges is set forth in the third article of the treaty of Paris, of date the 3d September, 1783, as follows:

"It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and on all the other banks of Newfoundland, also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such parts of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground."

It will be observed that the wording of this article is very carefully guarded, and that while it continued to the citizens of the United States the right to prosecute what may be termed "deep-sea fisheries" within certain areas, it conveyed to them only the liberty to dry and cure fish upon certain defined portions of the British-American coasts. The fisheries continued to be regulated by this treaty until the war of 1812, by which the privileges extended to the United States under the treaty of Paris were terminated.

In 1814 the treaty of Ghent was signed, but it contained no reference to the fisheries question. It appears, however, from the records, that the subject was discussed by the plenipotentiaries of the two powers, and that on the part of the British Government it was stated that "they did not intend to grant to the United States, gratuitously, the privileges formerly granted by treaty to them of fishing within the limits of the British sovereignty, and of using the shores of the British territories for purposes connected with the British fisheries." It further appears that, immediately after the conclusion of the treaty of Ghent, His Majesty's Government determined upon a most vigorous protection of our fishery rights, for under date of the 17th June, 1815, the following dispatch was written to the governor of this colony by Lord Bathurst, then secretary of state for the colonies:

"DOWNING STREET, *June 17, 1815.*

"SIR: As the treaty of peace lately concluded with the United States contains no provisions with respect to the fisheries, which the subjects of the United States enjoyed under the third article of peace of 1783, His Majesty's Government consider it not unnecessary that you should be informed as to the extent to which those privileges are affected by the omission of any stipulation in the present treaty, and of the line of conduct which it is in consequence advisable for you to adopt.

"You can not but be aware that the third article of the treaty of peace of 1783 contained two distinct stipulations, the one recognizing the rights which the United States had to take fish upon the high seas, and the other granting to the United States the privilege of fishing within the British jurisdiction, and of using, under certain conditions, the shores and territories of His Majesty for purposes connected with the fisheries; of these, the former being considered permanent, can not be altered or affected by any change of the relative situation of the two countries, but the other being a privilege derived from the treaty of 1783 alone, was, as to its duration, necessarily limited to the duration of the treaty itself. On the declaration of war by the American Government and the consequent abrogation of the then existing treaties, the United States forfeited, with respect to the fisheries, those privileges which are purely conventional, and (as they have not been renewed by stipulation in the present treaty) the subjects of the United States can have no pretense to any right to fish within the British jurisdiction, or to use the British territory for purposes connected with the fishery.

"Such being the view taken of the question of the fisheries, as far as relates to the United States, I am commanded by His Royal Highness the Prince Regent to instruct you to abstain most carefully from any interference with

the fishery in which the subjects of the United States may be engaged either on the Grand Banks of Newfoundland, in the Gulf of St. Lawrence, or other places in the sea. At the same time you will prevent them, except under the circumstances hereinafter mentioned, from using the British territory for purposes connected with the fishery, and will exclude their fishing vessels from the bays, harbors, rivers, creeks, and inlets of all His Majesty's possessions. In case, however, it should have happened that the fishermen of the United States, through ignorance of the circumstances which affect this question, should, previous to your arrival, have already commenced a fishery similar to that carried on by them previous to the late war, and should have occupied the British harbors and formed establishments on the British territory which could not be suddenly abandoned without very considerable loss, His Royal Highness the Prince Regent, willing to give every indulgence to the citizens of the United States which is compatible with His Majesty's rights, has commanded me to instruct you to abstain from molesting such fishermen or impeding the progress of their fishing during the present year, unless they should, by attempts to carry on a contraband trade, render themselves unworthy of protection or indulgence; you will, however, not fail to communicate to them the tenor of the instructions which you have received and the view which His Majesty's Government take of the question of the fishery, and you will above all be careful to explain to them that they are not in any future season to expect a continuance of the same indulgence.

I have, etc.,

"BATHURST.

"Vice-Admiral Sir RICHARD G. KEATS."

The enforcement of these stringent instructions led to the negotiations that terminated in the treaty of 1818. This dispatch disposes of those "ancient privileges or customs" to which the leader of the opposition referred, and the only privileges or customs that we have to consider are those set forth in the treaty of 1818 or arising out of it.

The treaty stipulations seem perfectly clear, and we have only to consider whether any customs have grown up under it. So far as I have been able to discover from the public records, this colony, with the approval of His Majesty's Government, has, saving only during the periods of reciprocity and during the past fifteen years, most vigorously maintained its fishery rights against the encroachments of American fishermen, and that it has not been the custom at any time for American fishermen to fish within the bays, creeks, coves, or harbors of the colony. When they have visited our harbors, bays, and coves for fish, it has been with the permission of the government of this colony, granted under license. The contention of the leader of the opposition in respect to rights by custom therefore falls to the ground.

Now, then, as to the honorable gentleman's views as to the effect of the bill before the House upon our own fishermen. He said residents of Bay of Islands, Bay St. George, and Bonne Bay would go to Sydney, ship on American vessels, and become "hewers of wood and drawers of water" for men from another country; either this or the expatriation of our people would result, for they would be driven away from their homes to seek employment which would be denied them in the land of their birth. I could not quite follow the reasoning of the leader of the opposition in this regard. If the Americans are excluded by legal process from entering those bays or ports, does it not follow that the whole trade in herrings, either frozen or pickled, would revert to the people of this colony? The demand for that fish must be met. If the United States fishermen can not supply the demand, the people of this colony may. In the absence of herrings going in duty free, as they did at the present time in American bottoms by an evasion of the United States tariff law, the people of this colony could afford to enter into the industry and pay the duty of three-quarters of a cent per pound that is now levied by the American customs.

Again, natives of this colony, who, as the leader of the opposition alleges, now go to Gloucester and obtain employment in the fishing schooners that sail from that place, would find employment here in the same trade, viz, that of conducting the frozen and pickled herring trade between this colony and the neighboring Republic—in other words, they would pursue the employment under the British flag rather than under the Stars and Stripes. It was perfectly true that the Canadians have a herring fishery, but it is also true that

their herring fishery does not amount to sufficient to supply their demands. It is indisputable that they have to come to our shores and obtain supplies of herring and other bait fishes to successfully conduct their fisheries. That being so, it can not be correctly alleged that by this bill the herring trade will be diverted from Newfoundland to Canada. The leader of the opposition has asked the question: "If it is possible for the people of this colony to engage successfully in the frozen herring trade, why is it that they have not done so?" The answer is perfectly clear; because they have had to compete with the Americans, who carried into the United States duty free, whilst the people of this colony have had to face a duty of three-fourths cent per pound, or a tax equivalent to 25 per cent of the article. It will not be contended that the people of this colony are unable to compete with the fishermen of the United States or any other country upon equal terms. My memory as a member of this legislature goes back now for nearly a quarter of a century, and I do not remember that the position was ever before taken in this House that our fishermen could not compete with either the American or French fishermen on an equal footing. The object of every bill that has been introduced into this legislature in relation to foreign fishermen has been with the sole view to bring about an alteration in the foreign-bounty system or the reduction of prohibitive duties. That was the object of the bait act. The contention of the introducers of that measure was that it was to be used as a lever for the purpose of bringing about the abolition of the bounty paid by the French Republic upon the fish caught by French fishermen upon our coasts. It has been asserted that the Canadians will come down here, take our herrings, and then dispose of them to the Americans. It is quite possible that the Canadians will come down here; they have come here up to the present time, and I do not hesitate to say that to a great extent they have thwarted us in carrying out the bait act against the fishermen of France. I have been advised by Inspector O'Reilly, of the fisheries department, that certain parties in Canso are, at the present time, preparing cold storage with a view to supplying both French and American fishermen with bait fishes obtained on the west coast of this island under false pretenses, namely, as being required for food purposes and not for bait. Mr. O'Reilly has informed me that a Mr. Whitney, of Canso, had told him of his intention in this regard. I have only to say that if Canadians persist in violating the laws of this colony a remedy will have to be provided by this legislature. It may only be necessary for the government of this colony to bring the matter to the notice of the government of the Dominion. This I propose to do; but failing in an acquiescence on the part of that government in the reasonable demand that will be made in the premises, the legislature will be called upon to devise some means of preventing a violation of not only the spirit, but also of the letter of the law.

I have reason to know that the great majority of the people of this colony are in favor of the restrictions that are about to be imposed by this bill, and therefore to suppose that any of these people will aid or abet the Americans in the herring industry is not to be anticipated. The people being in sympathy with this legislation, that is framed on purpose to protect them in their rights, are prepared to uphold the hands of the Government and to assist them in making this act effective.

The honorable leader of the opposition stated that he would support this bill if it was a permanent measure, but as it was intended to be only temporary in its application he would not support it. The honorable gentleman is certainly illogical in this connection, for, if the bill is "wrong in principle, illegal, unenforceable, and based entirely on a misconception of treaty rights," as he has alleged, then the mere changing it from a temporary to a permanent measure could not make it right. If there is force in these objections to a temporary bill, they apply with equal force to a permanent one. The fact of its being of a temporary nature did not alter the principle involved, and if the principle was right it could not be affected by either the curtailment or extension of the period in which the act was to be applied.

Again, the honorable gentleman has said "The passage of this bill will close the last page in the negotiations for a treaty with the United States and the present treaty will never come before the Senate again." Does he not recognize that in those supposed facts he has put forward a guaranty of the permanency of this bill? For so long as the American markets are closed to our fishery products so long will this measure remain in force. If the leader of the opposition desires the permanency of the bill, and verily believes, as he alleges, that

this temporary measure will kill all chance of reciprocity, then the logical course for him to adopt would be to support this bill.

One of the most remarkable statements made by the leader of the opposition was that the French and Americans would probably come to an understanding in relation to this measure, and that St. Pierre would be handed over by France to the United States to form a depot for the storing and supply of bait fishes. This flight of imagination was worthy to rank with the brilliant imagery of Jules Verne. I can not imagine any member of this house seriously putting forward such a position that His Majesty's Government would permit the island of St. Pierre to pass into the hands of the Americans as a bait depot or for any other purpose. When the island of St. Pierre was ceded to the Government of France by that of Great Britain it was ceded subject to the stipulation that it should "never become an object of jealousy between the two nations." Can the house conceive of a greater object of jealousy than that that island should be transferred by France to another nation for the purpose of defeating the laws of this colony, which are British laws approved by His Majesty the King, and which could not be set at naught without damage to the dignity and prestige of the Empire? The honorable member may feel perfectly satisfied that so long as the British flag waves in supremacy around the world St. Pierre will not pass under the Stars and Stripes. I can only suppose that the remarkable statement made by the leader of the opposition was with a view to influencing some people outside this house and not those who are honored with a seat in it. It could never have been put forward seriously as an argument to influence the votes of members of this legislature.

The honorable leader of the opposition also contended that "the practical men of Water street, the practical men in the house, the practical men throughout the colony, would not be found to support the legislation that I have introduced." I do not know what the honorable gentleman means by "practical men." Did he mean the men who have the largest stake in the interests of the colony, or did he confine the term to the fishermen of the colony? I assume that when he referred to the "practical men of Water street" he meant the mercantile firms who are largely interested in the conduct of the fisheries of this colony. If such was the case, I shall disabuse his mind of a false impression. Nearly all the mercantile men of Water street were in favor of prohibiting the supply of bait fishes to foreign fishermen. Before the Government determined upon the introduction of this bill I conceived it to be my duty to ascertain, not only the views of the "practical men of Water street," but the views of the "practical men throughout the colony" in respect to the subject-matter of this bill. I addressed a letter to the merchants of this city, and to "practical men" outside of it, requesting the favor of their opinions in regard to the matter, and I met with a ready response.

The Hon. Edgar Bowring, of the first of Messrs. Bowring Brothers (Limited), than whom there is no firm in the colony more largely interested in the fisheries, addressed me a letter in reply, in which the following occurs:

"I have to say that I think it is of paramount importance that the Government should take immediate steps to prevent the Americans from obtaining bait supplies. It is manifestly unfair that they should have the advantage of obtaining bait under license as heretofore while they maintain such an antagonistic attitude toward Newfoundland, and while duties on our products entering the United States remain as they are. I thought this matter so important that I called a meeting of the fish merchants, this meeting being held yesterday morning, the 23rd March. There was a unanimous expression of opinion that immediate steps should be taken to prohibit the American fishermen from obtaining licenses, and resolutions were passed to this effect. A joint letter signed by all those present was drafted and sent in to you."

I duly received the letter containing the resolutions passed by the merchants of this city, who are so largely interested in the fisheries, under date the 23rd March, and I will ask the permission of the house to read it:

"ST. JOHNS, NEWFOUNDLAND, *March 23, 1905.*

"DEAR SIR: At a meeting convened and held on this day, at which the following were present: Hons. E. R. Bowring, John Harvey, Eli Dawe, James Baird, R. K. Bishop, Sir Robert Thorburn, Messrs. R. F. Goodridge, J. S. Munn, H. A. Bowring, R. B. Job, and Joseph Outerbridge, to consider the desirability of prohibiting the sale of bait fishes to other than our own fishermen, the following resolutions were unanimously passed:

"*Resolved*, That, in the opinion of the meeting, it is expedient and highly important that immediate steps should be taken to prohibit American fisher-

men from obtaining supplies of bait fishes in the harbors or upon the coast of Newfoundland; and that a copy of these resolutions, bearing signatures, be forwarded forthwith to the Right Hon. Sir Robert Bond, P. C., K. C. M. G.

“*Resolved*, That the Government be requested to prevent the barring of herrings upon the coast of Newfoundland, except only Placentia and Fortune bays, and to put an export tax upon bulk herrings exported in any but Newfoundland vessels.’

“We have, etc.,

“ R. THORBURN.
 “ JAS. BAIRD.
 “ J. OUTERBRIDGE.
 “ R. K. BISHOP.
 “ E. R. BOWRING.
 “ JOHN HARVEY.
 “ ROBERT B. JOB.
 “ H. A. BOWRING.
 “ R. F. GOODRIDGE.
 “ JOHN S. MUNN.

“Right Hon. Sir R. BOND, P. C., K. C. M. G.,
“Colonial Secretary.”

I anticipate that the honorable leader of the opposition will not take the position that the merchants, while in favor of prohibiting the supply of bait fishes to the Americans, also expressed an opinion in favor of an export duty being placed on bulk herrings exported in any but Newfoundland vessels, and that this bill does not admit of any exportation of herring in foreign bottoms under any circumstances. My answer to that position, if put forward, is that the government have not been unmindful of that portion of the resolutions forwarded by the mercantile body which has reference to an export duty. This bill is framed specially to prevent the American fishermen from coming into the bays, harbors, and creeks of the coast of Newfoundland for the purpose of obtaining herring, caplin, and squid for fishery purposes, and it is still competent for this legislature to make provision in respect to the export of herring in bulk in foreign vessels upon the payment of an export duty. It is quite competent for the house to add a clause to this bill enabling the governor in council to suspend the operation of the act at any time it may be considered expedient to do so, and to admit foreign vessels for the purpose of taking herrings in bulk. It is my intention before the bill passes through to move such a clause for the approval of this house which will make it competent for the governor in council to issue licenses to foreign vessels should it be deemed desirable at any time to do so.

But not only are the merchants of this city in favor of this action of the government, but from communications that I have received from different parts of the country during the past few months, I have reason to know that the practical men—the fishermen—are also in favor of the measure.

I do not know to the fullest extent the views of the whole of the “practical men of this house,” but I know sufficient of their views to say that every “practical man” in this house will support this bill.

Many of the fishermen of the country during the last year or two have been greatly embarrassed by reason of the free access of American vessels to our bait supplies. I have received a communication from Inspector O’Reilly to the effect that there were instances where our own bank fishermen were in harbor with American fishermen in quest of bait, and while our fishermen were prepared to pay an amount equal to that offered by the Americans for bait supplies, the Americans were given the preference, and that in some instances serious loss ensued to our fishermen. Inducements were held out by the American captains by way of cash and other means to secure the preference. This has engendered a feeling of resentment, as well as of determination, and demands at the hands of the government the prohibition of the supplying of bait fishes to the Americans unless for an equivalent in the shape of a free market from the United States. They have borne with their grievance patiently because they thought the Americans would speedily open their markets to Newfoundland fish. If those markets had been opened as was agreed between the government of this colony and the administration of the United States, there would have been no representation of that grievance to the government of the colony.

There was also a recognition on the part of the fishermen of this colony that we had the whip hand in regard to the fisheries of British North America. There is not the faintest shadow of a doubt upon that point, as I stated on a former occasion. We have already demonstrated to the French that we hold the key to the North Atlantic fisheries.

It had been stated by the leader of the opposition that if we closed our bait supplies to the Americans they could obtain it in Canada. I am aware that the French have been able to obtain a certain amount of bait from the Canadians at St. Anns and other places in Cape Breton; but the source of supply from that base is very limited, for it is a matter of notoriety that the Canadians have not a sufficient supply of bait for their own purposes, and that they are dependent, to a very large extent indeed, upon supplies obtained in the waters of this colony. I have mentioned this before, and I will now produce the proof.

I hold in my hand papers relating to Canada and Newfoundland printed by order of the Canadian parliament in the session of 1892, and on page 28 of that report I find a letter addressed by C. Edwin Kaulbach, esq., to the Hon. Charles H. Tupper, minister of marine and fisheries, at Ottawa, under date of 17th April, 1890. This gentleman, who hails from Lunenburg, Nova Scotia, and who is a member of the Canadian parliament, wrote as follows in respect to the restrictions which the government of this colony had placed on Canadian vessels visiting our shores for bait in that year:

"Our men are in terrible straits to know what to do under these circumstances, as their bait for the Grand Banks for our summer trip is almost wholly obtained on the south side of Newfoundland. The Grand Banks have been the summer resort of our fishermen for many years, and from various bays on the south coast of Newfoundland their supply of bait has been drawn, these being much less of distance and a greater certainty of bait than Canadian waters. We have hitherto enjoyed the privilege of obtaining bait in Newfoundland to the fullest extent, paying only such internal fees and taxes as were proper. The result of the action of the Newfoundland government will be most disastrous, and one season alone will prove its dire effects on the fishing fleet of Nova Scotia and the shipyards now also so busy and prosperous."

This communication is important evidence as to the value of the position we occupy as mistress of the northern seas so far as the fisheries are concerned. Herein was evidence that it is within the power of the legislature of this colony to make or mar our competitors to the North Atlantic fisheries. Here was evidence that by refusing or restricting the necessary bait supply we can bring our foreign competitors to realize their dependence upon us. One of the objects of this legislation is to bring the fishing interests of Gloucester and New England to a realization of their dependence upon the bait supplies of this colony. No measure could have been devised having more clearly for its object the conserving, safeguarding, and protecting of the interests of those concerned in the fisheries of the colony.

If this bill goes into force, as I believe it will, it must be the means of keeping up the high price of fish, for if we curtail competition, we must obtain that result.

I regret that there should be any difference of opinion in this house as regards the desirability, if not necessity, of this measure, the policy of which is the conservation of our fisheries, as well as the betterment of those engaged in them.

I beg to move the house into committee of the whole on the bill.

APPENDIX No. 9.

NEWFOUNDLAND FOREIGN FISHING VESSELS ACT, 1905. (EDWARD VII, REGIS. CAP. IV.)

AN ACT Respecting foreign fishing vessels. (Passed June 15, 1905.)

Be it enacted by the governor, the legislative council, and house of assembly, in legislative session convened, as follows:

1. Any justice of the peace, subcollector, preventive officer, fishery warden, or constable may go on board any foreign fishing vessel being within any port on the

coasts of this island or hovering in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbors in this island, and may bring such foreign fishing vessel into port, may search her cargo, and may examine the master upon oath touching the cargo and voyage; and the master or person in command shall answer truly such questions as shall be put to him, under a penalty not exceeding \$500; and if such foreign vessel has on board any herring, caplin, squid, or other bait fishes, ice, lines, seines, or other outfits or supplies for the fishery purchased within any port on the coasts of this island, or within the distance of 3 marine miles from any of the coasts, bays, creeks, or harbors of this island, or if the master of the said vessel shall have engaged, or attempted to engage, any person to form part of the crew of the said vessel in any port or on any part of the coasts of this island, or has entered such waters for any purpose not permitted by treaty or convention for the time being in force, such vessel and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.

2. All goods and vessels and the tackle, rigging, apparel, furniture, stores, and cargo thereof liable to forfeiture under this act may be seized and secured by any officer or person mentioned in the first section hereof; and every person opposing any such officer or person in the execution of his duty under this act, or aiding or abetting any other person in such opposition, shall be deemed guilty of a misdemeanor, and liable to a fine of \$500.

3. In any prosecution under this act the presence on board any foreign fishing vessel in any port of this island or within British waters aforesaid of any caplin, squid, or other bait fishes, of ice, lines, seines, or other outfit or supplies for the fishery shall be prima facie evidence of the purchase of the said bait fishes and supplies and outfits within such port or waters.

4. All offenders against the provisions of this act may be prosecuted and convicted, and all fines, forfeitures, penalties, and other punishments imposed recovered, and made in a summary manner before a stipendiary magistrate, and any vessel and the tackle, rigging, apparel, furniture, stores, and cargo thereof liable to forfeiture under the provisions of this act may be sued for, prosecuted, recovered, and condemned in a summary manner before a stipendiary magistrate in a proceeding against the master or other person in charge of such vessel. For the purposes of this act all stipendiary magistrates shall be deemed to be stipendiary magistrates for the colony, and may exercise the jurisdiction given by this act in any part of the colony.

5. If any person convicted under this act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of His Majesty's supreme court, holden in or nearest the place where such conviction shall have been had, or in St. John's: Provided notice of such appeal and of the cause and matter thereof be given to the convicting magistrate in writing, within seven days next after such conviction, and the party desiring to appeal shall also, within fourteen days after such notice, give and enter into recognizance with two approved sureties before the convicting magistrate conditioned for the appearance of the person convicted at such next sitting of the supreme court, on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the judgment of the court thereon, and for the delivery and surrender of any vessel or other property ordered to be confiscated, and to pay such costs as the court may award.

6. No proceeding or conviction by, nor order of, any magistrate or other officer under this act shall be quashed or set aside for any informality, provided the same shall be substantially in accordance with the intent and meaning of this act.

7. Nothing in this act shall affect the rights and privileges granted by treaty to the subjects of any state in amity with His Majesty.

8. The governor in council may at any time by proclamation suspend the operation of this act for such period as may be expedient and as shall be declared in such proclamation.

9. In this act the word "vessel" shall include any boat or ship registered or not registered, jack, skiff, punt, or launch, whether propelled by sails, oars, or steam.

10. The act 56 Vict., cap. 6, entitled "An act respecting foreign fishing vessels," is hereby repealed.

APPENDIX NO. 10.

Speech by Sir R. Bond on the second reading of a bill respecting foreign fishing vessels, 1906, delivered May 4, 1906.

Right Honorable the Premier (Sir Robert Bond). When introducing the foreign fishing vessels bill in April of last year, I fully set forth the reasons that actuated the government in moving the house to accept the measure, and it would therefore be a work of supererogation to again deal with that phase of the question. The bill passed the legislature and has been in force during the year. The object of the present amendment is to deal with the condition of things that has arisen consequent upon the operation of the act. In the first place, as might have been anticipated, the enforcement of the act occasioned some irritation to our United States friends, and an effort has been made to show that the legislature in the passing of the act did not hesitate to attempt to interfere with their rights under the treaty of 1818. I would observe that this conclusion was entirely erroneous, for there was no disposition whatever on the part of the government or the legislature to encroach in the slightest degree upon the rights of United States fishermen under the treaty. The sections of the act of last year that have been quoted as giving color to this contention are sections 1 and 3. They have been construed as constituting a warrant to the officers named therein to interfere with and violate such rights. Reference to section 7 of the foreign fishing vessels act of 1905 will indicate at once how unwarranted was such a contention, for it preserves, in non-ambiguous language, the rights and privileges granted by treaty to the subjects of any state in amity with His Majesty, and is in effect a prohibition of any vexatious interference with the exercise of the treaty rights of either French or American fishermen. The provisions of the act under reference, 1905 act, were in no sense new; they may be found in the foreign fishing vessels act of 1893. The provisions of the 1893 act and that of 1905 are in all essential respects identical, the only important difference being that the 1906 act took away by omission the power previously granted by this legislature authorizing the issue of licenses to foreign fishing vessels to purchase supplies and ship crews within our jurisdiction. As a matter of fact, the bill of 1905 was not necessary in order to give effect to the policy of the government, for full power existed under the 1893 act by the mere suspension of the issue of licenses, and the only object which the government had in introducing the act last year was to obtain the formal approval of the legislature for carrying out the policy that had been decided upon in relation to United States fishermen. I now propose, with a view of establishing the bona fides of the government and of the legislature, and to remove all possible grounds for cavil, to amend the act of last year by declaring that the first part of section 1 and the whole of section 3 do not apply to foreign fishing vessels resorting to Newfoundland waters in the exercise of treaty rights of fishing. Again, as an outcome of the enforcement of the act of last year, certain vexatious circumstances arose, as was intimated at the opening of this session in the speech from the Throne. They were (1) the conduct in connection with the visit of the United States fisheries vessel *Grampus* to Bay of Islands; (2) the refusal of American vessels to enter and clear; (3) the refusal to pay light dues; (4) the attempt to erect scaffolds on shore for the freezing of herring; (5) the smuggling of goods into our harbors and the attempted sale of same; (6) the aiding and abetting by United States fishermen of the subjects of His Majesty in this colony to violate the statute laws of the colony by shipping them as part crews outside the 3-mile limit; (7) the circulating of misleading and false reports respecting the action of the government of the colony and the people of the colony. I shall only deal briefly with one or two of these matters: First, the matter of the refusal to enter and clear at the customs and pay light dues. When it was reported by the subcollector at Bay of Islands that certain American vessels refused to enter and clear, the government at first contented themselves by entering a formal and respectful protest with the right honorable the secretary of state for the colonies. This was done in order to avoid every possible cause for friction with the United States Government, but finding that United States fishermen persisted in violating our laws in that respect, there was no alternative left to the government of the colony but to instruct its officers to enforce the law in future. I submit that it can hardly be seriously contended that the obligation to enter and clear and pay light dues is inconsistent with the treaty of 1818, or that it in any way interferes with the exercise of the rights

of American fishermen under the treaty. I further submit that when the sovereign power granted privileges to the United States under the convention of 1818 it retained its inherent rights of supremacy, such as the right to execute the treaty within its own dominion, and to make and enforce all laws not inconsistent with the treaty; that one of the inherent rights of sovereignty is to prevent smuggling and crimes of all kinds; that this government, by virtue of the constitution granted to them by His Majesty, is the paramount power within the 3-mile limit of the coasts of the colony, and that it is their inherent right to decide what measures shall be adopted to protect the revenues of the colony from smuggling. One of the measures which have been adopted is the obligation on all vessels to enter and clear at the custom-house. When United States vessels do not come within the territorial waters of the colony they, of course, are not required to enter, but immediately they come within our territorial jurisdiction I hold that they are subject to our customs and other laws. In voicing this opinion I voice the opinion of the government of this colony.

The correctness of this position was never questioned by United States citizens until the masters of the U. S. schooners *H. M. Stanley*, *Senator Gardner*, *Tattler*, and *Maxine* refused to make a formal report to the subcollector at Bay of Islands a few months ago. Between January, 1900, and June, 1902, four United States schooners were fined for nonreporting, and with these exceptions United States vessels have always entered and cleared. Under the customs acts, 1898, particularly section 22 (61 Vict., cap. 13), it is provided that, "the master of every vessel coming from any port or place within this colony, or coastwise, on entering any port in this colony, whether laden or in ballast, shall go without delay when such vessel is anchored or moored, to the custom-house for the port or place of entry where he arrives, and shall make a report in writing to the collector or other proper officer of the arrival and voyage of such vessel," etc. United States vessels are not exempt, either by the treaty of 1818 or any other convention or arrangement. It will be observed that there is nothing contained in the bill now before the house to deal with this matter, for it would be entirely unnecessary and superfluous, inasmuch as provision is made in the statutes of the colony to which I have referred. Again, the foreign fishing vessels act of 1905 stipulated that any attempt "to engage any person to form part of the crew of said vessel in any outport or on any part of the coasts of this island" would subject the vessel to forfeiture. The said act further provided that no foreign fishing vessel should enter the waters of this colony "for any purpose not permitted by treaty or convention for the time being in force." The employing, shipping, or hiring of the fishermen of this colony by United States fishing vessels last season was unquestionably aiding and abetting the subjects of His Majesty in this colony to violate those fishery laws to which they were amenable. The privileges granted under the treaty of 1818 were to the subjects of the United States alone. The people of this colony who proceeded outside the 3-mile limit and engaged or hired themselves to American vessels to catch herring, were not subjects of the United States, and the mere entering into the service of American citizens did not and could not give them rights which were alone granted by treaty to the subjects of the United States. The United States Government have not disputed, so far as I am aware, the correctness of this position, but nevertheless the agents of the United States schooners at Bay of Islands unquestionably entered into an agreement with a large number of British residents of that place and induced them to proceed outside the 3-mile limit and engage themselves on board American vessels in violation of the spirit if not the letter of the foreign fishing vessels act and the bait act, which has been in force in this colony for a number of years. With a view to dealing with this condition of affairs provision is made in the bill now before the house that no British subject shall fish from or for foreign fishing vessels in the waters of this colony, and imposing a penalty upon the masters of such vessels that permit such fishing. It is further provided that no inhabitant of this colony shall leave the colony for the purpose of engaging on a foreign fishing vessel intending to fish in the waters of the colony, and that no inhabitant of the colony shall sell, let, or lend, or remove from the colony for the purpose of selling, letting, or lending, to the masters of any foreign fishing vessels, boats, nets, and gear, and prohibiting the purchase or borrowing by a foreign vessel within the territorial waters of the colony, such boats, nets, or gear from the inhabitants of the colony. The foreign fishing vessels act of last year was passed in the interests of the people of the colony, and especially in the interests of the people of the west coast, and it is to be regretted that it was deliberately

violated last year in order to render assistance to American fishermen in thwarting the operation of a policy that has been forced upon the government of the colony by the action of the fishing interests of Gloucester, Mass. In view of the attempt that was made last year to render void our laws which the legislature, in its wisdom, has found it necessary to pass, in the interests of the fisheries and trade and commerce of the colony, I feel confident that the house will recognize the justification for taking this further legislative power to deal with the transgressors. It will be observed that the fifteenth and eighteenth sections of the act now before the house provide that it shall come into operation on a day appointed for the purpose by proclamation of his excellency the governor. This has been inserted in order that reasonable public notice may be given to all parties who are interested in this measure, and that the governor in council may at any time by proclamation suspend or limit the operation of this act, or any part thereof, to the whole colony or any portion of it, as may be deemed expedient. It is to be hoped that the adoption of this measure will prevent a repetition of the vexatious circumstances to which I have but casually referred, and that the people, especially those of the west coast, recognizing that this act is framed with due regard to their material interests, will aid and assist the government by a ready acquiescence in its provisions. I beg to move the second reading of the bill.

APPENDIX No. 11.

NEWFOUNDLAND FOREIGN FISHING VESSELS ACT, 1906. (ANNO SEXTO EDWARDI VII, REGIS. CAP. I.)

AN ACT Respecting foreign fishing vessels. (Passed May 10, 1906.)

Section.

1. Power of officers to board and search foreign vessels.
2. Penalties for offenses.
3. Respecting seizures of vessels, and penalty for obstructing officers.
4. Evidenc of offense committed.
5. Certain aliens not entitled to fish.
6. British subjects not to fish in foreign vessel.
7. Residents not to leave colony to fish in foreign vessels.
8. Residents not to sell or hire fishery gear.

Section.

9. Penalty.
10. Procedure.
11. Appeal.
12. Informality no ground for setting aside proceedings.
13. Foreign vessels exercising treaty rights amenable to local laws.
14. Saving all treaty rights.
15. Governor in council may limit or suspend act.
16. Interpretation.
17. Repealing section.
18. Suspending section.

Be it enacted by the governor, the legislative council, and house of assembly, in legislative session convened, as follows:

1. Any justice of the peace, subcollector, preventive officer, fishery warden, or constable may go on board any foreign fishing vessel, being within any port on the coasts of this colony, or hovering in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbors in this colony, and may bring such foreign fishing vessel into port, may search her cargo, and may examine the master upon oath touching the cargo and voyage, and the master or person in command shall answer truly such questions as shall be put to him, under a penalty not exceeding \$500.

2. If any foreign fishing vessel be found within any port on the coasts of this colony, or hovering in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbors in this colony, and having on board any herring, caplin, squid, or other bait fishes, ice, lines, seines, or other outfits or supplies for the fishery, purchased within any port on the coasts of this colony, or within the distance of 3 marine miles from any of the coasts, bays, creeks, or harbors of this colony; or if the master, owner, or agent of the said vessel shall have engaged, or attempted to engage, any person to form part of the crew of the said vessel in any port, or on any part of the coasts, of this colony,

or has entered such waters for any purpose not permitted by treaty or convention for the time being in force, the master, owner, or agent shall be liable to a penalty not exceeding \$100, or such vessel and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited, as the magistrate before whom the proceeding is taken shall determine.

3. All goods and vessels, and the tackle, rigging, apparel, furniture, stores, and cargo thereof, liable to forfeiture under this act, may be seized and secured by any officer or person mentioned in the first section hereof, and every person opposing any such officer or person in the execution of his duty under this act, or aiding or abetting any other person in such opposition, shall be deemed guilty of a misdemeanor and liable to a fine of \$500.

4. In any prosecution under this act the presence on board any foreign fishing vessel in any port of this colony, or within British waters aforesaid, of any caplin, squid, or other bait fishes, of ice, lines, seines, or other outfit or supplies for the fishery shall be prima facie evidence of the purchase of the said bait fishes and supplies and outfits within such port or waters.

5. No alien, not so entitled by treaty or convention for the time being in force, shall fish in the waters of this colony; and the master, owner, or agent of any fishing vessel who permits any alien not so entitled to fish in, from, or for such vessel shall be liable to a penalty not exceeding \$100, or to the forfeiture of such vessel, as the magistrate shall determine.

6. No person, being a British subject, shall fish in, from, or for a foreign fishing vessel in the waters of this colony, and the master, owner, or agent of any foreign fishing vessel who permits any such British subject to fish in, for, or from such vessel shall be liable to a penalty not exceeding \$100, or to the forfeiture of such vessel, as the magistrate shall determine.

7. No person, being a resident of this colony, shall leave this colony for the purpose of engaging in foreign fishing vessels which are fishing or intending to fish in the waters of this colony, under a penalty not exceeding \$100.

8. No person, being a resident of this colony, shall sell, let, hire, lend, or remove from this colony for the purpose of selling, letting, hiring, or lending to a master, owner, or agent of any foreign fishing vessel any boats, nets, or gear, under a penalty not exceeding \$100; nor shall the master, owner, or agent of any foreign fishing vessel buy, hire, or borrow, in any port or place in this colony, or in the waters of this colony, any boats, nets, or fishing gear, from any person resident in this colony, under a penalty for each offense not exceeding \$100.

9. The master of any vessel who conveys any person resident in the colony outside the waters of this colony for the purpose of enabling such person to be engaged on board any foreign fishing vessel shall be liable to a penalty not exceeding \$100.

10. All offenders against the provisions of this act may be prosecuted and convicted, and all fines, forfeitures, penalties, and other punishments imposed, recovered, and made in a summary manner before a stipendiary magistrate; and any vessel, and the tackle, rigging, apparel, furniture, stores, and cargo thereof, liable to forfeiture under the provisions of this act, may be sued for, prosecuted, recovered, and condemned in a summary manner before a stipendiary magistrate in a proceeding against the master or other person in charge of such vessel. For the purposes of this act all stipendiary magistrates shall be deemed to be stipendiary magistrates for the colony, and may exercise the jurisdiction given by this act in any part of the colony.

11. If any person convicted under this act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of His Majesty's supreme court holden in or nearest the place where such conviction shall have been had, or on St. John's, provided notice of such appeal and of the cause and matter thereof be given to the convicting magistrate in writing within seven days next after such conviction; and the party desiring to appeal shall also, within fourteen days after such notice, give and enter into recognizance, with two approved sureties, before the convicting magistrate, conditioned for the appearance of the person convicted at such next sitting of the supreme court, on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the judgment of the court thereon, and for the delivery and surrender of any vessel or other property ordered to be confiscated, and to pay such costs as the court may award.

12. No proceeding or conviction by, nor order of, any magistrate or other officer under this act shall be quashed or set aside for any informality, provided

the same shall be substantially in accordance with the intent and meaning of this act.

13. All foreign fishing vessels exercising rights under any treaty or convention shall be amenable to all the laws of the colony not inconsistent with any such rights under treaty or convention.

14. Nothing in this act shall affect the rights and privileges granted by treaty to the subjects of any State in amity with His Majesty; and sections 1 and 4 hereof shall not be held to apply to any foreign fishing vessels resorting to the waters of this colony for the exercise of treaty rights.

15. The governor in council may at any time by proclamation suspend or limit the operation of this act, as to the whole act or any part thereof, and in relation to the whole colony, or any district or parts hereof, and as to all or any class of persons, and for any period as shall be expedient, and as may be declared in such proclamation.

16. In this act the word "vessel" shall include any boat or ship, registered or not registered, jack, skiff, punt, or launch whether propelled by sails, oars, or steam.

17. The act 5 Ed. VII, cap. 4, entitled "An act respecting foreign fishing vessels," is hereby repealed.

18. This act shall come into operation upon a day to be appointed for that purpose by proclamation of the governor to the effect that the same has been approved and confirmed by His Majesty in council.

**IMPRISONMENT FOR A NONEXTRADITABLE OFFENSE OF A
FUGITIVE SURRENDERED BY GREAT BRITAIN.**

MEMORANDUM.

BRITISH EMBASSY,
Washington, May 24, 1906.

In May, 1905, an application was made to His Majesty's Government, and granted by them, for the extradition of one Authur McIntire, on the charge of larceny (constituting the crime of embezzlement according to the law of the State of Missouri).

It appears that previous to his arrival in England McIntire was involved in a case of using the United States mails in a scheme to defraud; that he was convicted under this charge in the United States district court of St. Louis on May 21, 1904, and had appealed from the verdict and was out on bond pending the hearing of his appeal. It further appears that he jumped his bond and fled to England. His offense being one for which his extradition could not be demanded, his bondsmen, in order to recover their bond, charged McIntire with embezzlement, and his extradition was applied for and granted on this count.

McIntire states that on his arrival at St. Louis he was informed that the charge of embezzlement would not be pressed against him on the condition that he consented to stand his trial for violation of section 5480 of the Revised Statutes of the United States. He came up for trial on the charge of embezzlement and the case was dismissed. He was then brought before the federal authorities and was committed to jail on the original sentence of May 21, 1904, to eighteen months' imprisonment for violation of section 5480. In explanation of his consenting to surrender himself, McIntire states that pressure was brought to bear on him and that as he was worn out by fatigue and penniless, he considered this course preferable to waiting to be tried on the charge of embezzlement.

McIntire is now undergoing imprisonment for a nonextraditable offense after he had been extradited to this country for an extraditable offense, which it would appear from the evidence in the possession of His Majesty's embassy it was never intended to press seriously against him.

MEMORANDUM.

DEPARTMENT OF STATE,
Washington, June 4, 1906.

The Department of State is in receipt of a memorandum, dated the 24th ultimo, from the British embassy, in regard to the case of Arthur McIntire, who has been sentenced to imprisonment in the United States for a nonextraditable offense after he had been brought back to this country on the charge of embezzlement.

While all the details of this case are not before the department, it appears that the prisoner, although surrendered for one offense, voluntarily submitted to be tried for another. In a case involving this principle which arose in 1895 the department informed the German embassy^a that this Government could not undertake to guarantee that a fugitive so-surrendered would not waive his privilege of exemption from trial, or that the courts, should he so submit, would refuse to try or punish him.

The question, however, being of a judicial nature, the appropriate remedy to pursue would appear to be for the prisoner to apply for a writ of habeas corpus whereby his rights could be judicially determined. The particular principle involved in this case seems never to have been authoritatively settled by the courts of this country, although it is authoritatively settled by the Supreme Court of the United States in extradition cases that a prisoner indicted for one offense can not legally be held or tried for an offense other than that for which he was extradited. An attempt to try a prisoner for another offense could be regarded solely as an abuse of extradition process. In this instance, however, it appears that the prisoner voluntarily appeared in court, and that by so doing he waived the right to the protection of the treaty of extradition. The question, however, is one of first impression, and is a matter for the courts, not for the executive department, to determine.

In respect to the charge of mala fides in procuring the extradition, the department hardly needs to assure the embassy of its emphatic condemnation of any and all such subterfuges as it is alleged were practiced by the bondsmen in this case. Close scrutiny is given by the department to all applications for extradition before their presentation to a foreign government, in order to detect, wherever possible, any abuse of extradition process; but, if such abuse occurs, the remedy in a proper case would appear to be a judicial and not an executive function.

In order to prevent as far as possible a recurrence of abuses of extradition process, the department has prepared and sent to the governors of the various States and to the Attorney-General a circular, copy of which is inclosed herewith.

^a Foreign Relations, 1895, pp. 488-494.

[Inclosure.]

CIRCULAR TO GOVERNORS.

DEPARTMENT OF STATE,
Washington, June 4, 1906.

SIR: In view of certain irregularities which have sometimes occurred in connection with the return to the United States from foreign countries of fugitives from justice, applications for extradition of such fugitives which are addressed to the Secretary of State should hereafter state that such application is made solely for the purpose or purposes expressed therein, and not for the purpose of enforcing the collection of a debt, or of avoiding the penalty of a bail bond, or for any private purpose whatever, and that if the application be granted the criminal proceedings shall not be used for any of said purposes.

I have, etc.,

ROBERT BACON, *Acting Secretary.**The British Ambassador to the Secretary of State.*

No. 114.]

BRITISH EMBASSY,
Washington, June 22, 1906.

SIR: I have the honor to acknowledge the receipt of your memorandum of the 4th of June, regarding the case of Arthur McIntire, who has been imprisoned in the United States for a nonextraditable offense, after he had been brought back to this country on a charge of embezzlement.

I note that in order to prevent as far as possible a recurrence of abuses of extradition process the Department of State has sent to the governors of the various States and to the Attorney-General a circular regarding future applications for extradition addressed to the Secretary of State.

I have to thank you for sending me a copy of this circular. It will be transmitted to His Majesty's Government, who have asked for a report.

With regard to the particular case in point, I wish, in the first place, to correct a misapprehension which appears to have arisen in this embassy regarding the facts. It does not seem to be the case that the prisoner, although surrendered for one offense, was tried for another.

Apparently he was surrendered on a charge of embezzlement, which was an extraditable offense, and then agreed to undergo a term of imprisonment to which he had previously been sentenced for using the United States mails with intent to defraud, which was not an extraditable offense, the charge of embezzlement being dropped or dismissed.

I inclose a copy of the prisoner's statement, omitting irrelevant portions. It supports the natural surmise that the prisoner's agreement to undergo a term of imprisonment was voluntary only in a limited sense.

With regard to your suggestion that the appropriate remedy would be for the prisoner to apply for a writ of habeas corpus whereby his rights could be judicially determined, I would observe that, as I understand it, the prisoner was not sent to jail by order of the court before which he appeared to answer the charge of embezzlement, nor directly by order of any court, but by order of the United States

district attorney, who, unless I am mistaken, is a federal official under the orders of the Federal Government.

It is no doubt possible that the prisoner could, if he cared to undergo the delay and expense of judicial proceedings, get some remedy against the court which held him, apparently without legal right to do so, and handed him over to the district attorney, but this would not serve his immediate purpose, which I take to be release from jail, and it would not meet the whole difficulty.

The principle that if any abuse of extradition process occurs the remedy would appear to be a judicial and not an executive function is, I think, open to argument. But in the absence of instructions from His Majesty's Government, I do not think I can serve any useful purpose by discussing at length this aspect of the question.

I have, etc.,

H. M. DURAND.

[Inclosure.]

Mr. McIntire to the British vice-consul.

LEAVENWORTH, KANS., May 9, 1906.

DEAR SIR: Replying to your esteemed inquiry of the 7th instant.

On May 21, 1904, I was convicted in the United States district court at St. Louis, Mo., of a violation of the law known as "devising a scheme to defraud," a high misdemeanor and nonextraditable, and was sentenced to serve eighteen months in the penitentiary at Jefferson City, Mo. Will pass over the merits of the case except to say that I was not guilty.

I gave notice of appeal and was released on bond twenty-one days after my conviction. Was given sixty days in which to perfect the appeal. However, the first trial had exhausted my resources, and I was not able to raise money with which to have necessary transcripts, etc., prepared. I begged my bondsman to let me have the paltry \$300 which it required. The reason he should have given it to me and seen me entirely out of my trouble was that he had made all the money that was made (about \$40,000) out of the alleged scheme. He refused, however, and so I was unable to perfect the appeal in the required sixty days. At the end of that time the Government did not call on me for satisfaction of judgment, as I expected. The matter dragged along for about six months and I was told that if I would perfect the appeal even then it would be in time. The scheme was suggested to me that if I should apparently jump my bond by leaving the city for parts unknown that my bondsman, in order to protect himself from the loss of a larger sum, would advance the amount needed to perfect the appeal to my attorneys. This looked to me like the straw to a drowning man and I grabbed it and went, leaving a note to my bondsman that I had secured a permanent employment in another city and would be so kind as to advance the amount as a loan to me and get the case into the appellate court, and that he would hear from me shortly. Instead of having the desired effect on him it worked contrariwise. He flew into a passion and went to the home of my mother and told her that he would spend \$50,000 to get me back. This, of course, was communicated to me, my fighting blood was aroused at the injustice of it, and I promised myself to give him the chance, at least, to spend as much as I could possibly make him. With this end in view I traveled the country for about four months as musical director of a theatrical company, and then sailed for London, as I knew the offense was a nonextraditable one.

I arrived in London on February 14, 1905. In the meantime the bondsman had offered a reward of \$500 for my capture, sending circulars broadcast and giving the Pinkertons carte blanche, of which, by the way, they took full advantage. On April 8, 1905, I was arrested in London by Scotland Yard and Pinkerton men and brought before the Bow Street police court to be remanded for extradition, on information from St. Louis that I was wanted for the crime of embezzlement. I explained to the court that this was a mystery to me, as such a thing as embezzlement had never been thought of in connection with me

or my affairs. Nevertheless, I was sent to Brixton Prison and kept there for three weeks, until the papers arrived, together with the St. Louis detective to take me back.

The papers showed that my bondsman, together with two of his friends, had deliberately and falsely alleged and sworn to the fact that I had embezzled the sum of \$90 from him. That this was an utter impossibility was easily shown from the fact that I had never been in a position to embezzle any of his funds, the opposite being the case, as I never had any of his money, while he handled large sums of mine, and on several occasions, to put it charitably, in a very suspicious manner. I explained this to the court and said that this charge was simply a subterfuge to get me back to the United States so that I could be delivered up in satisfaction of judgment in another matter that was nonextraditable. The judge, however, with the greatest kindness and consideration possible, pointed out to me the fact that he had the sworn testimony of three reputable citizens of my community as against my unsupported word, offering to give me all the time that I required to procure evidence in rebuttal. This, of course, was impossible for several reasons, the first one being sufficient—that I was barely making a living and had no money with which to employ legal talent at both ends of the line. The judge told me that he was sure that if I was innocent of the embezzlement charge that I would not be prosecuted or punished on any other, as it was an international matter and niceties of honor would be observed. So there was nothing more to do, and after being kept in Brixton Prison for fifteen days more, as required by their law, I was brought back to St. Louis.

I arrived in St. Louis on May 27, 1905, Saturday afternoon, at about 2 p. m. Was kept in the hold over until Monday, the 29th, which, I believe, was Labor Day and a holiday, and no one but friends came to see me. On Tuesday, the 30th, the attorney for my bondsman called and offered to dismiss the embezzlement case if I would allow myself to be given up to the federal court for the other affair. By this time I was penniless, sick, and altogether discouraged, swarming with body lice from the jail, and knowing that if I attempted a fight the matter could be dragged along indefinitely, with no relief for me, so I agreed to his proposition. Court was not in session that day, but the next, May 31, I was taken before Judge Moore and pleaded not guilty to the indictment for embezzlement. I was then taken into Mr. Sagar's office, still in custody, and he, at the suggestion of my bondsman's attorney, entered a general continuance in the case, and assured me that so far as he or his office was concerned I would never again be troubled with it.

Although, as matters then stood, the charge for which I had been extradited had been dismissed, I was taken, still then in custody of the detective who brought me back, to the office of Colonel Dyer, United States district attorney. He was very frank, told me that under the circumstances he had no right to send me to the penitentiary unless I was willing to go, and asked for an expression from me. I told him that I was willing; that I was tired of fighting against fate, and cared very little what became of me. Was next taken to the office of the United States marshal. Was there handcuffed, and took the 2 p. m. train for Jefferson City, where I arrived at 5 p. m. Was transferred to this penitentiary on November 24, 1905, together with all the other federal prisoners at Jefferson City.

I am, etc.,

ARTHUR F. McINTIRE.

The Acting Secretary of State to the British Ambassador.

No. 468.]

DEPARTMENT OF STATE,
Washington, June 22, 1906.

EXCELLENCY: Referring to your note of the 24th ultimo, I have the honor to inclose herewith a copy of a letter from the Acting Attorney-General relating to the case of Arthur F. McIntire, who is imprisoned in this country for a nonextraditable offense, after having been brought here from London on a charge of embezzlement.

I have, etc.,

ROBERT BACON.

[Inclosure.]

*The Acting Attorney-General to the Secretary of State.*DEPARTMENT OF JUSTICE,
Washington, June 13, 1906.

SIR: In reply to your letter of the 4th instant, I have the honor to inclose herewith for your information a copy of a letter dated June 11, 1906, addressed to the Attorney-General by the United States attorney at St. Louis, relating to the case of Arthur McIntire, who is imprisoned in this country for a nonextraditable offense after having been brought here on a charge of embezzlement.

It appears from the report of the United States attorney that McIntire was convicted in the United States court for the eastern district of Missouri on the charge of having violated section 5480 of the Revised Statutes of the United States, in that he devised a scheme to defraud certain persons out of their money, etc., and that he used the mails of the United States to further the scheme. On May 21, 1904, McIntire was sentenced to pay a fine of \$1 and to be imprisoned eighteen months in the Missouri penitentiary. From this sentence he sued out a writ of error to the circuit court of appeals for the eighth circuit, and gave bond in the sum of \$7,000, with John H. Vette as surety. The writ of error was abandoned and bond declared forfeited. McIntire fled the country and was subsequently located in London.

Application was made to the United States attorney at St. Louis by Thomas B. Harvey, attorney for Price, who it is claimed had expended a large sum of money in securing the return of McIntire to the United States, to have McIntire extradited. The United States attorney replied that McIntire had been convicted for an offense not extraditable under the treaty. Subsequently, as the United States attorney is informed, Price made a charge of embezzlement against McIntire, and the assistant prosecuting attorney for St. Louis filed an information. This information was the basis of the extradition proceedings. The United States attorney is not advised as to the merits or demerits of the prosecution upon the charge of embezzlement.

About May 30, 1905, McIntire, in company with Vette and Harvey, came to the United States attorney's office in St. Louis and stated that he desired to surrender himself to undergo the sentence imposed by the United States court. The United States attorney then told McIntire that the offense for which he had been convicted was not extraditable, and that so far as the United States was concerned he was at liberty to return to London if he desired. McIntire answered that he wished to serve his sentence.

Very respectfully,

H. M. HOYT.

[Sub-inclosure.]

*Mr. Dyer to the Attorney-General.*DEPARTMENT OF JUSTICE,
UNITED STATES ATTORNEY'S OFFICE,
EASTERN DISTRICT OF MISSOURI,
St. Louis, June 11, 1906.

SIR: Your letter of the 6th instant (S. B. S. 77360), covering certain memoranda and correspondence touching the matter of Arthur F. McIntire, was duly received. The following are the facts, so far as the same have come to my knowledge:

McIntire was indicted by the grand jury for the eastern division of the eastern judicial district of Missouri the 30th day of October, 1903. He was charged with a violation of section 5480 of the Revised Statutes of the United States, in that he had devised a scheme and artifice to defraud certain persons out of their money and property, and that in the execution of such scheme McIntire contemplated the use of the United States mail, and that such mail was actually used in furtherance of the same.

He was tried and convicted on the 21st of May, 1904, and sentenced to pay a fine of \$1 and to be imprisoned for eighteen months in the Missouri penitentiary. From this judgment and sentence McIntire sued out a writ of error to the United States circuit court of appeals for the eighth circuit, and gave a supersedeas bond in the sum of \$7,000, with John H. Vette as surety. He failed to prosecute his writ of error; the case was duly docketed in the court of appeals, and upon motion the same was dismissed. Subsequently a forfeiture of the bond was taken and a scire facias issued.

To this an answer was filed by the surety, in which he claimed that one Price (who had agreed to hold him harmless on said bond) had expended a

large sum of money in securing the return of McIntire to the United States. To this answer I filed a motion for judgment, notwithstanding the answer. This motion is still pending before the court and undisposed of. After the giving of the bond aforesaid, McIntire fled the country and was subsequently located in London. Application was made to me by Thomas B. Harvey, esq., attorney for Price and Vette, to have McIntire extradited. I told him that the offense for which McIntire had been prosecuted and convicted was not extraditable under the treaty, and that no steps would be taken by me to bring him back. Subsequently, as I am informed, the said Price made a charge of embezzlement against McIntire, and the assistant prosecuting attorney for this city filed an information against McIntire, and that this information was the basis upon which extradition proceedings were had. Whatever may have been the merits or demerits of such a prosecution I am not advised, and hence express no opinion.

On or about the 30th of May, 1905, McIntire, in company with Vette and Harvey, came to my office and said that he desired to surrender himself in execution of the judgment against him. I plainly told him in the presence of Vette, Harvey, and others at the time in my office, that the offense for which he stood convicted was not an extraditable one, and that so far as the United States was concerned he was at perfect liberty to return to London if he so desired. He said that he was tired of being a fugitive and wanted to serve his sentence. He thereupon went into the custody of the marshal and is serving said sentence. These are the facts, to the best of my knowledge.

Respectfully,

DAVID P. DYER,
United States Attorney.

The British Ambassador to the Acting Secretary of State.

No. 173.]

BRITISH EMBASSY,
Lenox, Mass., September 11, 1906.

SIR: In my note, No. 114, of June 22, relating to the case of Arthur McIntire, I had the honor to inform you that the matter having the consideration of His Majesty's Government, I have now received a dispatch on the subject from His Majesty's principal secretary of state for foreign affairs.

In view of the action taken by the United States Government to prevent irregularities in claims for extradition, I am directed by Sir Edward Grey to draw your attention to the certificate given by the assistant circuit attorney of the city of St. Louis, and that "this request for extradition is made in good faith, with the sole purpose of prosecuting said fugitive for said offense, and not to secure his return to this State to afford opportunity to serve him with civil process, nor to serve any other private end, nor to detain or prosecute him for any other offense whatsoever." I am accordingly instructed to invite you to consider whether action of a disciplinary nature should be taken in regard to this matter.

The papers forwarded in support of the application for extradition (including the certificate of the assistant attorney of St. Louis) are inclosed herewith for your information, and I should be obliged if you would return them to me after perusal.

I have, etc.

H. M. DURAND.

The Acting Secretary of State to the British Ambassador.

No. 530.]

DEPARTMENT OF STATE,
Washington, September 24, 1906.

EXCELLENCY: Referring to your note, No. 173, of the 11th instant, in relation to the case of Arthur McIntire, extradited from England on a charge of embezzlement in St. Louis, Mo., I have the honor to

inclose herewith a copy of a letter from the Acting Attorney-General, in which he states that while McIntire was committed to prison upon his arrival at St. Louis for a crime other than that for which he had been extradited, no advantage was taken of him, he being cautioned by the United States attorney that the offense of which he had been convicted was not extraditable, and that he was at liberty to return to London. Of this privilege he did not desire to avail himself.

I have the further honor to return to your excellency herewith the original documents in the extradition proceedings.

I have, etc.,

ALVEY A. ADEE.

[Inclosure.]

The Acting Attorney-General to the Secretary of State.

DEPARTMENT OF JUSTICE,
Washington, September 20, 1906.

SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant, inclosing for such action as the Attorney-General may deem proper a copy of a note from the British ambassador in which he calls attention to the assurance given by the assistant circuit attorney of St. Louis, in the case of Arthur F. McIntire, that the return of the accused to this country was sought for the sole purpose of prosecuting him upon the charge of embezzlement and not to serve any other private end, nor to detain or prosecute him for any other offense whatsoever. The ambassador invites this Government to consider whether action of a disciplinary nature should be taken in regard to the matter.

McIntire was charged by the authorities of the State of Missouri with having committed the offense of embezzlement. The extradition proceedings prosecuted in behalf of the state government resulted in the surrender of the accused by the Government of Great Britain, where he had sought an asylum. Shortly after his arrival in St. Louis, Mo., McIntire was committed to prison to serve the sentence imposed by the United States court for the eastern district of Missouri, upon a charge different from that for which he was extradited. It appears, however, that in this respect no advantage was taken of McIntire. He was cautioned by the United States attorney that the offense of which he had been convicted in the United States court was not extraditable and that, so far as the United States was concerned, he was at liberty to return to London if he so desired. McIntire replied that he was tired of being a fugitive and wished to serve the sentence imposed by the United States court. The fact that he was a citizen of the United States probably accounted for McIntire's determination to surrender himself. In this connection I have the honor to invite your attention to the letter of the United States attorney at St. Louis of June 11, 1906, copy of which was transmitted to you June 13, 1906.

In view of the precaution taken by the United States attorney, and of the voluntary surrender of McIntire, and of the further fact that the extradition proceedings were instituted by and in behalf of the State and not the Federal Government, I do not see that this department is in a position to take the action suggested by the British ambassador.

Very respectfully,

C. H. ROBB.

BONDS OF THE SOUTH AFRICAN REPUBLIC.

The Secretary of State to Ambassador Choate.

No. 1317.]

DEPARTMENT OF STATE,
Washington, November 23, 1903.

SIR: I inclose copies of correspondence^a with William H. McGreevy, M. D., relating to certain South African Republic bonds purchased by him and which he now desires to collect from the British Government.

^a Not printed.

It will be observed that the claimant asserts that under the terms upon which peace was concluded between Great Britain and the two Boer republics, the Government of Great Britain is bound to redeem the bonds in question, and is doing so.

The department has no official information relating to the terms of the peace protocol, and would be glad if you would obtain and forward full information upon the subject.

I am, sir, etc.,

JOHN HAY.

The Third Assistant Secretary of State to Consul Proffit.

No. 36.]

DEPARTMENT OF STATE,
Washington, December 18, 1903.

SIR: I inclose copies of correspondence^a with William H. McGreevy, M. D., relating to certain South African Republic bonds purchased by him, which he now desires to collect from the British Government.

It will be observed that the claimant asserts that, under the terms upon which peace was concluded between Great Britain and the two Boer republics, the Government of Great Britain is bound to redeem the bonds in question, and is doing so, and that they will be paid upon presentation if sent to you.

The department has no official information to confirm Doctor McGreevy's statements, and would be glad if you would report fully on the subject.

I am, etc.,

HERBERT H. D. PEIRCE.

Ambassador Choate to the Secretary of State.

No. 1272.]

AMERICAN EMBASSY,
London, January 4, 1904.

SIR: With reference to your instruction No. 1317 of the 23d of November last, in which you inclosed copies of correspondence with William H. McGreevy, M. D., relating to certain bonds of the late South African Republic purchased by the latter, which he now desires to collect from the British Government, I have the honor to inclose herewith a copy of a note from Lord Lansdowne transmitting a copy of a parliamentary paper containing correspondence respecting the terms of surrender of the Boer forces in the field, which is marked at page 12, and also as bearing more especially on the validity of the notes under law No. 1 of 1900 of the late South African Republic, a copy of a note on the subject which appeared in the Transvaal Government Gazette of the 25th of June, 1902, which is to the following effect:

"As misunderstanding seems to exist as to the interpretation of Clause II of section 10 of the terms of surrender published in the Government Gazette of the 3d of June, with regard to the validity of notes issued under law No. 1 of 1900 of the late South African Republic, notice is hereby given that such notes are not legal tender or negotiable or good for any purpose except as evidence of losses sustained by the persons to whom they were originally given."

^a Not printed.

I spoke with Lord Lansdowne on the subject on the 16th of December subsequently to my note to which he refers, of the 3d of that month, and gave him additional information in regard to the notes or bonds. Possibly, therefore, he may have something further to add later than his note of December 29, and should this be the case I shall transmit any information he may send without delay.

I have, etc.,

JOSEPH H. CHOATE.

[Inclosure 1.]

Ambassador Choate to the Marquis of Lansdowne.

AMERICAN EMBASSY,
London, December 3, 1903.

MY LORD: Under instructions from my Government I have the honor to ask if your lordship would be so good as to cause me to be informed as to the terms of the peace protocol when peace was concluded between Great Britain and the two Boer republics, and especially in relation to the subject of the redemption of the bonds of the South African Republic by His Majesty's Government. My Government, having no official information relating to the terms of the peace protocol, is desirous of obtaining full information upon the subject, in view of the many questions which arise in this connection from time to time.

I have, etc.,

JOSEPH H. CHOATE.

[Inclosure 2.]

The Marquis of Lansdowne to Ambassador Choate.

FOREIGN OFFICE, December 29, 1903.

YOUR EXCELLENCY: With reference to your note of the 3d instant, I have the honor to transmit to your excellency herewith a copy of the parliamentary paper which gives at page 12 the terms of surrender of the Boer forces in the field at the end of the war in South Africa. I also include, as bearing more especially on the validity of notes issued under law No. 1 of 1900 of the late South African republic, a copy of a note on the subject which appeared in the Transvaal Government Gazette of the 25th of June, 1902.

I have, etc.,

LANSDOWNE.

[Subinclosure 1.]

DRAFT AGREEMENT AS TO TERMS OF SURRENDER OF THE BOER FORCES IN THE FIELD
APPROVED BY HIS MAJESTY'S GOVERNMENT.

SECTION 10. As soon as conditions permit, a commission, on which the local inhabitants will be represented, will be appointed in each district of the Transvaal and Orange River Colony, under the presidency of a magistrate or other official, for the purpose of assisting the restoration of the people to their homes and supplying those who, owing to war losses, are unable to provide themselves with food, shelter, and the necessary amount of seed, stock, implements, etc., indispensable to the resumption of their normal occupations.

His Majesty's Government will place at the disposal of these commissions a sum of £3,000,000 for the above purposes, and will allow all notes issued under law 1 of 1900 of the South African republic and all receipts given by officers in the field of the late republics, or under their orders to be presented to a judicial commission, which will be appointed by the Government, and if such notes and receipts are found by this commission to have been duly issued in return for valuable considerations, they will be received by the first-named commissions as evidence of war losses suffered by the persons to whom they were originally given.

In addition to the above-named free grant of £3,000,000, His Majesty's Government will be prepared to make advances on loan for the same purposes free of interest for two years, and afterwards repayable over a period of years with 3 per cent interest. No foreigner or rebel will be entitled to the benefit of this clause.

[Subinclosure 2.]

GOVERNMENT NOTICE NO. 233 OF 1902.

As misunderstanding seems to exist as to the interpretation of clause 2 of section 10 of the terms of surrender, published in the Government Gazette (extraordinary) of 3d June, with regard to the validity of notes issued under law No. 1 of 1900 of the late South African republic, notice is hereby given that such notes are not legal tender or negotiable or good for any purpose except as evidence of losses sustained by the persons to whom they were originally given.

By command of his excellency the administrator of the Transvaal.

P. DUNCAN,
Controller of the Treasury.

PRETORIA, June 6, 1902.

Ambassador Choate to the Secretary of State.

No. 1276.]

AMERICAN EMBASSY,
London, January 11, 1904.

SIR: In my dispatch, No. 1272, of the 4th instant, in relation to certain bonds issued by the late South African republic alleged to have been purchased by William H. McGreevy, I stated that possibly Lord Lansdowne might have something further to add later than his note of December 29. I have therefore the honor to inclose a copy of his lordship's note of the 6th instant in reply to one from me of the 18th ultimo, a copy of which is also herewith inclosed.

It will be observed that his lordship expresses the hope that the information contained in his communication of the 29th ultimo, above mentioned, will be found to contain the particulars requested by the department, but states that further inquiries will be made if desired.

As throwing some further light upon the interpretation of Clause II of section 10 of the terms of surrender, copies of which I inclosed in my last dispatch, with regard to the validity of the notes issued under law No. 1 of 1900 of the late South African republic, I inclose a copy of a note from Mr. Malcolm, of the colonial office, to Mr. Carter, dated the 9th instant, in which it is stated that the notes are not legal tender or negotiable or good for any purposes except as evidence of war losses suffered by the persons to whom they were originally issued, and that they may therefore be submitted as evidence by the original holder to the central judicial commission now sitting at Pretoria, the authority which, in the case of an American citizen, assesses his claim for compensation for war losses.

It is also stated that this commission will probably conclude their sessions in two or three months, as apparently they have called in all claims by notice, and it only remains to assess those which have not yet been assessed.

I have, etc.,

JOSEPH H. CHOATE.

[Inclosure 1.]

Ambassador Choate to the Marquis of Lansdowne.

AMERICAN EMBASSY,
London, December 18, 1903.

MY LORD: Referring to our conversation of Wednesday last, in which I made an informal request for information concerning certain bonds of the late South African Republic, I now put the inquiry in writing, as you suggested. The

notes or bonds inquired about were issued by the Government of the South African Republic and dated May 28, 1900, and numbered as follows: Nos. 12397, 14236, 4000, 1151, 14136, 14489, 13915, 2110, 16098, value £1 each; Nos. 11603 and 1210, value £5 each; and Nos. 2461, 6840, 2155, 1795, 7281, value £10 each; and Nos. 4078, 2062, 2075, value £20 each; Nos. 305, 306, and 1299, £50 each; and Nos. 2, 3, 4, 5, £100 each; and also notes dated April 1, 1901, Nos. 11004A, 10866A, 21553A, and 35247A, value £1 each, all bearing interest at 6 per cent and amounting, with interest, to £800 and upward. It has been represented to the State Department that by the terms of peace between Great Britain and the Boer authorities it was agreed that these bonds, among others, should be paid by the British Government, and on that point I have been unable to obtain information.

It has also been represented to the State Department that His Majesty's Government are paying these bonds in accordance with the terms of the treaty of peace. In view of these representations, I shall be greatly obliged if your lordship will kindly furnish me with any information that may be available as to their correctness, and whether the terms of the treaty of peace make any representation as to bonds or obligations in which these might be included, and whether any such bonds have been paid by our Government.

I understand that bond No. 14489 was probably intended to be 13489, and 35247A was probably intended to be 35248A.

I have, etc.,

JOSEPH H. CHOATE.

[Inclosure 2.]

Lord Lansdowne to Ambassador Choate.

FOREIGN OFFICE, *January 6, 1904.*

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 18th ultimo, in which you inquire whether certain bonds issued by the Government of the late South African Republic will be paid by His Majesty's Government.

I beg leave to refer your excellency to my note of the 29th ultimo, in answer to your inquiry of the 3d ultimo, which will, I hope, be found to contain the required particulars. If there are, however, any points which are not covered by the information in my above-mentioned note, I shall be happy to make further inquiries.

I have, etc.,

LANSDOWNE.

[Inclosure 3.]

Mr. Malcolm to Mr. Carter.

COLONIAL OFFICE, *January 9, 1904.*

MY DEAR CARTER: Farnall has handed me your note to him of to-day. The commission to which you refer is the central judicial commission at Pretoria. It is still sitting, though how long it will continue to sit I can't say. I hope not more than two or three months, as they have called in all claims by notice, and it only remains to assess those which have not yet been assessed.

The rule with regard to notes issued under law No. 1 of 1900 of the late South African Republic is that they are not legal tender, or negotiable, or good for any purpose except as evidence of war losses suffered by the persons to whom they were originally issued. (See as to this Article X of the terms of surrender order of the Boer forces, of which you have copies, no doubt.) They may therefore be submitted as evidence, just like any other evidence, by the original holder to the body which assesses his claim for compensation for war losses. In the case of an American subject this body would be the central judicial commission.

Yours, sincerely,

D. O. MALCOLM.

Consul Proffit to the Third Assistant Secretary of State.

No. 66.]

CONSULATE OF THE UNITED STATES,
Pretoria, Transvaal, January 20, 1904.

SIR: I have the honor to acknowledge receipt of your dispatch No. 36, under date of December 18 last, relative to the payment of certain bonds issued by the Government of the late South African Republic, the property of Dr. William H. McGreevy, of Scranton, Pa. Replying thereto the department is informed that the claimant has forwarded the bonds mentioned to this consulate and that a formal claim has been made on his behalf. The result thereof will be communicated to the department.

So far as I have been able to ascertain, the British Government have refused to entertain claims of this nature in all cases in which the holders of the bonds or notes were rebels or foreigners. Such refusal would seem to be warranted by section 10^a of the treaty between Great Britain and the late republics, published in the Gazette Extraordinary on June 3, 1902, a copy of which you will find inclosed with Mr. Gordon's dispatch No. 104, of June 10, 1902.

A copy of a letter to the claimant is inclosed herewith.

I have, etc.,

JOSEPH E. PROFFIT.

[Inclosure.]

Consul Proffit to Doctor McGreevy.

PRETORIA, TRANSVAAL, *January 12, 1904.*

SIR: I have the honor to acknowledge the receipt of your letter of November 22 last inclosing 31 notes, issued by the Government of the late South African Republic, of the face value of £684, which you ask me to present for payment to the officials of the British Government. Replying thereto, you are advised that I shall be pleased to make a formal claim on your behalf, though I fear that the issue will prove unsuccessful, as under the treaty of peace signed by Great Britain and the late republics, these notes were made a part of Great Britain's liability only in cases in which they were issued by officers of the said republics in return for supplies furnished or services rendered. And section 10 of said treaty expressly excludes rebels and foreigners from participation in the fund provided for the payment of said notes. However, I shall prosecute your claim diligently, and communicate the result to you as soon as possible.

I have inclosed herewith a receipt for the notes in question.

I have, etc.,

JOSEPH E. PROFFIT.

Consul Proffit to the Third Assistant Secretary of State.

No. 68.]

CONSULATE OF THE UNITED STATES,
Pretoria, Transvaal, January 28, 1904.

SIR: Referring again to my dispatch No. 66 of January 20, 1904, I have the honor to inform you that the British Government have refused to entertain Dr. William H. McGreevy's claim for the payment of certain notes issued by the late South African Republic.

After a formal presentation of the claim I appeared before the central judicial commission and urged payment thereof. The reason assigned for refusal to entertain said claim will be found in the letter from the chairman of the commission, part of which letter has been quoted in my letter of this date to the claimant.

The British Government maintain that the fund provided for the payment of war claims was offered as a matter of grace rather than of legal obligation, and that the same was intended for those persons who, undergoing the ills and hardships incident to war in South Africa, had suffered in their property rights by reason of said war. Thus a party holding the obligations of the late Republic in order to be entitled to participate in the benefits of the fund mentioned must first show that he is in lawful possession of said obligations—that they came into his hands by virtue of supplies furnished or services rendered to the responsible officers of the late Republic, and at a time when the said Republic had the right to pledge its credit.

The British forces crossed the Vaal River on the 28th of May, 1900, investing Johannesburg on the 31st of May, 1900, and Pretoria on the 6th of June, 1900. Lord Roberts immediately issued a proclamation annexing the Transvaal to the British Crown.

By reference to the 31 notes which form the basis of Doctor McGreevy's claim it will be found that 26 of them were issued in Pretoria on May 28, 1900, the other 5 being issued in Pietersburg on January 4, 1901.

In conclusion, the department is informed that the position of the British Government, as announced by the central judicial commission (being in part gleaned from a personal interview with the chairman), is as follows:

First. The claimant came into possession of the notes forming the basis of his claim after the world had notice of the fact that the British forces were in possession of the capital of the late republic, and after a formal proclamation of annexation had been published by the responsible commander of the said British forces.

Second. The claimant, living in Scranton, Pa., suffered no hardships in South Africa during the war between Great Britain and the two republics, and so far as the allegations accompanying his claim show, sustained no injury to his property rights in South Africa.

Third. The notes were not given to the claimant by the responsible officers of the late republics in exchange for supplies furnished or services rendered, and claimant, therefore, is beyond the provisions of section 10 of the treaty of peace.

The department is further informed that the claimant has been informed of the decision of the central judicial commission and the notes in question returned to him.

I have, etc.,

JOSEPH E. PROFFIT.

[Inclosure.]

Consul Proffit to Doctor McGreevy.

No. 1248.]

PRETORIA, *January 28, 1904.*

SIR: I have the honor to inform you that the British Government, through the agency of the central judicial commission, have refused to entertain your claim for the payment of the certain notes of the late South African republic mentioned in my letter of January 12 last.

I presented a formal claim on your behalf and appeared before the commission and pressed same personally, but with the poor result already indicated.

In announcing the refusal of his commission to entertain your claim the chairman writes to me as follows:

"Apart altogether from the fact that the time for filing claims expired some ten months ago, Doctor McGreevy would not appear to have any right to compensation. He is not a resident of the Transvaal or Orange River Colony, he

had no property destroyed in either of these two colonies, and suffered no loss in either of these two colonies.

"Compensation will be paid only to those who suffered war losses in South Africa. If a man such as Doctor McGreevy, who is not a resident of South Africa, chooses to acquire certain paper notes, he does so at his own risk."

Regretting the unfruitful issue of my efforts on your behalf, and returning herewith the notes in question,

I am, etc.,

JOSEPH E. PROFFIT.

The Second Assistant Secretary of State to Consul Proffit.

No. 47.]

DEPARTMENT OF STATE,
Washington, March 16, 1904.

SIR: I have to acknowledge the receipt of your dispatch No. 68, of January 28 last, in regard to the refusal of the British authorities to pay the bonds, issued by the Boer government, which are now held by Dr. William H. McGreevy.

You will please forward to the department a copy of the decision of the commission by which payment was denied.

I am, etc.,

ALVEY A. ADEE.

Consul Proffit to the Second Assistant Secretary of State.

No. 92.]

CONSULATE OF THE UNITED STATES,
Pretoria, Transvaal, May 16, 1904.

SIR: I have the honor to acknowledge receipt of your dispatch No. 47, of the 16th of March last, in which you direct me to forward a copy of the decision by which payment of the claim of Dr. William H. McGreevy, of Scranton, Pa., was denied by the central judicial commission.

Replying thereto, I regret to inform you that I can not secure a copy of the decision, as the same was verbally delivered by the chairman of the said commission. The only written evidence of the commission's refusal to entertain said claim which I have been able to obtain is embodied in the chairman's letter, copy of which was transmitted with my No. 68, of January 28 last, but which is here repeated for the sake of convenience:

Apart altogether from the fact that the time for filing claims expired some ten months ago, Doctor McGreevy would not appear to have any right to compensation. He is not a resident of the Transvaal or Orange River Colony, he had no property destroyed in either of these two colonies, and suffered no loss in either of these two colonies.

Compensation will be paid only to those who suffered war losses in South Africa. If a man such as Doctor McGreevy, who is not a resident of South Africa, chooses to acquire certain paper notes, he does so at his own risk.

I have, etc.,

J. E. PROFFIT.

FOOD-INSPECTION LAW OF THE UNITED STATES.

Ambassador Reid to the Secretary of State.

No. 225.]

AMERICAN EMBASSY,
London, July 13, 1906.

SIR: I have the honor to report the receipt of a letter from the Federation of Grocers' Associations of the United Kingdom inclosing me a copy of a letter and resolution which they had sent in full

to the President, and the substance of which they had previously cabled him. They intimated to me a hope that they might receive from the President, through me, something on the subject which would be of a reassuring character for the trade and might promote the interests of packers of American canned meats.

As the President was known to be at Oyster Bay and the time was short, I finally concluded, after some hesitation, to send a careful dispatch direct to him on the subject without making any immediate response to the Grocers' Associations or committing the President in any way.

On receipt of his cabled reply, however, I hastened to forward it to the meeting of these associations at Sheffield. It was immediately read in their convention, a resolution concerning it was passed, it was published broadcast, and at the request of the associations I have consented to let them make a photolithographic copy of the original dispatch for wide distribution. It is already evident that the impression produced has been most favorable, and it is hoped that it may have some effect in reviving the trade which had been so materially checked.

I beg to inclose herewith copies of the letter from the Grocers' Associations, the President's letter, and my letter to the secretary of the Grocers' Federation transmitting it, together with the response from the Grocers' Associations.

I have, etc.,

WHITELAW REID.

[Inclosure 1.]

Mr. Giles to Ambassador Reid.

FEDERATION OF GROCERS' ASSOCIATIONS OF THE UNITED KINGDOM.

49 EASTCHEAP, LONDON, E. C., July 3, 1906.

SIR: I have now the honor to inclose you a copy of the letter embodying the resolution which we cabled to the President of the United States yesterday.

I have likewise the honor to inclose you a copy of the programme of the annual conference of this federation, which will be held at Sheffield next week. On page 53 of this programme you will see that the subject is coming up for consideration, and if it were possible for us to receive from the President, through you, sir, any reply to our cable which would be of a reassuring character, I believe that it would prove to be in the best interests of the packers of American canned meats and of the trade in such articles in this country.

I have, etc.,

ARTHUR J. GILES, *Secretary.*

[Inclosure 2.]

Mr. Giles to President Roosevelt.

JULY 3, 1906.

SIR: I have now the honor to inclose you a copy of the resolution which we cabled to you briefly yesterday, and to express the hope that we shall receive some intimation from you that you are satisfied that such alterations have been made in the methods of packing canned meats in the United States that we may be assured that the Government will now give its certificate to all such goods, so that the distributors in this country may be able to assure the British public.

The present state of alarm is almost paralyzing the trade in American canned meats, and we have been compelled to pass the resolution which I have the honor to inclose, and which I cabled in brief yesterday, in order that we may assure the public as to the care which is being taken by the distributor to see that the food supplied is of the best quality.

I have the honor to inclose a copy of the programme of our annual conference, which will be held at Sheffield next week. On page 53 you will see there are

resolutions which will come up for discussion on the 11th instant on this subject. I hope that it may be possible for us to receive an assurance, either direct or through your ambassador, which will assist us in our deliberations.

I have, etc.,

ARTHUR J. GILES, *Secretary.*

[Inclosure 3.]

RESOLUTION.

That the Grocers' Federation cordially supports President Roosevelt in the action he is taking for the purpose of securing such a rigid inspection of American preserved provisions as to provide against the possibility of the continuance of such a shocking state of affairs in the factories as has been exposed recently.

Unless this federation, representing 14,000 grocers, receives an assurance that in future American preserved provisions will be issued with a proper government certificate as to the soundness of their condition for human food, the executive will recommend at the annual conference on July 10 that the trade should cease to stock such goods until these assurances have been received.

[Inclosure 4.—Cablegram.]

President Roosevelt to the American Embassy, London.

You are at liberty to inform the Grocers' Federation that under the new law we can, and will, guarantee the fitness in all respects of canned meat bearing the government stamp. If any trouble arises therewith, protest can be made, not merely to sellers of goods, but to the United States Government itself.

THEODORE ROOSEVELT.

[Inclosure 5.]

Ambassador Reid to Mr. Giles.

AMERICAN EMBASSY,
London, July 9, 1906.

SIR: Referring to the resolution by the Federation of Grocers' Associations of the United Kingdom, and to your letter to myself of 3d of July, I have the honor to transmit herewith a copy of a cable dispatch which I have received from the President of the United States.

I have, etc.,

WHITELAW REID.

[Inclosure 6.]

Mr. Giles to Ambassador Reid.

FEDERATION OF GROCERS' ASSOCIATIONS OF THE UNITED KINGDOM. SIXTEENTH ANNUAL CONFERENCE, SHEFFIELD, 1906.

ROYAL VICTORIA HOTEL, *July 10, 1906.*

SIR: I have to thank you for your letter and copy of President Roosevelt's cable, and I have the honor respectfully to ask you to forward the President the copy of the resolution as given on the other side.

I have, etc.,

ARTHUR J. GILES.

[Subinclosure.]

[Grocers' Federation resolution, July 10, 1906.]

That this conference of the Federation of Grocers' Associations has received with great satisfaction the cablegram from President Roosevelt assuring us as retail distributors of food that his Government guarantees the soundness and wholesomeness of American packed meats; that this conference desire to tender their most sincere and respectful thanks to President Roosevelt for his courtesy in the matter, and also sincerely thanks the American ambassador, the Hon. Whitelaw Reid, for his prompt action and his courtesy.

Signed on behalf of the Grocers' Federation.

ARTHUR J. GILES.

ALASKAN BOUNDARY—CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN PROVIDING FOR THE SURVEYING AND MARKING OUT UPON THE GROUND OF THE ONE HUNDRED AND FORTY-FIRST DEGREE OF WEST LONGITUDE WHERE SAID MERIDIAN FORMS THE BOUNDARY LINE BETWEEN ALASKA AND THE BRITISH POSSESSIONS IN NORTH AMERICA.

Signed at Washington April 21, 1906.

Ratification advised by the Senate April 25, 1906.

Ratified by the President July 10, 1906.

Ratified by Great Britain June 9, 1906.

Ratifications exchanged at Washington August 16, 1906.

Proclaimed August 21, 1906.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION.

Whereas a Convention between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, providing for the surveying and marking out upon the ground of the 141st degree of West Longitude where said meridian forms the boundary line between Alaska and the possessions in America of His Britannic Majesty, was concluded and signed by their respective Plenipotentiaries at Washington, on the twenty-first day of April, one thousand nine hundred and six, the original of which Convention is word for word as follows:

Whereas by a treaty between the United States of America and His Majesty the Emperor of all the Russias, for the cession of the Russian possessions in North America to the United States, concluded March 30, 1867, the most northerly part of the boundary line between the said Russian possessions and those of His Britannic Majesty, as established by the prior convention between Russia and Great Britain, of February 28/16, 1825, is defined as following the 141st degree of longitude west from Greenwich, beginning at the point of intersection of the said 141st degree of west longitude with a certain line drawn parallel with the coast, and thence continuing from the said point of intersection, upon the said meridian of the 141st degree in its prolongation as far as the Frozen Ocean;

And whereas, the location of said meridian of the 141st degree of west longitude between the terminal points thereof defined in said treaty, is dependent upon the scientific ascertainment of convenient points along the said meridian and the survey of the country intermediate between such points, involving no question of interpretation of the aforesaid treaties but merely the determination of such points and their connecting lines by the ordinary processes of observation and survey conducted by competent astronomers, engineers and surveyors;

And whereas such determination has not hitherto been made by a joint survey as is requisite in order to give complete effect to said treaties;

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, being equally desirous to provide for the surveying and marking out upon the ground

of the said astronomical line established by existing treaties, and thus to remove any possible cause of difference between their respective governments in regard to the location of the said 141st meridian of West Longitude, have resolved to conclude a convention to that end, and for that purpose have appointed their respective plenipotentiaries:

The President of the United States of America, The Honorable Elihu Root, Secretary of State of the United States, and

His Britannic Majesty, The Right Honorable Sir H. Mortimer Durand, G. C. M. G., K. C. S. I., K. C. I. E., His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

Who, after having communicated to each other their respective full powers, which were found in due and proper form, have agreed to and concluded the following articles:

ARTICLE I.

Each Government shall appoint one Commissioner with whom may be associated such surveyors, astronomers and other assistants as each Government may elect.

The Commissioners shall at as early a period as practicable ascertain by the telegraphic method a convenient point on the 141st meridian of West Longitude and shall then proceed under their joint direction and by their joint operations in the field, to trace and mark so much of a north and south line passing through said point as is necessary to be defined for determining the exact boundary line as established by the said Convention of 28/16 February, 1825, between the possessions in America of His Britannic Majesty, and the adjacent possessions in America formerly belonging to His Majesty The Emperor of all the Russias and ceded to the United States by the said Treaty of 30th March, 1867.

ARTICLE II.

The location of the 141st meridian as determined hereunder shall be marked by intervisible objects, natural or artificial, at such distances apart as the Commissioners shall agree upon and by such additional marks as they shall deem necessary, and the line when and where thus marked, in whole or in part, and agreed upon by the Commissioners, shall be deemed to define permanently for all international purposes the 141st meridian mentioned in the treaty of February 28/16, 1825, between Great Britain and Russia.

The location of the marks shall be described by such views, maps and other means as the Commissioners shall decide upon, and duplicate records of these descriptions shall be attested by the Commissioners jointly and be by them deposited with their respective Governments, together with their final report hereinafter mentioned.

ARTICLE III.

Each Government shall bear the expenses incident to the employment of its own appointees and of the operations conducted by them, but the cost of material used in permanently marking the meridian, and of its transportation and erection in place, shall be borne equally and jointly by the two Governments.

ARTICLE IV.

The Commissioners shall diligently prosecute the work to its completion and they shall submit to their respective Governments from time to time, and at least once in every calendar year, a joint report of progress, and a final comprehensive report upon the completion of the whole work.

ARTICLE V.

The present convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and the ratifications shall be exchanged at Washington or at London as soon as possible.

In faith whereof, we the respective plenipotentiaries have signed this convention and have hereunto affixed our seals.

Done in duplicate at Washington this twenty-first day of April, in the year of our Lord one thousand nine hundred and six.

ELIHU ROOT [SEAL.]
H M DURAND [SEAL.]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged at the City of Washington, on the sixteenth day of August, one thousand nine hundred and six;

Now, therefore, be it known that I, THEODORE ROOSEVELT, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

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

Done at Washington, this twenty-first day of August, in the year of our Lord one thousand nine hundred and six, and of the [SEAL.] Independence of the United States of America the one hundred and thirty-first.

THEODORE ROOSEVELT

By the President:

ALVEY A. ADEE

Acting Secretary of State.

BOYCOTT OF AMERICAN GOODS AT SINGAPORE.

[Continued from Foreign Relations, 1905.]

The Secretary of State to Chargé Carter.

No. 116.]

DEPARTMENT OF STATE,
Washington, January 2, 1906.

SIR: I have to acknowledge the receipt of your No. 103,^a of the 13th ultimo, in which, with reference to my telegram of December 15 to the

^a Printed in Foreign Relations, 1905, p. 503.

ambassador on the subject of the boycott of American goods by Chinese at Singapore, you transmit copy of a note from the foreign office stating that the matter will be brought to the attention of the governor of the Straits Settlements.

This Government highly appreciates the action of the foreign office.

I am, etc.,

ELIHU ROOT.

Ambassador Reid to the Secretary of State.

No. 146.]

AMERICAN EMBASSY,
London, February 7, 1906.

SIR: With reference to Mr. Carter's No. 103, of the 13th ultimo, in reply to your telegram of the 15th of November last, relative to the boycott of American goods by the Chinese at Singapore, I have the honor to inclose herewith a copy of a note from the foreign office, dated the 6th instant, stating that a dispatch has been received by Sir Edward Grey from the governor of the Straits Settlements in regard to that question, from which it appears that nothing has come to the knowledge of Sir John Anderson to show that the movement has taken a serious turn or that trade in general has come to a standstill, while on the other hand there is no doubt a widespread feeling among the Chinese of resentment in regard to the exclusion of their countrymen from the United States, and the Standard Oil Company, which is endeavoring to increase the sale of its products at Singapore, has suffered to some extent.

The leaders, however, have been reminded of the risk of such a movement leading to violence and intimidation if it should spread to the cooly class, and have been warned that they will be held responsible should this be the case. Sir John Anderson is convinced that this warning will be sufficient to make them careful to avoid any breach of the law in promoting the movement, but not to make the Chinese resume buying American goods in so far as they have ceased doing so.

It also appears that the police of the protectorate have been instructed to exercise the greatest vigilance in the matter, and that it is not likely that the headmen will encourage anything that would justify the Government in taking action under the banishment ordinance.

I have, etc.,

WHITELAW REID.

[Inclosure 1.]

Mr. Campbell (for the secretary of foreign affairs) to Ambassador Reid.

FOREIGN OFFICE,
February 6, 1906.

YOUR EXCELLENCY: With reference to the communication made by your excellency to the Marquis of Lansdowne on the 15th November last, on the subject of the boycott of American goods at Singapore, I have the honor to state that a dispatch has been received from the governor of the Straits Settlements in regard to that question.

Sir John Anderson reports that so far nothing has come to his knowledge to show that the movement has taken a serious turn or that trade in general has come to a standstill. There is, no doubt, a widespread feeling amongst the Chinese of resentment in regard to the exclusion of their countrymen from the United States, and the Standard Oil Company, which is endeavoring to increase the sale of its products at Singapore, has suffered to some extent.

So far, however, the movement is voluntary and the leaders have been reminded of the risk of such a movement leading to violence and intimidation if it should spread to the cooly class, and have been warned that they will be held responsible should this be the case.

Sir John Anderson is convinced that this warning will be sufficient, not indeed to make the Chinese resume buying American goods in so far as they have ceased doing so, but to make them careful to avoid any breach of the law in endeavoring to promote the movement.

The police and the protectorate have been instructed to exercise the greatest vigilance in the matter, and the Chinese at Singapore are essentially a law-abiding and good-humored people, and very amenable to their headmen, who are not likely to encourage or allow anything which would justify the Government in taking action under the banishment ordinance.

I have, etc.

F. A. CAMPBELL,
(For the Secretary of State).

EXTRADITION PROCEDURE IN CANADA.

The British Ambassador to the Acting Secretary of State.

[Telegram.]

LENOX, MASS., July 30, 1906.

Can you inform me whether United States Government intend to demand extradition of Harry L. Holmes, now held at Montreal for theft?

DURAND.

The British Ambassador to the Acting Secretary of State.

No. 156.]

BRITISH EMBASSY,
Lenox, Mass., July 31, 1906.

SIR: In confirmation of my telegram of yesterday's date, I have the honor to inform you that I have received an inquiry from the governor-general of Canada relating to the demand of the United States Government for the extradition of one Harry L. Holmes, a fugitive from justice, charged with the crime of theft.

Lord Grey informs me that Holmes was committed at Montreal on May 21 last for extradition to the United States. It is now believed, however, that a writ of habeas corpus has been taken out, and the minister of justice has been informed that the private prosecutor does not intend to press the matter.

In these circumstances the Canadian government are desirous of ascertaining whether the United States Government still intend to demand the extradition of the prisoner.

I have, etc.,

H. M. DURAND.

The Acting Secretary of State to the British Ambassador.

No. 496.]

DEPARTMENT OF STATE,
Washington, August 3, 1906.

EXCELLENCY: I have the honor to acknowledge the receipt of your telegram of the 30th ultimo, inquiring whether the Government of the United States intends to demand the extradition of Harry L. Holmes, now held at Montreal for theft, and of your note, No. 156, of the following day's date, in confirmation and explanation of the telegram.

It appears from your note that Holmes was committed at Montreal on May 21 last for extradition to the United States; that it is now believed by the Canadian authorities that a writ of habeas corpus has been taken out, and that the minister of justice has been informed that the private prosecutor does not intend to press the matter. In these circumstances the Canadian government is desirous to ascertain whether the Government of the United States still intends to demand the extradition of the prisoner.

In reply I beg to state that this department has no record of any requisition having been made upon it for any fugitive under the name of Harry L. Holmes. It would be obliged if the embassy could obtain a short statement of the proceedings that have been taken in this case. Inasmuch as this department appears not to have initiated the proceedings through its consul, it would be glad to know in what manner and by whom the proceedings were instituted. As the Canadian practice is understood by the department, any person representing the demanding government may swear out a complaint before an extradition magistrate and cause the arrest of the fugitive. In cases where an American consul takes action and makes the complaint he does so in pursuance of instructions from this department, but in other cases—as, for instance, where a police officer goes to Canada and makes such complaint—this department is often not advised of the action that has been taken.

The particular purpose of this note is to ascertain just what degree of authority an officer of the latter class must present to the Canadian authorities in order to receive recognition from them. Inquiries of this nature have recently been made of the department, and it would like to be in a position to give an authentic answer.

Another question in connection with extradition practice which sometimes confronts the department is whether it is not necessary, in all cases where the provisional arrest and detention of a fugitive upon telegraphic information is desired in Canada, to make such request through the medium of this department and the proper consular officer in Canada. Under the department's practice in cases of this kind, it has been considered necessary to instruct our consul in the premises in order to obtain action by the Canadian government. If any other procedure is lawful, the department would be glad to be advised.

I have, etc.,

ROBERT BACON.

The British Ambassador to the Acting Secretary of State.

No. 170.]

BRITISH EMBASSY,
Lenox, Mass., September 7, 1906.

SIR: I referred to the Governor-General of Canada the note which I had the honor to receive from Mr. Bacon under date of August 3, relating to the extradition proceedings against Harry L. Holmes, and inquiring as to certain points of procedure in extradition cases in Canada.

I now have the honor to transmit to you a copy of a letter from the department of the secretary of state of Canada to the Governor-General explaining the bearing of the extradition act, and forwarding, in accordance with Mr. Bacon's request, a statement of the proceedings in the case of Harry L. Holmes.

I have, etc.,

H. M. DURAND.

[Inclosure.]

The Canadian Department of State to the Governor General.

OTTAWA, August 29, 1906.

SIR: With reference to a dispatch, dated the 6th instant, from His Majesty's ambassador at Washington in relation to the case of Harry L. Holmes, I have the honor to state that more than two months having elapsed from the date of the committal for extradition of the fugitive, and it appearing from Sir H. M. Durand's telegraphic dispatch of the 10th instant that the State Department of the United States has made no requisition for the fugitive's extradition, an order was made by the minister of justice for Holmes's discharge under section 15 of the extradition act.

With reference to Mr. Bacon's question as to the exact degree of authority which an officer must show to obtain recognition from the Canadian authorities, I beg leave to refer to section 6 of the extradition act, from which it appears that an extradition judge may issue his warrant for the arrest of the fugitive on an information or complaint laid before him and on such evidence or after such proceedings as would, subject to the provisions of the act, justify the issue of a warrant if the crime had been committed in Canada. It does not appear that there is any restriction as to the person making the complaint or laying the information.

I inclose, at the same time, copy of the proceedings^a before Mr. Choquet, extradition commissioner, and beg to request that his excellency may be humbly moved to forward the same to His Majesty's ambassador at Washington for his information.

I have, etc.,

P. PELLETTIER,
Acting Undersecretary of State.^a Not printed.

GREECE.

GREEK IMMIGRATION INTO THE UNITED STATES.

Minister Jackson to the Secretary of State.

No. 402.—Greek Series.]

AMERICAN LEGATION,
Athens, June 14, 1906.

SIR: I have the honor to report that at his usual weekly reception to-day Mr. Skouses, the minister of foreign affairs, referred in general to the emigration of Greeks to the United States and to a particular instance when a considerable number (more than a hundred) had been sent back again to the ports from which they had sailed.

It seems that about two months ago quite a large number of Greeks left Megara, Thebes, and Corinth for Boston, New York, St. Louis, and other American cities. Most of these emigrants were passed satisfactorily, but a number of them—notably those whose destination was St. Louis—were stopped and sent back. About a hundred of them reached Hamburg on board the steamer *Patricia* on May 12, and they were forced to undergo considerable hardship before their eventual repatriation.

These emigrants pretend not to know why they were sent back, while others from the same towns, whose sanitary and financial condition was no better than their own, were allowed to pass. They claim to have had no knowledge of any contract with employers at St. Louis, which may possibly have been made by some agent on their behalf.

Under the circumstances the minister has asked me to ascertain, if possible, the reason for their having been sent back, so that an appropriate warning can be issued, especially if there is any reason why the immigration of Greeks to St. Louis is considered as undesirable.

I have, etc.,

JOHN B. JACKSON.

Minister Jackson to the Secretary of State.

No. 409.—Greek Series.]

AMERICAN LEGATION,
Athens, June 21, 1906.

SIR: Referring to my dispatch No. 402, of the 14th instant, I have the honor to report that Mr. Skouses spoke again, at the usual reception at the ministry of foreign affairs to-day, of the emigration of Greeks to the United States and of the special case which I mentioned last week. During the interval there was an interpellation in regard to this subject in the Chamber of Deputies, and fault was found with both the Government and the Greek consul-general at New York. In reply to the remarks of the opposition, Mr. Skouses

said that he had spoken to me of the case in point and that I had written to you for information in regard to it. This information the minister would like, if possible, to have sent me by telegraph, so that he can communicate it to the chamber at once. It is expected that the chamber will adjourn early in July.

Mr. Skouses spoke of having seen notices in the newspapers in regard to the formation of associations for the purpose of diverting immigration to the Southern States, and he asked me if it were not possible for immigrants arriving in the United States to be directed to places where people are wanted, in the event of there being any reason (except of course health, ignorance, etc.) which might make it undesirable—as in a case where a contract has been made by the agent without the knowledge of the immigrant—for them to be forwarded to the destination mentioned in such through tickets as they may possess. The minister is especially anxious to know if there is any reason why Greeks should not emigrate to St. Louis.

I have, etc.,

JOHN B. JACKSON.

Minister Jackson to the Secretary of State.

[Telegram—Paraphrase.]

ATHENS, July 2, 1906.

(Mr. Jackson requests a cable answer to the inquiry in his dispatch No. 402.)

Minister Jackson to the Secretary of State.

[Extracts.]

No. 413.—Greek Series.]

AMERICAN LEGATION,
Athens, July 2, 1906.

SIR: I have the honor to confirm the text of the telegram sent you in cipher this morning.^a

My dispatch No. 402, of the 14th ultimo, should have reached the department before this, and it will shortly be followed by my No. 409, of June 21, in which I explain why the minister wishes to obtain the desired information in regard to the emigration of Greeks to the United States at the earliest practicable date. Another company of Greeks were sent back a short time ago, and considerable excitement has been caused thereby in political circles, and threats have been made to mob the agencies through which these people were sent to America. The minister is very anxious to be able to explain why the emigrants in question were found undesirable, so that proper warnings may be issued to prevent the recurrence of similar cases.

The emigration of Greeks to the United States is more or less of recent date. The number exceeded 1,000 for the first time in 1890. Since that year the emigration has been of more importance, the increase being fairly regular. In 1903, according to recently published statistics, more than 14,000 Greeks left for the United States, while

^a Supra.

in 1904 less than 10,000 are said to have gone. Last year, however, the number is given as 15,150. No especial reason seems to exist for this emigration, as it is certainly not due to lack of work, for most of the men come from the Peloponnesus, where agricultural laborers are always in demand. The Greek has always gone abroad to make money, and education is making the peasant more or less dissatisfied with his lot. It is practically impossible to ascertain how much money these men send home, but it is certain that there has been a rapid increase in the amount (which is one of the causes of the increasing expensiveness of life in Greece—my dispatch of April 19th last). The following table shows the amounts sent from the United States to Greece by postal money orders alone during the last four years:

	<i>Francs.</i>
1902-----	66,475
1903-----	267,364
1904-----	701,943
1905-----	1,734,967

It was estimated that at least 20,000,000 francs were sent to their families in Greece by Greeks in the United States during the year 1905, in one way or another.

I have, etc.,

JOHN B. JACKSON.

The Acting Secretary of State to Minister Jackson.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 13, 1906.

(In reply to dispatches Nos. 402 and 409, Mr. Bacon informs Mr. Jackson that the Greeks therein referred to were specifically deported under alien contract law. He adds that there is no objection to Greeks not of classes excluded by law emigrating anywhere in the United States.)

Chargé Wilson to the Secretary of State.

No. 417.]

AMERICAN LEGATION,
Athens, July 15, 1906.

SIR: I have the honor to acknowledge the receipt yesterday of the department's telegram.^a

I communicated the substance of the above telegram to the minister of foreign affairs, as well as a copy of the alien contract labor law, for which he asked. Mr. Skouses said that he had talked with a number of the Greeks who had been deported, and all of them denied having made any contract before going to America. The complaints come almost entirely from Greeks who gave St. Louis as their destination, those going to other parts of the country having no difficulty.

I have, etc.,

CHARLES S. WILSON.

^a Supra.

The Acting Secretary of State to Minister Jackson.

No. 112.]

DEPARTMENT OF STATE,
Washington, July 17, 1906.

SIR: I confirm the text of the department's telegram of the 13th instant to Mr. Wilson.^a

I inclose herewith, in further response to your dispatches referred to in the above-quoted telegram, copies of letters from the Secretary of Commerce and Labor pointing out, for the information of the Greek minister for foreign affairs, the provisions of law applicable to the cases of deported Greek emigrants on which the minister's inquiries are based.

I am, etc.,

ROBERT BACON.

[Inclosure 1.]

The Secretary of Commerce and Labor to the Secretary of State.

DEPARTMENT OF COMMERCE AND LABOR,
Washington, July 7, 1906.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant (B-H) inclosing copy of a dispatch from the American minister at Athens, in which he requests, at the instance of the Greek minister of foreign affairs, information relative to the immigration of Greeks into the United States, with particular reference to a number coming by the steamship *Patricia*, May 12, 1906, destined to St. Louis, and who were deported.

In response to said communication, I beg to inclose, for transmittal to the American minister, a copy of the immigration laws and regulations, inviting especial attention to section 5 of the act approved February 26, 1885; section 1 of the act of March 3, 1891; and section 2 of the act of March 3, 1903, which provisions of law relate to the exclusion from this country of aliens who have been induced to migrate by reason of assurances of prearranged employment. The party of Greeks to whom the minister's dispatch relates specifically, as well as several other large parties of aliens of the same race, was not permitted to enter the United States because an examination of their testimony, given before a board of special inquiry, in conjunction with a careful investigation conducted at and in the vicinity of St. Louis, convinced this department that the said aliens were attempting to enter this country with a view to accepting employment which had been arranged for them prior to their leaving Greece, so that their admission would constitute a violation of the provisions of law above alluded to.

It is suggested that the American minister at Athens direct the attention of the Greek minister of foreign affairs to the foregoing, so that he may understand that the aliens were not rejected, as he seems to believe, on the ground that if landed they would be likely to become public charges, but for the reason above set forth.

Respectfully,

V. H. METCALF.

[Inclosure 2.]

The Secretary of Commerce and Labor to the Secretary of State.

DEPARTMENT OF COMMERCE AND LABOR,
Washington, July 12, 1906.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant (B-H), in which, alluding to Department of State letter of the 5th, you inclose a copy of a further dispatch from the American minister at Athens, regarding the desire of the Greek minister for foreign affairs for information concerning Greek immigration, from which copy it appears that the said minister of foreign affairs is especially anxious to learn whether there is any

^a Supra.

particular objection on the part of this Government to the settling of Greek immigrants at St. Louis, Mo.

In reply, I have the honor to invite your attention to my letter of July 7, and to state further that there could be, of course, no objection on the part of this Government to aliens settling in any particular section of the United States. The difficulty with the cases of those Greeks who have been recently deported, and who were destined to St. Louis and vicinity, was not the fact that it was their intention to settle in any particular locality, nor, as pointed out in my former letter, any question of their being able to sustain themselves in this country, or of their being afflicted with disease; but they were excluded solely because an examination of their testimony, in conjunction with a report of a careful investigation conducted at St. Louis, convinced the department that they were seeking admission to the United States in violation of the alien contract labor laws.

Respectfully,

V. H. METCALF.

Chargé Wilson to the Secretary of State.

No. 424.—Greek Series.]

AMERICAN LEGATION,
Athens, July 24, 1906.

SIR: Referring to Mr. Jackson's dispatch No. 413, of the 2d instant, I have the honor to report that the commission appointed to study the question of emigration made a report to the Greek Chamber of Deputies, in which it stated that according to the official figures of the United States Government, Greece having no statistics, the emigration of Greeks to the United States is increasing in enormous proportions compared to that of other countries. Greece is, however, by no means being depopulated, as the regions which furnish the largest number of emigrants is also the most prolific part of the country. Furthermore, the Greeks do not generally emigrate in the usual sense of the word, but after a longer or shorter absence return to settle in Greece. They remain in constant communication with their families at home, as is shown by the amount of money sent back, which increases every year. In 1906 the money orders alone reached the sum of 6,000,000 francs. The commission therefore decides that the State ought to protect such an important source of wealth, and recommends a strict supervision of the agents of emigration companies, who should be obliged to have a special authorization. It also recommends the establishment of an office for the sanitary inspection, and that measures should be taken to decide upon the foreign ports where emigrants should embark for America.

I have, etc.,

CHARLES S. WILSON.

**LIABILITY OF NATURALIZED CITIZENS OF THE UNITED STATES
UNDER MILITARY AND EXPATRIATION LAWS OF THEIR
NATIVE COUNTRY.**

[Continued from Foreign Relations for 1905, pp. 510 et seq.]

Minister Jackson to the Secretary of State.

[Extract.]

No. 360.—Greek Series.]

AMERICAN LEGATION,
Athens, January 23, 1906.

SIR: Referring to Mr. Wilson's dispatch No. 331, this series, of October 20, 1905, and to your instruction No. 95, of November 8, I

have the honor to inclose herewith a translation of a copy of the decision of the legal authorities—which I have just received from the Greek minister of foreign affairs—upon the strength of which Panos Indares was exempted from military service. This copy was sent me without comment.

I have, etc.,

JOHN B. JACKSON.

[Inclosure.]

Decision of the Legal Adviser to the Ministry of War.

ATHENS, August 29 (September 11), 1905.

According to civil law, a person who becomes naturalized as a citizen in a foreign country gives up his character (*idionta*) as a Greek. His wife and children born before the change retain their Greek nationality, but those born afterwards, coming from abroad, are foreigners, because the child of a foreigner is necessarily a foreigner himself.

In the case in point the father of the man who was drawn by lot (to serve as a soldier) became an American citizen in 1870, as shown by the certificate from the American consul, thereby ceasing to be a Greek subject. Consequently the son who was born in 1884 is a foreigner, as his father was already a foreigner at that time.

There is, therefore, no reason for his enrollment in the lists of citizens and of males, in the absence of proof that the father recovered his Greek nationality or that petition to become Greek was made by the son himself.

Under these conditions the man in question has no obligation to perform military service in Greece.

A. GLARAKIS,
The Legal Adviser.

OLYMPIC GAMES IN GREECE.

The Secretary of State to Minister Jackson.

DEPARTMENT OF STATE,
Washington, February 21, 1906.

SIR: The President having accepted the honorary presidency of the American committee on the Olympic games at Athens, from April 22 to May 2, 1906, and the Government of Greece, through its consul-general at New York, having invited this Government to be officially represented on the occasion, you are, by the President's direction, hereby designated to be his representative at the games.

I am, etc.,

ELIHU ROOT.

Minister Jackson to the Secretary of State.

[Extract.]

No. 392.—Greek Series.]

AMERICAN LEGATION.

Athens, May 4, 1906.

SIR: Referring to your instructions of February 21 and March 20,^a I have the honor to report that the Olympic games were formally

^a Not printed.

opened in the Stadium in this city, on the 22d ultimo, by His Royal Highness the Prince Royal of Greece, Duke of Sparta, in the presence of Their Majesties the King and Queen of Greece and the King and Queen of Great Britain. Copies of the prince's speech, together with a French translation of the same, are transmitted herewith. The games were closed on the 2d instant, after the prizes had been delivered by King George. Technically, the French athletes won the *Olympiade*, members of their team winning a large number of prizes in competitions which took place outside the Stadium (fencing, shooting, lawn tennis, and bicycling) and in which there were no American entries. In the real Olympic contests, however, the Americans won 11 first prizes out of a total 27, scoring the largest number of points in events which took place in the Stadium and winning the 100 meter swimming match as well.

Mr. James E. Sullivan and the American team reached Athens a few days before the games began, and most of the members expect to leave by the 6th instant. Americans are usually favorites in Greece, but, apart from what was to be expected, our men have been received with enthusiasm and their conduct has excited much favorable comment. Mr. Sullivan and the members of the team generally have won much popularity by their sportsmanlike qualities and their discipline, readiness to accept the decisions of the judges, and abstention from entering useless protests, and, as the representative of the United States, I have had every reason to be proud of them. On the other hand, all the members of the team speak with enthusiasm of the Greek princes, two of whom, Prince George of Crete, as president, and Prince Nicolas, were among the judges, who mixed freely with the athletes and showed absolute fairness in all their decisions. When a Canadian runner (M. D. Sherring) entered the Stadium as the winner in the Marathon race, Prince George ran alongside of him as far as the goal in order to make impossible any hostile demonstration, much anxiety having been felt as to the possibility of such a demonstration in the event of the winning of this race by a foreigner. Four of the princes—the Crown Prince (or Prince Royal) and the Princes George, Nicolas, and Andrew—spent the evening of May 3 at this legation, where they met the team and other Americans in an informal way.

In a speech delivered at a luncheon at the palace, which was given for the delegates to the games, on the 2d instant, just before the distribution of the prizes, the King thanked the governments of the states which were represented for their participation, and extended an invitation to take part in Olympic games which are expected to be held in Athens again in 1910.

As a matter of general interest, however, I beg to add that a German scientist examined the hearts of a great number of the athletes before and after the various competitions and races, and that he found practically no irregularity in the case of the Americans, while many irregularities were found in regard to almost all (except the British) other athletes. This result is considered as being in favor of the American system of training.

I have, etc.,

JOHN B. JACKSON.

CHANGE IN EXTRADITION TREATY BETWEEN GREECE AND ITALY.

Minister Wilson to the Secretary of State.

No. 319.—Greek Series.] LEGATION OF THE UNITED STATES,
Athens, September 20, 1905.

SIR: I have the honor to inclose herewith a copy of the Greek official paper of the 6/19th instant, containing a change in Article 13 of the extradition treaty of November 5/17, 1877, between Greece and Italy. The above modification was voted by the Greek Parliament and signed by the King on July 9/22, 1905.

I have, etc.,

CHARLES S. WILSON.

[Inclosure.—Translation.]

DECLARATION.

The Government of His Majesty the King of the Hellenes and the Government of His Majesty the King of Italy, having agreed on the opportunity of modifying the dispositions of Article 13 of the Convention on Extradition existing between the two countries, of November 5/17, 1877, the undersigned, duly authorized, have agreed on the following text, which shall henceforth form an integral part of the above-mentioned Convention:

“ART. 13. If the party claimed and arrested * * * under the conditions of the present Convention, * * * is not extradited and returned to his country within three months after his arrest, he shall be given his liberty and shall not be liable to be requisitioned for the same cause.”

The present Declaration shall be in force in each of the two countries from the day of its promulgation in the official journal and shall last as long as the Convention of November 5/17, 1877.

In faith whereof, the undersigned have signed the present Declaration pending its approbation by the Hellenic Chamber of Deputies.

Done in duplicate at Athens, March 16/29, 1905.

[L. S.]

A. SKOUSES.

[L. S.]

R. BOLLATI.

VISIT OF THE AMERICAN SQUADRON TO PIRÆUS.

Minister Jackson to the Secretary of State.

No. 378.—Greek Series.] AMERICAN LEGATION,
Athens, March 5, 1906.

SIR: I have the honor to report that Rear-Admiral Charles Dwight Sigsbee, “commanding third division, Atlantic Fleet, detached,” in his flagship, the U. S. S. *Brooklyn* (Capt. Arthur P. Nazro), and accompanied by the U. S. S. *Galveston* (Commander William Gifford Cutler) and the U. S. S. *Chattanooga* (Commander Alexander Sharp), arrived in the harbor of the Piræus—where berths had been prepared in accordance with my request—on the morning of Thursday, March 1, and that the admiral and his ships left again yesterday afternoon for Beirut.

During the afternoon of the day of their arrival the admiral and his staff, together with the several commanding officers, made a formal official call at the legation, and the next day I returned these calls on board their respective ships, where I was received with the customary honors.

Prior to the arrival of the admiral I had inquired as to whether or not it would be agreeable to Her Majesty Queen Olga and their royal highnesses the crown prince (regent) and the crown princess to grant audiences and had been informed that the admiral and his staff and the commanding officers would be received. The audiences took place about noon on Saturday, the 3d instant, that with the crown prince and princess being at their palace, and that with the Queen being at the large palace, where the usual honors were rendered.

Yesterday afternoon the Queen, accompanied by the crown prince and princess and Princes Nicolas and Christopher of Greece and Prince George of Sparta, visited the *Brooklyn*, where they were received by the admiral and his officers, as well as by the personnel of this legation. Salutes were fired when Her Majesty boarded and left the flagship, and the rail was manned, but the ships were not dressed with flags. The royalties remained on board ship for about an hour and a half, and I am sure that they found their visit entirely enjoyable.

During their stay the admiral and his officers made and received the customary official visits. Owing to court mourning, however, and to the fact that Lent had just begun, there was no entertaining beyond a few informal dinners. Having made his acquaintance at this legation, Admiral Sigsbee invited the British minister (Sir Francis Elliott) to take luncheon on board the *Brooklyn*, and subsequently the admiral and several officers dined at the British legation.

In this connection attention was called to the fact that about two years ago the British Admiralty had issued a circular stating that a new international agreement had been made (mentioning "the United States" as one of the concurring nations), which was to go into effect on April 1, 1904, in accordance with which an envoy extraordinary and minister plenipotentiary was in future to receive a salute of 17 guns upon appropriate occasion. The American naval regulations have not been changed, however, and following their provisions, 15 gun salutes were fired by Admiral Sigsbee's division.

As usual, the visit of American ships to Greece was a welcome one, and it and the appearance of our sailors and marines and their conduct while on shore have given rise to nothing but favorable comment. General regret has been expressed at the shortness of the visit to a place which for many reasons must be of great interest to both officers and men. Hopes have been expressed that one vessel at least may be ordered to return at the time of the Olympian games. Next month British, French, and Italian men-of-war are expected, and members of their crews are to take part in the international athletic contests.

I have, etc.,

JOHN B. JACKSON.

Minister Jackson to the Secretary of State.

[Extracts.]

No. 452.—Greek Series.]

AMERICAN LEGATION,
Athens, October 6, 1906.

SIR: I have the honor to report that Rear-Admiral Willard H. Brownson, commanding the armored-cruiser squadron, in his flagship, the U. S. S. *West Virginia* (Capt. Conway H. Arnold), and accompanied by the U. S. S. *Maryland* (Capt. Royal R. Ingersoll), *Pennsylvania* (Capt. Thomas C. McLean), and *Colorado* (Capt. Sidney A. Staunton), anchored in the Bay of Phaleron on Tuesday, the 2d instant, and left again for the East this morning. On the day after his arrival the admiral, together with his chief of staff (Capt. Aaron Ward) and the several commanding officers, called officially at the legation, and the next day I returned the admiral's call on board his flagship, when I was received with the customary honors, and when—upon my leaving the ship—a salute of 15 guns was fired. The admiral made, as well, the usual official visits, which were returned in the customary manner.

Prior to the arrival of the admiral—of whose intention to visit Greece I had learned through personal letters—I had made application for an audience of the Crown Prince (Regent), and on the 4th instant he had the honor of being received by Their Royal Highnesses the Crown Prince and Princess, in company with the commanding and a number of other officers, at their palace in this city. On the following day Admiral Brownson entertained at luncheon on board the *West Virginia* the Crown Princess (the Prince having left for Thessaly the evening before) and Princess Andrew of Greece (a daughter of Prince Louis of Battenberg).

As usual, the Greek papers were complimentary in their comment upon the conduct and general behavior and appearance of our sailors. Astonishment is always expressed at the number of men who visit the Akropolis and the museums, and this year much surprise was occasioned by the number of men who attended the performances of Italian opera, which are now going on at the Municipal Theater. Our sailors are always welcome in Greece—for sentimental reasons, because of the long-existing friendship for America, and for practical reasons as well, because of the amount of money left behind them. Under the circumstances I venture to suggest the advisability of making Athens (either Phaleron or the Piræus, according to the season) a regular place for the ships to stop on their way to or from the East, in order to give liberty to the crews. The general health is good, the people are friendly, and there is something to interest the men when they come ashore. For me personally it is always a pleasure to see my former comrades of the navy, and I think that generally both officers and men profit by and enjoy a visit to the Greek capital.

I have, etc.,

JOHN B. JACKSON.

RELATIONS BETWEEN ROUMANIA AND GREECE.

Minister Jackson to the Secretary of State.

[Extract.]

No. 403.—Greek Series.]

AMERICAN LEGATION,
Athens, June 14, 1906.

SIR: Referring to my dispatch No. 393, of the 4th ultimo, I have the honor to report that Greece formally broke off relations with Roumania yesterday, and that until further notice Greek interests in that country are to be protected by Russia. It has not yet been announced who will take over the protection of Roumanian interests in Greece. When relations were broken off between the countries several years ago Roumanian interests were cared for by Italy.

Some time ago the Greek Chamber of Deputies called for the correspondence between the two Governments, and it was expected that the minister of foreign affairs would make a statement of some kind. A white book, a copy of which is transmitted herewith in a separate parcel, was presented to the chamber last week, but no statement was made by the minister. It is probable, however, that the matter will be discussed at an early date.

I have, etc.,

JOHN B. JACKSON.

Minister Jackson to the Secretary of State.

No. 408.—Greek Series.]

AMERICAN LEGATION,
Athens, June 20, 1906.

SIR: Referring to my dispatch No. 403, of the 14th instant, I have the honor to report that Italy has undertaken the protection of Roumanian interests in Greece for the present. These interests are, however, of but little importance, as with the exception of the Roumanian Government's line of steamers—which ceased calling at Greek ports several months ago—all the commerce between the two countries is in the hands of Greeks or of third parties.

In the chamber of deputies about a week ago Mr. Skouses, the Greek minister of foreign affairs, reviewed in a general way the several incidents constituting the history of the recent conflict between Greece and Roumania. He said that at first Russia had suggested that consideration of the matters at issue should be removed to St. Petersburg, and then the Greek Government proposed that the dispute be referred to the Hague court of arbitration, and that Roumania had rejected both propositions. He spoke of the various attacks on Greeks and Greek churches in Roumania, upon the practical breaking off of commercial relations and the denunciation of the commercial convention between the two countries with the protocols which the Greek Government understood were of a permanent character, and of the expulsion from Roumania of prominent Greeks. All this, he said, made a breaking off of relations inevitable. Mr. Rhallys, the leader of the opposition, agreed with the minister in principle, but not in the manner in which the negotiations had been carried on, and the Government asked for a vote of confidence, which resulted in its receiving 92 favorable votes, the ministers not voting, as is usual,

and the opposition having withdrawn in order to prevent a quorum, if possible. The minister declared that the Roumanians must bear the whole responsibility for the breaking off of relations.

Nevertheless Greek bands continue to be active in Macedonia, and only a short time ago there was a largely attended memorial service at the cathedral in this city for an army officer who had been killed while leading one of these bands. The newspapers announce with considerable frequency the fact that Greeks have crossed the frontier into Macedonia, with an intent to fight in defense of their race and religion, not against the Turks, but against Bulgarians, Koutzo-Wallachs (Roumanians or "Roumanisants"), and others.

I have, etc.,

JOHN B. JACKSON.

Minister Jackson to the Secretary of State.

No. 414.—Greek Series.]

AMERICAN LEGATION,
Athens, July 3, 1906.

SIR: Referring to previous correspondence, I have the honor to report that formal verbal representations were made conjointly this afternoon by the representatives of the (six) powers signatory to the treaty of Berlin, calling upon the Greek Government to exert itself more effectively to prevent the formation of Greek bands, etc., and to apply itself toward exercising a quieting influence upon the Greeks in Macedonia. I am not informed as to the text of the "verbal" representations—a copy of which was left with Mr. Skouses, the Greek minister of foreign affairs—but, I understand that they contained no direct reference to Roumania or the Koutzo-Wallachs. Mr. Skouses replied at length to the foreign representatives, but he is said to have made no new statement or argument, or to have made any promises.

I have, etc.,

JOHN B. JACKSON.

Chargé Wilson to the Secretary of State.

No. 421.—Greek Series.]

AMERICAN LEGATION,
Athens, July 21, 1906.

SIR: Referring to Mr. Jackson's dispatch of the 3d instant, I have the honor to inclose herewith a translation of the reply made by the Greek Government to the representations of the powers in regard to Greek outrages in Macedonia. The minister of foreign affairs states that even greater care than formerly will be taken to prevent Greek bands or arms or ammunition from crossing the Turkish frontier, and that any Greek officers who do so when on leave will be severely punished. He further promises that efforts will be made by the Greek consuls in Macedonia to persuade the Greek population to remain quiet and trust in the efforts of the powers to improve their situation. At the same time Mr. Skouses calls attention to the increased activity of the Bulgarian bands in Macedonia, and hopes that the powers will also address representations to that country.

In the meanwhile, in spite of the representation of the powers and the reply of the Greek Government, the state of Macedonia remains

the same, with constant fights between the Greeks, Bulgarians, and Roumanians, and the papers of each country are filled with accounts of atrocities committed by the others.

I have, etc.,

CHARLES S. WILSON.

[Inclosure.—Translation.]

Reply of the Greek Government to the representations of the powers.

MINISTRY OF FOREIGN AFFAIRS,
Athens, July 5, 1906.

In reply to the communication of June 20, that the representatives of Germany, Austria-Hungary, France, Great Britain, Italy, and Russia have, by order of their Governments, addressed to the Royal Government, the minister of foreign affairs has the honor to inform them that the Royal Government, in order to give a new proof of its deference to the great powers, as well as of its own lively desire to second their work in Macedonia, has ordered the proper authorities to redouble their watchfulness in order to prevent the entry into Turkish territory of suspicious persons.

The frontier being a difficult one to watch, the task of the Royal Government is not so easy as is apparently believed, and the fact that a certain number of armed men have succeeded in getting across without being stopped by the Turkish guards shows that the Turkish Government finds the same difficulties in guarding its own frontiers as the Greek Government.

As witness of its good will, the Royal Government has also decided to recall the prefects of police of Larissa, Volo, Trikala, and Kalambaka, and to replace them by other officers. Also the most severe orders have been given to the authorities of the Kingdom to carry out strictly the terms of the royal decree of April 28, 1902, forbidding the exportation of arms and munitions.

The ministry of war, on its side, by a very severe circular, has ordered the military authorities to keep strict watch upon officers who obtain, and to report any case where such leave may have been improperly used (leading bands in Macedonia). Every offense of this sort will be most severely punished.

Although the Royal Government has many times used all its influence to calm the Greeks of Macedonia, who, after long years of suffering, have been forced to have recourse to arms to safeguard their lives and property, it will not fail, through its consuls, whose conduct has always been correct, to advise them in this sense, urging them to have full and entire confidence in the work of the great powers, in the constant and persevering work to improve their lot.

The minister of foreign affairs also believes it his duty to call the attention of the representatives of the great powers to the activity of the Bulgarian bands in Macedonia, whose activity has increased rather than decreased, as the tables of crimes committed against the Greeks during the first four months of this year, of which copies have been sent, show. Therefore the Government has the firm hope that the great powers will see that proper measures are taken to lessen the evils from which the Greek population of Macedonia has so long suffered.

CONDITIONS IN THE ISLAND OF CRETE.

[Continuation of correspondence in Foreign Relations, 1905, p. 505 et seq.]

Chargé Wilson to the Secretary of State.

[Extract.]

No. 425.—Greek Series.]

AMERICAN LEGATION,
Athens, July 27, 1906.

SIR: I have the honor to report that the Second Constitutional Assembly of Crete met at Canea on July 13, and after the speech of Prince George, the high commissioner, voted the union of Crete with Greece, and then adjourned to await a reply of the protecting powers.

On July 14 the consuls of the powers (England, France, Italy, and Russia) issued a proclamation, announcing that under existing conditions no change could be made in the political status of the island.

Both Cretans and Greeks refused to consider this as final, as it was known that the powers were to make a formal reply based on the report of the commission sent to Crete last winter to inquire into the condition of the island after the revolution of the preceding summer.

For some unknown reason the opinion became general that the powers were going to grant great concessions, and perhaps even allow the long-desired union of Crete and Greece.

The reply of the powers was made public on the 26th instant, and caused the deepest disappointment and indignation against the powers. As will be seen from the inclosed translation of the reply, while some concessions are made as to internal affairs, the powers refuse to consider the matter of changing the political status of the island. The most important point is the gradual withdrawal of the international troops and the formation of a mixed Greek and Cretan gendarmerie and militia. Also an attempt is to be made to put the finances of Crete in a more satisfactory condition by extending to the island the Greek international financial control.

The representatives of the four protecting powers at Athens were received in audience by the King on Tuesday last and presented him with a copy of the reply which had been sent by them to the Cretan assembly through the high commissioner, Prince George.

Prince George has not yet communicated the reply to the Cretan assembly, but will probably do so next week, and it seems to be generally expected that it will be rejected in toto by that body. What the next move of the protecting powers will then be is not yet known.

I have, etc.,

CHARLES S. WILSON.

[Inclosure.—Translation.]

Reply of the protecting powers.

1. The protecting powers have examined in a most benevolent spirit the conclusions of the delegates sent by them to Crete as a result of the troubles of 1905, and at the moment of the session of the National Assembly, recently elected, they wish to show to the Cretan people the interest they have in them, and at the same time of their sincere desire to take into account, so far as is possible, its legitimate aspirations.

2. Relying on the proposals of their delegates, the powers judge it possible to enlarge, in a national sense, the autonomy of the island, and to make certain dispositions of a nature to improve the material and moral condition of the island.

3. They have therefore agreed upon the following measures:

4. To take up without delay the matter of the reform of the gendarmerie, and the creation of a militia in which the Greek and Cretan elements may be developed gradually; on the condition, however, that the Greek officers shall not be active members of the Greek army at the same time.

The withdrawal of the international forces as soon as the Cretan militia and gendarmerie shall be formed and placed under the command of the high commissioner, and that order and tranquillity shall be reestablished and that the protection of the Mussulman population shall be assured.

5. Prolongation of the customs overtax of 3 per cent, in order to enable the conclusion, with the necessary guaranties, of a loan of 9,300,000 francs, 3,000,000 of which shall serve for the immediate payment of indemnities to Cretans and Greeks, and the balance to be reserved for public works.

6. The extension to Crete of the commission of control of Greek finances and the appointment of an official (foreign) who shall create a service for the inspection of the finances and report annually to the chomber.

7. The recommendation to the consuls-general to address themselves for current business to the responsible advisers of the Cretan Government, whose administrative authority will thus be increased, while all cause of irritation of a nature to injure the prestige of Prince George will thus be avoided.

8. The postponement until 1911 of the payment of interest and principal on the advance of 4,000,000 francs permitted by the protecting powers.

9. To send instructions to the ambassadors at Constantinople to regulate the existing questions with Turkey, such as that concerning the Cretan flag, judicial acts, Cretans held in Turkish prisons, light-house dues, telegraph rates, the appointment of Cadis, and the protection of Cretans abroad and in Turkey.

11. Treatment on a footing of absolute equality of the elements, Mussulman and Christian, in the exercise of public functions. The organization of the demogeronties and the regulation of the action of the mutevelis. The formation of a mixed commission, half consular, half Cretan, to examine into the question of the dispossession of mosques, lands, cemeteries, etc., committed to the injury of Mussulman bodies.

On the other hand, the protecting powers judge it indispensable that the National Cretan Assembly should revise certain articles of the constitution in order to carry out the proposed reforms in the interest of the island, and on the following points:

Organization of the militia, annual sessions and budgets, creation of an organ of financial control, guaranties for the recruiting and stability of officials.

12. In informing the Cretan people of these decisions the protecting powers do not doubt but that the Cretans will take into account that every step forward in the realization of their national aspirations is subordinate to the establishment and maintenance of order and to the establishment of a stable régime.

GUATEMALA AND HONDURAS.

PROTECTION OF CHINESE IN GUATEMALA.

Minister Combs to the Secretary of State.

No. 355.]

AMERICAN LEGATION,
Guatemala City, February 10, 1906.

SIR: I have the honor to report some difficulties the Chinese in this country are experiencing.

In 1897 a decree was issued requiring all Chinese in the country to register and take out residential permits, and forbidding any further immigration into the country by these people.

On January 24, 1906, an order was promulgated requiring all Chinese to appear before the *jefe* of the Department of their residence at 11 o'clock, the 5th of February, and to present their residential permits. The Chinese were much disturbed, as they stated many would have to leave their shops several days in a condition inviting robbery; and as afterwards appeared, many were really in the country contrary to its laws. They appealed to me on the 3rd of February to secure an amendment that would give them two days for appearance, so that part could protect their property while the others reported themselves.

I immediately called on Mr. Barrios, who stated that great complaint had been made of the Chinese competition in trade, and it was charged that there were great numbers of them in the country contrary to law; that there was such racial similarity it was feared different individuals would present at different times the same papers and therefore the plan to have all appear at once was felt to be important, but to my suggestion that care be taken to inflict as little hardship as possible upon those who were regularly matriculated in the country, Minister Barrios stated he would immediately telegraph all *jefes* to effect the purposes in view with as little inconvenience to the Chinese as possible.

There were registered, under the decree of 1897, 604 Chinese. On the 5th instant about 540 presented themselves to the *jefes*, and of these about 60 are reported without papers, with other departments not heard from that will probably bring the number of 90 to 100. It has been indicated that these will be deported at the end of ten days, but I have been assured by the Government that additional time will be given them to dispose of their property without loss, if necessary, and in case some more satisfactory arrangement is not effected. From this expression I am inclined to think that these people will be able to arrive at some compromise, and have advised them that since they had come into the country in violation of law it was at their own risk, and any arrangement looking to remaining here must be made by themselves. I think they understand the situation.

I have stated to this Government and to the Chinese colony that I did not feel justified in doing more in this matter than to present unofficially the arguments of the Chinese in their own behalf and solicit a considerate course in the enforcement of the law for deportation, if it was finally determined upon.

I will report further occurrences as they transpire.

I have, etc.,

LESLIE COMBS.

IMPRESSMENT OF LABORERS EMPLOYED ON AMERICAN PLANTATIONS.

Minister Combs to the Secretary of State.

No. 381.]

AMERICAN LEGATION,
Guatemala, May 9, 1906.

SIR: I have the honor to forward a copy of a telegram from Kensett Champney & Co., complaining of the unlawful drafting of their colonists for government use.

I made immediate representations to Mr. Barrios, with a resulting promise that the grounds for complaint should not recur.

I inclose copy of Mr. Barrios's note to that effect.

I have, etc.,

LESLIE COMBS.

[Inclosure 1.—Telegram.]

Kensett Champney & Co. to Minister Combs.

SENAHÚ, May 5, 1906.

Besides the colonists that they have already taken away from us for the work on the Northern Railroad, they continue demanding others.

KENSETT CHAMPNEY & CO.

[Inclosure 2.—Memorandum.]

The Minister of Foreign Affairs to Minister Combs.

The secretary of state and of the department for foreign affairs of the republic of Guatemala has the honor to salute his excellency Mr. Minister Plenipotentiary of the United States of America and returns the telegrams of Messrs. Kensett Champney & Co., which to-day he has transcribed to the minister of public works, begging him that they be no further molested in the matter of laborers.

Juan Barrios M. avails himself of this opportunity to renew to Mr. Combs, etc.

MAY 7, 1906.

Minister Combs to the Secretary of State.

No. 384.]

AMERICAN LEGATION,
Guatemala, May 19, 1906.

SIR: I have the honor to transmit copies of a letter from Messrs. Kensett Champney & Co., which describes very clearly the labor troubles they are experiencing, of my note to Mr. Barrios transmitting a copy of this letter, and his answer.

I settled these difficulties several times, but as this correspondence discloses they recur. I have intimated to Mr. Barrios, as you will observe in my last note, that an illegal interference with labor might lead to claims against his Government.

I trust that they will take warning and put an end to this form of annoyance.

I have, etc.,

LESLIE COMBS.

[Inclosure 1.]

Kensett Champney & Co. to Minister Combs.

SEPACUITÉ, May 5, 1906.

SIR: You know that we have been troubled for a long time by the local authorities catching our Indian tenants for work of the Northern Railway. Mr. Brown, when he was with us some time ago, told us that you had already asked the authorities in Guatemala to put an end to this vexation, and we are greatly obliged to you.

We are very sorry to have to say, however, that the vexations went on as before and still go on. We wired you on the 14th of April that men of ours were seized in Senahú the day before and put in jail to be sent to the railway. A day or two later we wired you that the same thing had been done in Cahabin. Senahú and Cahabin are the two towns which have jurisdiction in our lands. The men were locked up for several days before being marched to the railway, and we wired you on the chance of there being time to get an order back to loose them. The men had to go; but we are glad to hear that our wires reached you, and we appreciate your kindness in seeing Mr. Barrios and getting his undertaking to give the matter his prompt attention.

We are now afraid that he is not very prompt. We inclose you a warrant that came from Senahú, dated the 1st of May, and signed by the *alcalde de la Cruz*. This warrant, you will see, does not stop at demanding men from us for the railway, but authorizes the bearer to trespass and seize the men wherever they may be in our land.

We refused, of course, to consider the order, and on the 4th, as a consequence, we had notice to appear at the *jefatura política* in Coban, two days' journey from here. Of this notice (antedated May 1) we can only inclose you a copy. The notice reads as a circular to various plantations, ours included, but it is directed only to us.

It was made out as a circular, apparently, so that it might not remain in our hands. In view of these orders it was plain that nothing was being done for us from Guatemala, that in fact things were looking worse for us; and we wired you yesterday, the 5th.^a

We hope that you will state our grievances again, and that tangible results will follow. We simply want to see that we are let alone at our own business. We are planting coffee; we are not building railways; we have nothing to do with the Northern Railway Company. They are a private concern, like our own, and no matter what public or private influence they may enjoy, we have no notion of doing other people's work gratis with the very laborers that we have lawfully paid and contracted for our own work. The United Fruit Company might as reasonably ask us to plant bananas for them.

We have no men to spare; quite to the contrary. Mr. Barrios is from the Alta Vera Paz and should understand perfectly the state of things here. The plantations are not worked as they are in the Pacific coast, by gangs of Indians from the other provinces.

They are worked by tenants of the land, and if tenants are taken off we have no way of making up the lost work. And the loss is no trifle. When a man is taken for the railway it means, with going and coming, a loss of six weeks to begin with. But it mostly means more. It is very likely to mean six months lost, and often it means a dead Indian. You see the man comes back sick. It is next to impossible for Indians of this climate to cross the Polichic Valley without getting fever—a bad sort of fever, and apt to be rapid. A week or so after a man is back we ask for him and learn that he is buried.

^a Telegram printed ante.

At the best he is an invalid—no good to us and no good to his family for a long time.

Our Indians are farmers. They live where they please in our land and grow their own crops. They have to cut forests and make ready the ground for their crops, and sow them, and hoe them, and reap them, and everything, between their times of work for the plantation; if they don't there is a famine. Just now they are all trying to sow; now is the time; it is a question of now or not at all. Yet they see themselves caught and sent to the railway for a month or more, then come back sick, seed time past, and no crop for a year.

These are the things that the Indians here can not stand. It is the sort of thing that is driving them out of the country and leaving us without hands; estates which, in our case, we have been twenty-five years building up. In the Alta Verapaz it is only a step to the inaccessible regions of the Sartoon. That is the land of freedom for these Indians, and once there, there is no getting them back, and others continually follow them. It is a growing stream.

The southwest of British Honduras, that used to be empty, is now a hive of Indians, runaways from Alta Verapaz; and of all the Alta Verapaz there is no plantation from which this exodus is easier than from ours. We are in the very edge. There are no plantations beyond. Our specially precarious situation in this respect is extremely serious; it is badly understood in Guatemala.

We have dwelt a good deal in this letter on the unfairness of what is being done, and on the consequent hardships and losses to us. But we realize of course that our final plea is that of illegality. This you know already. We only ask for law. We have paid the taxes and kept the laws of the country for a quarter of a century now, without offense or complaint, and we expect to have the laws protect us.

We remain, etc.,

KENSETT CHAMPNEY & CO.

[Inclosure 2.]

Minister Combs to the Guatemalan Minister of Foreign Affairs.

No. 332.]

GUATEMALA, May 18, 1906.

EXCELLENCY: I have the honor to forward to your excellency a copy of a letter received from Messrs. Kensett Champney & Co., which sets forth in a forcible way the great loss entailed upon them by the impressment of their colonists, from time to time, by government officials and the grounds upon which they have appealed for protection.

I send this letter that your excellency may have a fuller knowledge of all the facts that the various telegrams from the same parties have given us, though they were sufficient to elicit the prompt and satisfactory assurance from your excellency that a stop would be put to unjust and illegal drafting of Messrs. Kensett Champney's laborers.

I do not think it necessary to add anything to this note of transmittal, as I have the confident hope no further grounds of complaint will be permitted. Such complaints are so likely to develop into just grounds for claims that your excellency's correct disposition in the matter is most satisfactory.

I have the honor, etc.,

LESLIE COMBS.

[Inclosure 3.]

The Guatemalan Minister of Foreign Affairs to Minister Combs.

GUATEMALA, May 22, 1906.

MR. MINISTER: From the department of public works I have received the communication which says: "Mr. Minister: Referring myself to your respective communications, relative to the colonists that in the Department of Alta Verapaz are sent to work on the Guatemala Railroad, I have the honor to manifest to you that the suitable orders have been dictated so that they shall remit to those works only those that are found to be without any engagement of that nature. I remain with the most distinguished consideration and esteem, your most obedient servant. Jose Flamenco."

On transcribing it to your excellency it is very pleasing for me to renew to you, etc.,

JUAN BARRIOS M.

CONSULAR CONVENTION BETWEEN GUATEMALA AND ITALY.

Chargé Brown to the Secretary of State.

[Extract.]

No. 435.]

AMERICAN LEGATION,
Guatemala, August 16, 1906.

SIR: I have the honor to transmit herewith inclosed a copy of the Guatemalteco, official journal of the Guatemalan Government, dated July 20 last, containing copy of the consular convention agreed to and ratified by the Guatemalan Government and Italy through its minister in this Republic.

I have, etc.,

PHILIP BROWN.

[Inclosure.—Translation.]

OFFICIAL EXECUTIVE AUTHORITY—OFFICE OF FOREIGN AFFAIRS—MANUAL ESTRADA
CABRERA, CONSTITUTIONAL PRESIDENT OF THE REPUBLIC OF GUATEMALA.

Inasmuch as:

The 13th of November of 1895 the consular convention was composed and signed in this capital by sufficiently authorized plenipotentiaries with the object of determining and extending by the best method possible the reciprocal rights and privileges of the consuls, vice-consuls, consular agents, chancellors, and secretaries, as well as their functions and obligations to which they should be respectively subjected in the two countries, and which says literally:

The President of the Republic of Guatemala and His Majesty the King of Italy, recognizing the utility of determining and extending by the best method possible the reciprocal rights and privileges of the consuls, vice-consuls, consular agents, chancellors, and secretaries, as well as their functions and obligations to which they should be subjected in the two countries, they have determined to stipulate a consular convention, and have named for this purpose as their respective representatives: His Excellency the President of Guatemala, His Excellency the Licentiate Juan Barrios M., Secretary of State in the Department of Foreign Affairs; and His Majesty the King of Italy, His Excellency Mr. Carlo Nagar, officer of the royal orders of the Crown of Italy and of the S. S. Maurizio Lazzaro, his minister resident in Guatemala, who have agreed to the following articles:

ARTICLE I.

Each one of the high contracting parties will have the faculty to name consuls-general, consuls, vice-consuls, and consular agents in the ports, cities, and places of the other, reserving, respectively, the right to except those localities that they judge convenient; but this reservation can not be applied to one of the high contracting parties without being applicable to all the other powers.

ARTICLE II.

The consuls-general, consuls, vice-consuls, and consular agents will be reciprocally admitted and recognized after the presentation of their commissions according to the rules and formalities established in the respective countries. The exequatur required for the free exercise of their duties will be given them without charges; and when said exequatur is presented the superior authority of the place of their residence shall immediately make arrangements so that they may be able to comply with the duties of their charge and enjoy the exemptions, prerogatives, immunities, honors, and privileges that belong to them.

ARTICLE III.

The half-commissioned consuls, be they consuls-general, consuls, vice-consuls, or consular agents, citizens of the state that named them, will enjoy the exemption from military tax and from any other duty or public service as much of a municipal character as any other kind. They will also be exempt from

military contributions, from direct contributions, personal as well as sumptuary, and from taxes for the state, for the local authorities, or for the municipality, except if they possess real estate, or if they transact business as a merchant, or any industry or profession, in which cases they will be subject to the same duties, services, and tributes imposed upon the natives.

ARTICLE IV.

The consuls-general, consuls, vice-consuls, and consular agents will be allowed to place over the outside door of the consulate, vice-consulate, or consular agency the shield of their nation with this inscription, "Consulate of ———," "Vice-Consulate of ———," or "Consular Agency of ———."

They will also be allowed to hoist the flag of their country over the consular house on public or national holidays, as well as on other usual occasions. They will also have the faculty of hoisting the flag over the boat that conducts them to the port to perform the functions of their charge.

ARTICLE V.

The consular archives will always be inviolable, and the territorial authorities will on no occasion whatever be able to investigate or to sequester the papers appertaining to them, but in case of a delinquency the consul, vice-consul, or consular agent is obliged to show to the local authority the original documents that were impugned, so that the authorities themselves may make the necessary investigations. These papers should be completely separated from the books and papers relative to commerce and the industry that the respective consul, vice-consul, or consular agent may exercise.

ARTICLE VI.

In case of impediment, absence, or death of the consuls-general, consuls, and vice-consuls, the aggregated, recognized consular agents, chancellors, and secretaries who have already been presented as such to the respective authorities, will be admitted, with full power, according to their hierarchical order, to exercise in the interim the consular functions, without having any obstacle placed in their way by the local authorities.

These should, on the contrary, give them their assistance and protection, and allow them to enjoy, during the temporary discharge of this duty, all of the exemptions, prerogatives, and privileges stipulated in this present convention in favor of the consular agents.

ARTICLE VII.

The consuls-general and consuls will be able to name vice-consuls or consular agents in the cities, ports, and places of their respective consular districts, with the approval of the territorial government. These agents may be elected indiscriminately from among the citizens of the two countries, or from among the foreigners, and they will be provided with a commission emitted by the consul that names them and under whose orders they should exercise their duties. They will enjoy the same privileges stipulated in the present convention, excepting the exemptions contained in Article III.

ARTICLE VIII.

The consuls-general, consuls, vice-consuls, and consular agents will be able to apply to the authorities of their districts to reclaim against any infraction of the commercial agreements or conventions existing between the countries, or against any other abuse of which his compatriots might complain.

ARTICLE IX.

The citizens of one of the contracting States will enjoy in the territory of the other the most inalterable protection and security for their persons, their property, and their interests; and they will enjoy in this respect the same rights and privileges that are or will be accorded to the natives, submitting themselves to the conditions imposed upon these last.

They will be, nevertheless, exempt in the States of the other part from obligatory military service, in the army, in the navy, in the national guard, or in the militia, as well as from every kind of contribution, in money or in property, imposed as compensation for personal service, or from any military loan or requisition; excepting those cases when all of the inhabitants of a country, without distinction of nationality, may be called upon to concur in their character as owners or lessors of real estate or in any other capacity as capitalists.

ARTICLE X.

The Government of Guatemala, in the event that it should promote in Italy as well as in other countries, by its own efforts or by concessions made by individuals or by societies, contracts of Italian emigrants for Guatemala, should provide that the proposed contracts be just, and the promises fulfilled, and that the said contracts, if just, be conscientiously executed; it should ascertain that the transport, landing, and establishment of said emigrants take place according to the rules of humanity, hygiene, and safety; it should punish, in conformity with the laws in force, whoever deceives or abuses the emigrant in any way, and should give every assistance to this last, if he is deceived or abused, so that he may be able to collect a proper indemnification.

ARTICLE XI.

The citizens of each of the two countries will enjoy in the other civil rights. For this purpose both contracting parties will recognize their right to possess property, movable or immovable, and also their right to dispose of, by sale, gift, permutation, or by any other legal title, all properties of any nature whatever that they may possess in the respective territories.

They will enjoy equally and reciprocally the right to receive and transmit said goods by succession be it *ab intesto*, as by will, without being subjected, because they are foreigners, to the payment of any tax or duty that does not burden the natives.

ARTICLE XII.

The consuls-general, consuls, vice-consuls, and consular agents of the two countries, or their chancellors, will have the right to receive in their chanceries, in the domicile of the parts, and on board of the ships of their nation, the declarations that the captains, crew, passengers, traders, or any other subject of their country may have to make.

Equally, they will have the right to act as notaries, to receive the testamentary dispositions of their compatriots, and to exercise all of the other notarial duties, except when such duties have the object of oppressing with mortgage property situated in the country to which the consul or the consular agent belongs.

In which case they will apply the especial dispositions in force in the two countries.

Said agents will, moreover, have the right to register in their respective chanceries all the contracts that involve personal obligations between one or more of their compatriots and other persons of the country in which they reside, as well as all of those contracts that, although they are of exclusive interest to the natives of the country in which the stipulation took place, refer to property situated or to business transacted in any place of the nation to which the consular agent belongs and before whom the register of such documents should be effectuated. The testimonies and certificates correctly legalized by said agents, and sealed with the seal of the consulate, vice-consulate, or consular agency, should be credited in the Republic of Guatemala as well as in Italy, and have the same force and value as if they had been agreed to by notaries or some other public functionary of one or the other country, provided that these acts have been extended in the forms required by the laws of the State to which the consul or consular agent belongs, and that the documents were afterwards sealed, registered, and submitted to all the other formalities in use in the country in which the act was performed. When the authenticity of a public document registered in the chancery of one of the respective consulates is doubted its confrontation with the original document

can not be refused, if asked for by the person interested, and also this person may assist at the confrontation if he deems it advisable.

The respective consuls-general, consuls, vice-consuls, and consular agents will be able to translate and legalize all kinds of documents sent to them by the authorities or functionaries of their countries. These translations and legalizations will have in the place of making the same and value as if they had been accomplished by local interpreters.

ARTICLE XIII.

In case of the death of any subject of one of the contracting parties in the territory of the other, the consul-general, consul, vice-consul, or consular agent in whose district the decease occurred, should he hear of it first, must immediately advise the local authorities. When a Guatemalteco dies in Italy or an Italian in Guatemala without having made a will or named a testamentary executor; or if the legitimate or testamentary heirs are minors, incapable or absent; or if the testamentary executors named are not to be found in the place where the succession is begun, the consuls-general, consuls, vice-consuls, or consular agents of the nation of the deceased will have the right to proceed successively with the following operations:

First. At the petition of the interested parties put the seals of office on all of the movable possessions and papers of the deceased, allowing the competent local authority to assist and to affix their own proper seals. These seals, as also those of the consular agent, should not be removed except in the presence of the local authority.

Second. Form an inventory of all of the possessions of the deceased in the presence of the local authority if in consequence of the referred to notice these should think it proper to assist.

The local authorities will put their signatures to the documents made out in their presence without exacting any privileges whatever for their intervention.

Third. Dispose of by sale or by public auction all of the movable possessions that could deteriorate and those that it would be difficult to save, also the crops and defects for whose disposal favorable circumstances are presented.

Fourth. Deposit in a secure place the effects and values comprised in the inventory; keep the amount due the creditors that is collected and the proceeds of the income received at the consular house, or commit them to the care of some merchant who presents a good guaranty.

Such deposits should be effectuated in every case, in concurrence with the local authority that intervened in the preceding operations, when, after the summons mentioned in the following paragraph, subjects of the country or of a third power present themselves as interested in the testamentary execution, *ex testamento*, or *ab intestato*.

Fifth. Announce the death, by means of the newspapers of the place or of the country of the deceased if necessary, and state to the creditors that they must present their respective documents, correctly legalized, in the time fixed by the laws of the place.

When creditors appear, whether the deceased left a will or died intestate, the payment should be effectuated within the limit of fifteen days after the closing of the inventory, if funds exist that can be used for this purpose, and if not as soon as the necessary amount has been liquidated by the most convenient method; or lastly until an understanding has been established between the consuls and the larger part of the ones interested. If the respective consuls refuse to pay the creditors entirely or in part, taking too little away from the inheritance to satisfy them, the creditors may, if they think it to their interests, ask the competent authority for permission to institute proceedings.

Such permission being obtained by the established legal method in each of the two countries, the consuls and vice-consuls should immediately deliver to the judicial authority or to the recorder of the proceedings, as the case may be, all of the documents, effects, and values of the deceased, and the aforesaid agents will now represent the heirs—absent, minor, and incapable.

In any case the consuls-general, consuls, and vice-consuls will deliver the inheritance or its proceeds to the legitimate heirs or to their agents after the limit of six months from the day that the death notice was published in the newspapers.

Sixth. Administrate or liquidate the inheritance himself or through some person acting under his orders, without the intervention of the local authorities, except when subjects of the country or of a third power attempt to make valid

rights to said inheritance; in which case, if difficulties arise proceeding from some reclamation that gave occasion for contention between the parties, the consuls-general, consuls, or consular agents not having the right to decide it, the court of justice of the country whose function it is to settle such disagreements should decide the same.

The said consular agents will also act as representatives of the inheritance, testamentary or ab intesto; that is to say that while they preserve the right to definitely liquidate the inheritance and also to advertise the effects for sale in the time limit above specified, they will protect the interests of the heirs, with the right of choosing the lawyers in charge of the case, it being understood they will show all of the papers and documents proper to clear up the question when the sentence is pronounced, and if there is to be no appeal the consuls, vice-consuls, and consular agents should perform it, and should moreover continue with full power the liquidation that was suspended during the controversy.

Seventh. Constitute, when the case demands it, the guardianship and tutelage of wards of the estate according to the laws of the countries.

ARTICLE XIV.

If a Guatemalteco should die in Italy or an Italian in Guatemala, in a place where there was no consular agent of his nation, the competent local authority should proceed according to the legislation of the country to take an inventory of his effects, to liquidate his existing property, and to give in the briefest terms possible an account of the result of this operation to the respective embassy or legation or to the consulate or vice-consulate nearest to the place in which the death occurred. Moreover, the local authority should not interfere after the appearance of the nearest consular agent or his delegate at the place where the death occurred, except in conformity with the rules in Article XII of this present convention.

ARTICLE XV.

The subjects of each one of the parties will have free access to the courts of justice to make valid and to defend their rights, without other conditions, restrictions, or rates outside of those imposed upon the natives. They will have besides as much right as the natives to choose freely their defenders and agents and to assist at the audiences, debates, and sentences of the courts that might affect the business in which they are interested, as well as to be present at the examination and depositions of the witnesses that might be of importance to them for the same reason, except when the laws of the country do not permit the publicity of such acts.

They will enjoy, likewise, gratuitous judicial assistance in the same cases and in the same conditions under which the laws of the country bestow similar benefits on the natives.

In each case the certificate of indigence should be given to the subject that asks for assistance, by the authorities of his habitual residence.

If the postulant does not reside in the country where the demand should be legalized, by a diplomatic or consular agent of the country in which the certificate should be presented.

If he does reside in the country in which the demand is made, further information may be solicited from the authorities of his nation.

ARTICLE XVI.

The indigent subjects of the two countries will be assisted and treated with entire reciprocity according to the laws of the respective States.

ARTICLE XVII.

The consuls-general, consuls, vice-consuls, or consular agents should comprehend the making of inventories and other operations practiced for the conservation of the hereditary estates left by the passengers or sailors of their nation who died on land or on board of the ships of their country during the passage or in the port of arrival.

ARTICLE XVIII.

The consuls-general, consuls, vice-consuls, or consular agents may go personally or send a delegate on board of the ships of their nation, already

admitted to free pratique, to interrogate the captains and the sailors, to examine the navigation papers, to receive the declarations respective to the voyage and incidents of the passage, to extend the manifests and facilitate the clearing of the ships, and finally accompany the officers before the courts and to the administrative offices of the country to serve them as interpreters and agents in the business that they may have to transact, or to assist them in presenting petitions.

ARTICLE XIX.

In all that concerns the business of the ports—the loading and unloading of the ships and the security of the merchandise, goods, and effects—the laws, statutes, and rules of the country should be observed. The consuls-general, consuls, vice-consuls, and consular agents will be exclusively in charge to maintain interior order on board the merchant ships of their nation; and they should understand the questions that arise between the captain, the officers, and the sailors, and especially those relative to the salary and to the accomplishment of their contracts reciprocally stipulated. The local authorities will not be able to interfere except when the disorders that occur on board of the ships are of such a nature as to perturb the tranquillity or the public order on land, or in the port, or when a subject of the country, not one of the crew of the ship, is complicated in the disorder. In all other cases the authority will only help the consuls, vice-consuls, or consular agents when they solicit aid to arrest some one of the persons whose name is on the list of the crew, when they deem it necessary.

ARTICLE XX.

The consuls-general, consuls, vice-consuls, and consular agents may arrest and send on board the sailors or any other persons who form part of the crew of the merchant or war ships of their nation who have deserted to the territory of the other State. With this object in view, they should apply by letter to the competent local authority and justify their complaint with an exhibition of the register of the ships, or list of the crew, or an authenticated copy of or extracts from documents to prove that the claimed persons really formed part of the crew.

When such a demand properly proven is presented, the delivery of the deserters can not be refused. On the contrary every assistance should be given to said consular agents for the prosecution and arrest of said deserters.

The high contracting parties agree that the sailors or other persons of the crew, subjects of the country where the desertion takes place, are excepted from the stipulations named in the present convention.

ARTICLE XXI.

If no other convention exists between the recruiters, freighters, loaders, and underwriters, the damages suffered during the navigation of the ships of the two countries, whether they entered the respective ports voluntarily or were anchored by force, will be attested to the consuls-general, consuls, and vice-consuls of the respective nations, except when the subjects of the country where the said consular agents reside or subjects of a third power are affected by the loss, in which case, and in defect of an amicable settlement between all of those interested, it should be attested to by the local authority.

ARTICLE XXII.

In case a ship appertaining to the Government or to subjects of one of the high contracting parties should be wrecked or run aground on the coasts of the other, the authorities must inform the consul-general, consul, vice-consul, or consular agent of the district, or, if there are none, the nearest consul-general, consul, vice-consul, or consular agent to the place of the disaster.

All of the operations relative to the saving of Guatemalan ships that are wrecked or run aground in the territorial waters of Italy should be directed by the Guatemalan consuls-general, consuls, vice-consuls, or consular agents; and reciprocally all of the operations relative to the saving of Italian ships that are wrecked or run aground in the territorial waters of Guatemala should be directed by the Italian consuls-general, consuls, vice-consuls, or consular agents. The local authorities of the two countries will interfere only when called upon to assist the consular agents in maintaining order, to guarantee the interest of the foreign rescuers, and to assure the execution of the com-

mands that should be observed for the entrance and exit of the saved merchandise.

In the absence and until the arrival of the consuls-general, consuls, or their delegates, the local authorities should take all of the necessary precautions for the protection of the persons and the conservation of the effects that have been saved from the wreck.

This intervention of the local authorities will not give them the right to privileges of any kind, except those to which the national ships would be subjected in like cases, and the reimbursement of the expenditure caused by the operations of saving and preserving the goods and merchandise.

In the case of doubt as to the nationality of the wrecked ships, the precautions mentioned in the present article will be the exclusive duty of the local authority.

The high contracting parties agree, moreover, that the merchandise and effects saved will be subject to no custom-house duties, at least if they are admitted for interior consumption.

ARTICLE XXIII.

It is agreed, moreover, that the respective consuls-general, consuls, vice-consuls, and consular agents, as well as the chancellors, secretaries, and ex-consuls, will enjoy all of the exemptions, prerogatives, and privileges actually or about to be conceded, and that these concessions should be reciprocal and should not refer to denounced treaties and conventions.

ARTICLE XXIV.

If the articles contained in this convention are lacking or insufficient, further information should be sought from the general principles of international law or from the international customs, always observing the strictest reciprocity.

ARTICLE XXV.

The present convention will remain in force for the space of ten years, counting from the day on which the ratifications are exchanged; but if neither of the high contracting parties has announced to the other one year before the expiration of this term the intention of canceling the agreement, it will continue in force until one year after the aforementioned declaration is made.

ARTICLE XXVI.

The stipulations contained in the preceding articles will be exercised in the two States immediately after the exchange of the ratifications.

ARTICLE XXVII.

The present convention will be approved by the legislative power, according to the laws of the respective countries, and ratified by the high contracting parties; and said ratification will be exchanged in Guatemala in the limit of eighteen months, or sooner if possible.

In witness whereof the respective representatives have signed the present convention and sealed it.

Done in duplicate at Guatemala, this 3d day of November, 1905.

(Signed)	JUAN BARRIOS M.
(Signed)	C. NAGAR.

Inasmuch as:

And the National Legislative Assembly having approved the previously inserted convention, in the decree No. 637, of the 23d of April of the present year, I, using the power that the Constitution has confided to me, do hereby ratify and publish it as a law of the Republic.

In faith whereof, I sign the present ratification sealed with the seal of the Republic and countersigned by the secretary of state, in the department of foreign affairs, in the city of Guatemala, this 2d day of June, 1906.

(Signed)	MANUEL ESTRADA C.
(Countersigned)	JUAN BARRIOS M.

EXCHANGE OF RATIFICATIONS.

The undersigned, reunited in the office of the department of foreign affairs of the Republic of Guatemala, with the object of exchanging the ratifications of the consular convention celebrated between Guatemala and Italy, dated November 3, 1905, for the purpose of determining and extending by the best method possible the reciprocal rights and privileges of the consuls-general, consuls, vice-consuls, consular agents, chancellors, and secretaries, as well as their functions and obligations to which they should be respectively subjected in the two countries, etc., provided with their full powers, found in due and proper form, have carefully compared the respective ratifications, and, finding them exactly alike, they proceeded to exchange them according to the accustomed rule.

In faith whereof they have signed and sealed two copies of the present act, the 2d of June, 1906

(Signed) JUAN BARRIOS M.
(Signed) C. NAGAR.

WAR IN CENTRAL AMERICA AND MEDIATION OF THE UNITED STATES AND MEXICO.

Minister Combs to the Secretary of State.

[Telegram.—Paraphrase.—Extracts.]

AMERICAN LEGATION,
Guatemala, June 1, 1906.

(Mr. Combs reports that 12,000 soldiers on each side faced in close proximity to the Salvadorean frontier. He adds that the present situation threatens war any day.)

Minister Combs to the Secretary of State.

[Telegram.—Paraphrase.]

GUATEMALA, June 2, 1906.

(Mr. Combs says he has been requested by the Guatemalan minister for foreign affairs to report that 250 armed men, of whose character he is not sure, entered Guatemala from Salvador, but that no collision has yet taken place. Mr. Combs has urged self-restraint in strong terms.)

Minister Combs to the Secretary of State.

[Telegram.—Paraphrase.]

GUATEMALA, July 5, 1906.

(Mr. Combs reports that Secretary of Legation Brown has arrived and that Mr. Combs has concluded to start Sunday for Washington. Thinks he can secure pledge from Guatemala to withdraw and disband troops if Salvador will pledge the same, each pledging also not to attack or permit attack pending negotiations.)

The Acting Secretary of State to Minister Combs.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 6, 1906.

(Mr. Adee directs that if Minister Merry is at Guatemala City he should be told to ascertain whether similar pledge can be obtained from Salvador. If he has left he should be telegraphed at first available point.)

Minister Merry to the Secretary of State.

[Telegram.—Paraphrase.]

SAN SALVADOR, *July 6, 1906.*

(Mr. Merry reports that he has commenced arrangement to secure peace between the Government of Salvador and Guatemalan Government. Says he will advise by cable progress of the negotiations.)

Minister Merry to the Secretary of State.

[Telegram.—Paraphrase.]

SAN SALVADOR, *July 10, 1906.*

(Mr. Merry reports that all efforts for peace are useless. Salvadorian general commanding forced fight on Guatemala territory; civil authorities favored peace. He suggests war vessel on the coast. Declaration of war is not yet made.)

The Acting Secretary of State to Minister Merry.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 11, 1906.

(Mr. Bacon acknowledges the receipt of Mr. Merry's telegram of the 10th. Directs Mr. Merry to continue to use his good offices to prevent war if possible. Mr. Bacon informs Mr. Merry that a cablegram has been sent to Ambassador Thompson and hopes for the cooperation and moral support of the Government of Mexico. The *Marblehead* has been ordered to go to the coast of Salvador and communicate with Mr. Merry.)

Mr. Bacon directs Mr. Merry to exercise great care so as not to encroach upon the sovereign rights in any way.)

The Acting Secretary of State to Ambassador Thompson.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 11, 1906.

(Mr. Bacon quotes the recent correspondence with Guatemala and Salvador.)

Mr. Bacon adds that the Government of the United States is most anxious to do everything possible to preserve peace, but this is evidently impossible without active cooperation of Mexican Government. Directs him to say to President Diaz that the President earnestly wishing to help in avoiding war in Central America, desires to rely largely upon the advice of President Diaz. In response to Minister Merry's suggestion, the *Marblehead* has been ordered to proceed to coast of Salvador.)

Minister Thompson to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

MEXICO, July 12, 1906.

(Mr. Thompson reports that the President says he will join in doing anything our President may desire to do in Salvador matter, and to-morrow will send a telegram to Salvadorean President saying he thinks neutrality should be maintained, putting his telegram in strong terms. He suggests that our President send telegram along same lines. Object in holding his telegram until to-morrow is that both may reach destination about the same time. Mr. Thompson adds that should our President care to suggest any specific action he thinks President Diaz would act on it.)

Minister Merry to the Secretary of State.

[Telegram.—Paraphrase.]

SAN SALVADOR, July 12, 1906.

(Minister Merry reports that Regalado, former President of Salvador, commanding Salvadorean army in Guatemala, killed fighting. The result is uncertain in Salvador and Guatemala, but tending toward peace. Acknowledges cable of the 11th.)

Minister Merry to the Secretary of State.

[Telegram.—Paraphrase.]

SAN SALVADOR, July 13, 1906.

(Mr. Merry reports Guatemala invading and fighting Honduras and Salvador. Guatemala apparently retarding and Salvador anxious for peace. Asks to have *Marblehead* sent to Acajutla; says no other naval vessel necessary at present.)

Chargé Brown to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Guatemala, July 13, 1906.

(Mr. Brown reports that Salvador, through Minister Merry, proposes cessation of hostilities pending peace negotiations through our legations, and that he has notified Government of Guatemala urging prompt acceptance; adds that war spirit is strong in Guatemala.)

Chargé Brown to the Secretary of State.

[Telegram.—Paraphrase.—Extracts.]

AMERICAN LEGATION,
Guatemala, July 13, 1906.

(Mr. Brown reports he has just had a conference with President Estrada, who accepts in principle the proposal of peace, but doubts good faith of Salvador, and insists the agreement to disarm and negotiate must be pledged satisfactorily to the United States Government. Instructions are requested.)

President Roosevelt to President Escalon of Salvador.

[Telegram.]

WASHINGTON, *July 13, 1906.*

I earnestly appeal to Salvador to take immediate steps toward settling questions pending with Guatemala, either by agreement to arbitrate or by direct negotiation for a definitive agreement between the two countries. Disturbance of the peace of Central America inflicts grievous injury upon the affected States and causes the gravest concern to the United States, whose sole desire is to see its neighbors at peace. The recent deplorable renewal of hostilities should not be allowed to be the precursor of a protracted and disastrous struggle, perhaps involving other States and leading to results of which the scope can not be foreseen. In the interest of humanity and the indispensable peace of Central America it becomes my duty to urge a settlement before it may be too late. I offer the deck of the American ship of war *Marblehead*, now on the way to the coast of Salvador, as a neutral place where representatives of Guatemala and Salvador may meet to consider terms of agreement, an armistice between the contestants being meanwhile effected. I am telegraphing in the same sense to the President of Guatemala. My action has the full concurrence of the President of Mexico.

THEODORE ROOSEVELT.

(Same, mutatis mutandis, to President Estrada Cabrera of Guatemala.)

The Acting Secretary of State to Ambassador Thompson.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 13, 1906.

(Mr. Bacon informs Mr. Thompson that the President is gratified at the cordial assurance of the cooperation of the President of Mexico toward the maintenance of peace in Central America, and for his own part is desirous to back the President of Mexico in what he may do to that end. He says that, accepting his suggestion in his telegram of the 12th, President Roosevelt telegraphed on the 13th to the President of Salvador, and mutatis mutandis to the President of Guatemala, as follows):^a

The Acting Secretary of State to Chargé Brown.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 13, 1906.

(Mr. Bacon quotes the telegram sent by President Roosevelt to the President of Guatemala and mutatis mutandis to the President of Salvador.^a

For his information he adds that the President is distressed at a report received that day that Guatemala is invading and fighting Honduras and Salvador, thus continuing the conflict and apparently retarding the way to peace. He says the President trusts there may be no misapprehension as to this, in view of the earnest assurances heretofore received from the President of Guatemala, and relies on the faith of those assurances. He directs him to endeavor to impress upon the Government of Guatemala the President's earnest desire to see this deplorable contest checked, disarmament effected, and the way opened for peace, and says that he may explain, if need be, that the offer of the *Marblehead* as neutral place of meeting is intended to meet any possible difficulty in bringing together the representatives of the two Governments, and does not exclude any other way in which the President's good offices may be exerted. He directs him to keep in touch with Merry, and through him, if occasion offers, with commander of *Marblehead*.)

The Acting Secretary of State to Minister Merry.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 13, 1906.

(Mr. Bacon quotes the telegram the President to-day sent to the President of Salvador, and mutatis mutandis to the President of Guatemala.^a

^a Supra.

(He also instructs him to use his best endeavors with the Government of Salvador to the same end. He tells him to explain, if need be, that the offer of the *Marblehead* as neutral place of meeting is intended to meet any possible difficulty in bringing together the representatives of the two Governments, and does not exclude any other way in which the President's good offices may be exerted. Tells him to keep in touch with commander of *Marblehead* and also with chargé at Guatemala, to whom a similar cable is sent.)

The President of Salvador to President Roosevelt.

[Telegram.—Translation.]

SALVADOR, July 14, 1906.

I have the honor to acknowledge the receipt of Your Excellency's message inviting Salvador to settle her difficulties with Guatemala. Taking into consideration the grave disturbances of the peace of Central America and the interests of humanity, I accept with pleasure Your Excellency's proposition of direct negotiation as the most expeditious means of accomplishing the desired end.

Salvador has ever been ready to conclude an honorable and durable peace with Guatemala, and accepts the offer of the *Marblehead* for the conclusion of the treaty by our commissioners and those of Guatemala.

Better success would attend the negotiations if the minister of the United States to Guatemala and Salvador and the Mexican minister to Central America would take part in the conference in neutral waters, and if the President of Mexico lends it his cooperation I further accept the suspension of hostilities, and, as a measure of greater effectiveness, the concentration and disbandment of troops during the course of negotiations.

Reiterating my thanks for your friendly intervention,

I am, Your Excellency's obedient servant,

PEDRO JOSÉ ESCALON.

The President of Guatemala to President Roosevelt.

[Telegram.—Translation.—Extract.]

GUATEMALA CITY, July 14, 1906.

I highly appreciate with sincere thanks and accept without hesitation in the most cordial manner the proposition of peace between Guatemala and Salvador that Your Excellency is pleased to address to me.

The outcome of the war is already in favor of Guatemala, but in deference to a good friend of ours, as is Your Excellency, I see no objection to an armistice being agreed to and terms of peace being negotiated on board the *Marblehead*. I only take the liberty of saying to Your Excellency that * * * we hope, with the interposi-

tion of the invaluable action of the American Government, that this time, through Your Excellency, the arrangements that will be made will fulfill the lofty purpose of Your Excellency, which always finds with my Government the most friendly and cordial reception.

I rejoice that the President of Mexico is also interested in the cause of peace. I reiterate to Your Excellency my thanks and perfect assurance of my highest consideration.

MANUEL ESTRADA CABRERA.

The Acting Secretary of State to Minister Merry.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 14, 1906.

(Mr. Bacon informs Mr. Merry that Guatemala accepts the proposal of peace in principle, but requires assurances. Mr. Merry is directed to ascertain if Salvador will give the President of the United States a satisfactory pledge that Salvador will agree to disarm and negotiate if like pledge is given by Guatemala.)

Chargé Bailey to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
San José de Costa Rica, July 14, 1906.

(Mr. Bailey reports that the Costa Rican minister for foreign affairs has requested him to inform Mr. Root that his Government desires to offer its good offices, conjointly with the Government of the United States, in favor of peace in Central America, by delegating authority to our minister in Salvador or sending representative to confer and act with him.)

The Acting Secretary of State to Chargé Bailey.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 15, 1906.

(Mr. Bacon states that he is much gratified at Costa Rica's good disposition toward peace in Central America; also that both Guatemala and Salvador have accepted the proposal of the President to negotiate peace, suspending their hostilities meanwhile. Mr. Merry has been advised and is cooperating with Mr. Combs to bring about agreement as to details. Directs Mr. Bailey to inform Mr. Merry of the friendly attitude of Costa Rica.)

The Acting Secretary of State to Chargé Brown.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 15, 1906.

(Mr. Bacon states that peace negotiations now seem to be assured and that the President has sent, direct to President Estrada a long telegram. The only thing left to accomplish is to bring the parties together. Directs Mr. Brown to act accordingly and to notify Mr. Merry and the Commander of the *Marblehead*.)

Minister Merry to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
San Salvador, July 15, 1906.

(Mr. Merry reports that the Government of Salvador will accept the same terms as the Guatemalan Government for armistice retirement and disarmament of troops, and that the Government of Honduras desires to join Government of Salvador in negotiating the same terms. He adds that the *Marblehead* is expected to-morrow, and requests instructions for the above-mentioned programme.)

The Acting Secretary of State to Minister Merry.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 15, 1906.

(Mr. Bacon informs Mr. Merry that President Escalon's message accepting agreement to negotiate peace was followed by a telegram from the President of Guatemala cordially accepting the President's proposals and acquiescing in an armistice being agreed to and the terms of peace being negotiated on the *Marblehead*. The President rejoices that the President of Mexico is also interested in the cause of peace. Mr. Bacon states that it now only remains to bring the parties together, and that it is the President's wish that Mr. Merry, Mr. Combs, and the Mexican minister to Central America may act in unison in every way toward a successful negotiation and that all three attend on the *Marblehead*.)

The Acting Secretary of State to Chargé Brown.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 15, 1906.

(Mr. Bacon informs Mr. Brown that President Estrada's telegram of yesterday and his reports were received this morning. States that

the President has sent direct to President Estrada a long telegram in reply.

Mr. Bacon says that it now only remains to bring both parties together, and directs Mr. Brown to govern himself accordingly, notifying Merry and commander of *Marblehead*.)

President Roosevelt to President Estrada Cabrera.

[Telegram.]

WASHINGTON, July 15, 1906.

I received yesterday, with much gratification, from the President of Salvador the following message, by which he accepts my offer, and what is still more important, agrees to a suspension of hostilities and to concentration and disbandment of troops pending the negotiations for peace.

SALVADOR, July fourteenth.

To President THEODORE ROOSEVELT,
Washington, D. C.

I have the honor to acknowledge the receipt of Your Excellency's message inviting Salvador to settle her difficulties with Guatemala. Taking into consideration the grave disturbances of the peace of Central America and the interests of humanity, I accept with pleasure Your Excellency's proposition of direct negotiations as the most expeditious means of accomplishing the desired end.

Salvador has ever been ready to conclude an honorable and durable peace with Guatemala and accepts the offer of the *Marblehead* for the conclusion of the treaty by our commissioners and those of Guatemala.

Better success would attend the negotiations if the minister of the United States to Guatemala and Salvador and the Mexican minister to Central America would take part in the conference in neutral waters; and if the President of Mexico lends it his cooperation I further accept the suspension of hostilities and, as a measure of greater effectiveness, the concentration and disbandment of troops during the course of negotiations.

Reiterating my thanks for your friendly intervention, I am,

Your Excellency's obedient servant,

PEDRO JOSÉ ESCALON.

Subsequently I have received this morning Your Excellency's telegram dated yesterday evening, whereby you accept my proposal for peace with Salvador and acquiesce in an armistice being agreed to and the terms of peace being negotiated on board the *Marblehead*. The assurance given to me by the President of Salvador is satisfactory and appears to meet the condition you state. It is especially gratifying to note your appreciation of the interest shown by Mexico in the cause of peace. I am assured that the cooperation of President Diaz will continue in favor of a just settlement, and I welcome the further evidence of his friendly sentiments in the attendance of the Mexican minister to Central America on the same cordial and impartial footing as the American ministers, Combs and Merry.

In order to give practical shape to this happy agreement, I have directed that the respective American ministers and the commander of the *Marblehead* be instructed to do all that may be necessary to bring about an early meeting of the representatives of Guatemala and Salvador.

THEODORE ROOSEVELT.

Chargé Brown to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Guatemala, July 16, 1906.

(Mr. Brown reports that he was told by President Estrada that he had received, at 9 o'clock a. m., a telegram from President Diaz, indicating dawn of to-day for commencement of armistice, which is obviously impossible as well as most embarrassing to Guatemala. He adds that President Estrada is ready for immediate armistice, but at feasible hour mutually agreed upon, and that Minister Merry will be notified as soon as President Estrada indicates hour for armistice to commence. Mr. Brown reports that he has been informed by the President of Guatemala that more Salvador troops entered to-day.)

The President of Guatemala to President Roosevelt.

[Telegram.—Translation.]

GUATEMALA, *July 16, 1906.*

Your Excellency's telegram in which you repeat that of the President of Salvador is at hand. With renewed thanks for Your Excellency's noble interest in the cause of the restoration of lasting peace I once more have the honor to say that I will be glad to send my delegation to the *Marblehead*. The President of Mexico obtained from me a promise of armistice yesterday and I received from him to-day a telegram setting the hour of 5 a. m. to-day for its beginning, but the said cablegram was delivered to me five hours later and while the Salvadorean forces were engaged in an action against ours. Still ready to accept the armistice, I hope that Your Excellency will call the attention of the Salvadorean Government so that the day and hour on which it is to begin may be fixed sufficiently in advance.

I renew to Your Excellency my thanks and the assurance of my highest consideration.

MANUEL ESTRADA CABRERA.

The Acting Secretary of State to Chargé Brown.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 16, 1906.

(Mr. Bacon instructs Mr. Brown to direct the consul at Tegucigalpa to communicate to the Government of Honduras the President's gratification at the desire expressed by Honduras to cooperate toward peace and to say that the President is, however, advised that an alliance of Honduras with Salvador is announced and that he earnestly hopes and expects that Honduras will not take any active step at this juncture which might embarrass the happy outcome confidently ex-

pected to result from the action of the United States in bringing Guatemala and Salvador together to agree to a suspension of hostilities and to negotiate for an honorable settlement of their difficulties. The neutrality of Honduras and avoidance of military demonstration on the frontier are urgently counseled.

The Government of Guatemala has given assurance that it will not force trouble if Honduras will not molest Guatemala. The neutrality of Honduras can be assured by withdrawing its troops from the frontier and suspending hostile operations in the same manner as the others do.)

Minister Merry to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
San Salvador, July 17, 1906.

(Mr. Merry reports that arrangement of armistice for Wednesday—tomorrow morning—is made and that the *Marblehead* is expected to arrive at San Jose de Guatemala from Acajutla Thursday morning to receive all commissioners. Inquires whether he shall represent Costa Rica and Nicaragua, as requested, Combs being absent, Brown to substitute.)

The Acting Secretary of State to Chargé Brown.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 17, 1906.

Merry cables armistice arranged for to-morrow. You will represent this Government's interests in Guatemala on board the *Marblehead* temporarily, until the arrival of Minister Combs, but it must be clearly understood that our ministers to Guatemala and Salvador, as well as the Mexican minister to Central America, will be present simply in a friendly advisory capacity. We understand that it is the purpose of the belligerents that negotiations shall be direct between themselves.

BACON.

The Acting Secretary of State to Minister Merry.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 17, 1906.

(Mr. Bacon congratulates Mr. Merry and all concerned on the armistice arranged for Wednesday. Instructs Mr. Merry to represent the United States' interests in Costa Rica and Nicaragua if necessary, although it is understood that the negotiations are to be direct between representatives of the belligerents, the presence of Mr. Merry

and the American representative to Guatemala, as well as the Mexican minister to Central America, being purely in an advisory and friendly capacity, and on the evidence of good will and cordial cooperation on the part of both the President of Mexico and President Roosevelt. Mr. Bacon states that Mr. Merry can not be too careful in avoiding any appearance of representing the views or policies of any other than our own country.)

Minister Merry to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
San Salvador, July 18, 1906.

(Mr. Merry states that the instructions in Mr. Bacon's telegram of the 17th have been carefully noted, and that the Nicaraguan Government has appointed a native representative. Mr. Merry also states that his representation of Costa Rica is pro forma and that he will telegraph from San José and Guatemala on conclusion.)

Chargé Brown to the Secretary of State.

[Telegram.—Paraphrase.]

GUATEMALA, *July, 18, 1906.*

(Mr. Brown reports that the consul at Tegucigalpa telegraphs that Honduras desires peace and will not trouble Guatemala.)

A telegram in harmony with the instructions of the department has been sent him.)

Chargé Brown to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

AMERICAN LEGATION,
Guatemala, July 18, 1906.

(Mr. Brown reports that President Estrada deeply appreciates effective cooperation of President Diaz and has cordially invited Mexican minister to attend peace negotiations.)

The Acting Secretary of State to Minister Merry.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 18, 1906.

(Mr. Bacon states that the Department does not understand why any representative of Costa Rica or Nicaragua should be included. The Department fears that Mr. Merry does not understand the scope

of the negotiations, which must be made only between the actual belligerents. Mr. Bacon states that no instructions have been sent to Mr. Merry to include but the two countries, Salvador and Guatemala, and that if he has assented in any further participation he has gone beyond his authority. Also states that this is not a general conference of Central American States, but a negotiation for peace between the belligerents.

Mr. Bacon states that it is the President's desire and expectation that the conference on board the *Marblehead* come within the terms of his message to the Presidents of Guatemala and Salvador, with the addition of Honduras, which is now one of the belligerents in alliance with Salvador.

The President further understands that the minister of the United States to each of these countries, and the minister of Mexico to Central America shall be present in a purely friendly and advisory capacity and not parties to the negotiations.)

Ambassador Thompson to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Mexico, July 19, 1906.

The following messages I repeat, thinking they may be of interest in connection with previous ones:

GUATEMALA, *July 17, 1906.*

PRESIDENT DIAZ, *Mexico:*

I have the pleasure to inform your excellency that the armistice agreed upon through your humane and estimable mediation has commenced since the hour of dawn to-day; and on behalf of the interests of Central America I will appreciate if your excellency will continue to lend your valuable assistance, authorizing your minister to the end that with your excellency's representation he may attend the peace conference to commence to-morrow, on board the *Marblehead*. Kindly give me an early reply.

ESTRADA CABRERA.

SAN SALVADOR, *July 18, 1906.*

His Excellency PORFIRIO DIAZ,
President of the Republic of Mexico, Mexico:

Your message in which you inform me that Cabrera will honor your telegram fixing the hour of dawn to-day, the 18th, has just been received, at nine o'clock a. m. I had beforehand given orders to comply with your wishes for my part the same as I did with the previous armistice of the 16th.

P. JOSÉ ESCALON.

I have a long message from Salvador to President Diaz setting forth basis of settlement to be exacted by Salvador. Thinking that likely the same thing has been sent to Washington I will not code and repeat, unless it is desired.

THOMPSON.

Ambassador Thompson to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Mexico, July 19, 1906.

President Diaz has given me further the following telegrams, all of which I repeat, thinking it best that President Roosevelt should know in detail all that has passed between here, Guatemala, and Salvador:

GUATEMALA, *July 17, 1906.*

PRESIDENT OF THE REPUBLIC OF MEXICO:

Having taken note of your excellency's telegram of this date, I have ordered that at the hour of dawn to-morrow, the 18th, all movement be stopped; the same were stopped this morning at Metapan, but these Salvadorians attacked us at Platanar. I hope to have reciprocity in armistice tomorrow. I renew to your excellency my high consideration.

M. ESTRADA C.

MEXICO, *July 17.*

His Excellency MANUEL ESTRADA CABRERA,
President of the Republic of Guatemala:

I am advised by President Escalon that armistice shall be observed from the hour of dawn to-morrow; that he has already given instructions in that sense and that if any fighting has been done by his troops the same has been defensive.

PORFIRIO DIAZ.

SAN SALVADOR, *July 18.*

President DIAZ:

Your message relating to armistice received *Topstoy* at 8.30 a. m.

I immediately ordered the suspension of all hostilities, but about 9 o'clock yesterday the Salvadorian camp at Metapan was assaulted by the enemy, now within our territory, and the fight continued with diverse results, until 12.40 of the same day, at which hour the Guatemalans raised a flag of truce and the armistice was agreed upon, at night, covering all that section. To-day at 7 o'clock a. m. the Salvadorian camp at Platanar was attacked, the same being on Guatemalan territory, the attack being made with sufficient artillery and many reinforcements, and almost at the same time I received your excellency's message of yesterday, and was informed of another message from the American legation at Guatemala to the American legation at this place. In both cablegrams I am advised that all hostilities will be stopped from the hour of dawn of the 18th instant. The Salvadorian troops have not taken an offensive attitude, except out of strategic necessity, provoked by the enemy. Cabrera has tried, owing to the armistice agreed upon yesterday at Metapan, to take the camp at Platanar by surprise and rout the same. I have already dictated orders I am willing to accept the new armistice proposed for to-morrow, the 18th, and I have so instructed my subordinates.

Your friend,

ESCALON.

MEXICO, *July 17.*

His Excellency PEDRO JOSE ESCALON,
President of the Republic of Salvador:

I am advised by President Cabrera that my telegram fixing the 18th shall be observed, and I have promised him that the Salvadorian troops will do the same.

PORFIRIO DIAZ.

MEXICO, *July 18.*

His Excellency PEDRO JOSE ESCALON,
President of the Republic of Salvador:

Have just received your excellency's message, in which you have been pleased to inform me of the bases you will propose at the conference, or conferences, to

be held at an early date on board the *Marblehead*. I consider all of them equitable, and hope the same view may be taken by the Presidents of Guatemala and Honduras.

I am at this moment instructing Minister Gamboa to attend said conference, if agreeable to the high-contracting parties.

PORFIRIO DIAZ.

MEXICO, July 18.

His Excellency MANUEL ESTRADA CABRERA,
President of the Republic of Guatemala:

I sincerely appreciate your excellency's acceptance which has honored my friendly intervention, and I trust that the armistice initiated shall end with an honorable peace for the three republics which had unfortunately merged into a state of war. I have on this date authorized Minister Gamboa to attend the conferences to be held on board the *Marblehead*.

PORFIRIO DIAZ.

MEXICO, July 18.

Minister F. GAMBOA,
Mexican Legation, Guatemala.

An armistice having been concerted between the armies of Guatemala, Salvador, and Honduras, said three governments will enter into peace negotiations through commissioners, who will convene on board the *Marblehead*. I understand that the three desire that their conference be attended by the representatives of the United States at Guatemala and Salvador, and by that of Mexico at Guatemala. If so, do as they desire, with all the precaution that such exceptional case will require. The above authority will be confirmed to you through the Department of Foreign Affairs.

PORFIRIO DIAZ.

D. E. THOMPSON.

Ministers Combs and Merry to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
San Jose de Guatemala, July 20, 1906.

Peace conference a success. Guatemala, Salvador, and Honduras have agreed to the following articles: First, peace established, withdrawal of armies within three days, disarmament in eight days. Second, the exchange of prisoners, the release of political prisoners, general amnesty recommended. Third, vigilance of *emigrados* in order to prevent abuse of asylum. Fourth, to negotiate treaty of friendship, commerce within two months. Fifth, any difficulties over treaty and all future concrete complaints between the three countries shall be submitted to the arbitration of the President of the United States and the President of Mexico. Sixth, this treaty made with the moral sanction of mediating nations and others assisting at conference, namely, Costa Rica and Nicaragua.

COMBS and MERRY.

Minister Merry to the Secretary of State.

[Telegram.—Paraphrase.]

SAN JOSÉ, GUATEMALA, July 20, 1906.

(Minister Merry acknowledges department's cipher telegram of 18th, and remarks that Nicaraguan and Costa Rican representation

is entirely complimentary without votes or influence. Nicaragua was invited by Salvador without advising Mr. Merry. The belligerents are fully controlling the discussion, in accordance with the President's message. Conference results in a treaty of peace, as has been duly advised in joint telegram with Minister Combs.)

The Acting Secretary of State to Ambassador Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 21, 1906.

The President is much gratified at the successful outcome of the peace negotiations on the *Marblehead*. He desires you to express to President Diaz his warmest thanks for and his high appreciation of the hearty cooperation of Mexico, and hopes that the more formal treaty which it is proposed to negotiate within the next two months will be the precursor of better understandings and closer friendships between all the nations of Central America.

BACON.

The Acting Secretary of State to Minister Merry.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 21, 1906.

The President has received the cablegrams expressing the congratulations and thanks of the delegates of the Peace Conference of the *Marblehead*, and wishes you to express to the several delegates his sincere thanks and in turn his hearty congratulations upon the honorable and satisfactory outcome of their efforts. Earnestly desiring, as he does, the peace of Central America, he entertains the highest hopes that the treaty of friendship, commerce, and navigation which is about to be negotiated will be at once the precursor and guarantee of better understandings and continued friendship among the peoples of Central America, to which end he pledges his earnest and friendly cooperation, in full reliance upon the continued personal interest and support of President Diaz, to whom the success of this negotiation is so largely due.

BACON.

Minister Merry to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
San Salvador, July 22, 1906.

(Mr. Merry states that he has received a telegram from the President of Honduras requesting him to present to the President of the United States the gratitude of the Government and people of Honduras for his friendly and efficient mediation in obtaining peace between Guatemala, Salvador, and Honduras.)

The President of Honduras to Minister Merry.

[Telegram.—Translation.]

PALACE,
Tegucigalpa, July 21, 1906.

Informed of the celebration of peace between El Salvador, Guatemala, and Honduras, I have the satisfaction of congratulating you very sincerely upon the part you have taken in the favorable result obtained. I also request you to present to President Roosevelt the gratitude of the Government and people of Honduras for his friendly and efficient mediation in this affair.

MANUEL BONILLA.

The Acting Secretary of State to Minister Merry.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 24, 1906.

(Mr. Bacon informs Mr. Merry that the President has received with much gratification his messages from the President and people of Honduras, and that it has been a great pleasure to him to offer his friendly mediation and that keener satisfaction can be felt by no one at the successful outcome of the conference; bringing an honorable and, as he hopes, a lasting peace to the people of Salvador, Honduras, and Guatemala, in whose welfare he feels the deepest interest.)

*Minister Combs to the Secretary of State.*AMERICAN LEGATION,
Guatemala, July 25, 1906.

SIR: I have the honor to transmit herewith copy, with translation appended, of a note received from the Guatemalan minister for foreign affairs expressing the gratitude of his Government for the intervention of President Roosevelt and the United States Government in behalf of peace.

I have, etc.,

LESLIE COMBS.

[Inclosure.—Translation.]

*Minister for Foreign Affairs to Minister Combs.*DEPARTMENT OF STATE,
REPUBLIC OF GUATEMALA,
Guatemala, July 23, 1906.

MR. MINISTER: The President of Guatemala has directed me—which communication I hasten with pleasure to execute by communicating to your excellency, and through you to President Roosevelt and the enlightened Government of the United States—to express the most profound and sincere appreciation of the Government and the people of Guatemala for his esteemed mediation in restoring peace with the Republics of Salvador and Honduras.

The glory of the President of the United States, whose policy for peace and harmony in all countries of the continent deserves the sincere and enthusiastic applause of humanity, is unquestioned; and since it concerns Guatemala, it

gives me pleasure to inform you that we appreciate the immense value of his efforts be made in behalf of the harmony and brotherhood of Central America; to which your excellency has contributed largely by your marked and able diplomacy.

I beg of you to be good enough to communicate to President Roosevelt and his Government the sentiments of gratitude and sympathy of President Estrada Cabrera and the Government of Guatemala, which they extend to you, and to accept the assurance of my most distinguished consideration.

JUAN BARRIOS M.

TEXT OF THE CONVENTION OF PEACE CELEBRATED ON BOARD THE CRUISER MARBLEHEAD, OF THE NAVY OF THE UNITED STATES OF AMERICA.

[Translation.]

The friendly initiative of Their Excellencies Theodore Roosevelt, the President of the United States of America, and General Porfirio Diaz, President of the United States of Mexico, having been accepted by the Governments of the Republics of El Salvador, Guatemala, and Honduras to discuss the bases upon which peace, unfortunately interrupted between the three Republics, is to be established, and to assure as far as possible the permanent enjoyment of its benefits, Messrs. José Rosa Pacas and Salvador Gallegos, delegates from the Republic of El Salvador, Francisco Bertrand, delegate from the Republic of Honduras, and Arturo Ubico, Jose Pinto, Juan Barrios M. and Manuel Cabral, delegates from the Republic of Guatemala, assembled on board the cruiser *Marblehead* of the United States Navy, and after examining their respective credentials and fully deliberating on the object of the conference, under the honorary presidency of Their Excellencies William Lawrence Merry and Leslie Combs, ministers plenipotentiary of the United States to the Republics of El Salvador, Guatemala, and Honduras, and of His Excellency Frederico Gamboa, minister plenipotentiary of the United States of Mexico, the first named being, besides, the special delegate from the Republic of Costa Rica to the conference of peace, to which also attended in the same capacity Mr. Modesto Barrios, for the Republic of Nicaragua; they have agreed upon the following terms:

First. The Republics of El Salvador and Honduras return to a state of peace with the Republic of Guatemala, relegating to oblivion their past differences. Consequently, they will concentrate their respective armies within three days counted from that following the signing of the present Convention, and will disarm them within the subsequent eight days, leaving only the garrisons ordinarily maintained in their cities and the movable detachments serving on police duty.

Second. The contracting parties will reciprocally deliver the prisoners of war and will care for, free of charge, the wounded who may be in their respective territories, until they may be able to return to their homes or may be demanded by their respective Governments. In the same manner all political prisoners now held shall at once be placed at liberty; and each delegation shall recommend to its respective Government that a general amnesty be decreed as soon as possible.

Third. The high contracting parties bind themselves to concentrate the political refugees who are in or may come to their respective territories, as also to exercise surveillance over their conduct in order to prevent their taking improper advantage of their asylum and their machinations against the tranquility and public order of the country whence they may have emigrated.

Fourth. Within two months from this date the contracting parties shall celebrate a general treaty of peace, amity, and navigation, and the capital of the Republic of Costa Rica is hereby designated for the meeting of the representatives of the three Governments fully authorized and for their negotiations.

In the meantime it is agreed that all international stipulations binding the contracting parties shall remain in force, and specially those of the Second Pan-American Conference assembled at Mexico.

Fifth. If, contrary to expectations, any one of the high contracting parties shall fail in the future in any of the points agreed upon in this treaty, or should give cause for new differences, these shall be submitted to arbitration, Their Excellencies the Presidents of the United States of America and of the

United States of Mexico being hereby designated as arbitrators, to which arbitration shall also be submitted the recent actual difficulties between Guatemala, El Salvador and Honduras.

The present convention remains under the guarantee of the loyalty of the Governments interested and of the moral sanction of the Governments of the mediating and participating nations.

Without prejudice to the immediate execution of this treaty, the exchange of the ratifications shall take place by exchange of notes in the cities of Guatemala, San Salvador and Tegucigalpa, at the latest on the thirtieth of the current month.

In witness whereof we sign and seal the present on board the American cruiser *Marblehead*, this twentieth day of the month of July in the year one thousand nine hundred and six.

J. R. PACAS.
SALVADOR GALLEGOS.
F. BERTRAND.
ARTURO UBICO.
J. PINTO.
JUAN BARRIOS M.
MANUEL CABRAL.

Honorary presidents:

WILLIAM LAWRENCE MERRY.
LESLIE COMBS.
F. GAMBOA.
MODESTO BARRIOS.

At the invitation of the legations:

R. T. MULLIGAN,
Commander, U. S. N., Commanding Marblehead.

By appointment from Minister William L. Merry, as the representative of the Government of Costa Rica.

SALVADOR GALLEGOS. (h).

Senhor J. F. de Assis Brasil to the Secretary of State.

[Translation.]

OFFICE OF THE SECRETARY GENERAL OF
THE THIRD PAN-AMERICAN CONFERENCE,
Rio de Janeiro, July 26, 1906.

SIR: I have the great honor of advising your excellency that the Third International American Conference, now assembled in this city, approved by acclamation a motion of the Argentine delegation that the conference manifest the gratification with which it viewed the successful mediation of the Presidents of the United States of America and of the United States of Mexico toward the peace agreement between the Republics of Guatemala, Honduras, and Salvador.

I take supreme pleasure in bringing this resolution to your excellency's knowledge, and begging you to be pleased to transmit it to the illustrious Chief Magistrate of your country. I am glad, Mr. Secretary of State, to present to your excellency, at this time, the assurance of my highest consideration.

J. F. DE ASSIS BRASIL,
*Secretary General of the
Third International American Conference.*

Minister Merry to the Acting Secretary of State.

[Extracts.]

AMERICAN LEGATION TO COSTA RICA,
NICARAGUA, AND SALVADOR,
San Salvador, July 28, 1906.

SIR: I have the honor to inclose herewith (inclosure No. 1) copy and translation of communication from the Salvador Government which has been addressed to the Governments of Guatemala and Honduras accepting the *Marblehead* Peace Conference in accordance with Article V thereof.

The military forces of the Republic, except the 3,000 men fixed by law as the peace establishment, are now all paid off, disarmed and returned to their homes without friction. The arms are now deposited at the capital instead of at Santa Ana, which is about 65 miles nearer the Guatemala boundary than San Salvador.

With assurances of my highest consideration, etc.,

WILLIAM LAWRENCE MERRY.

[Inclosure No. 1.—Translation.]

REPUBLIC OF EL SALVADOR,
MINISTRY OF FOREIGN RELATIONS,
EXECUTIVE PALACE,
San Salvador, July 25, 1906.

To His Excellency WILLIAM LAWRENCE MERRY,
Envoy Extraordinary and Minister Plenipotentiary,
of the United States of America, City.

MR. MINISTER: Under date of to-day the department under my charge has addressed the following communication to the foreign offices of Guatemala and Honduras:

"I have the honor to bring to the notice of your excellency, requesting that you do the same to your Government, that the President of the Republic, by a decree dated the 22d instant, has thought it well to approve in cabinet meeting the peace convention signed the 20th day proceeding on board the cruiser *Marblehead*, of the United States Navy, by the delegates from El Salvador, Drs. José Rosa Pacas and Salvador Gallegos, from Guatemala, Drs. Arturo Ubico, José Pintó, Juan Barrios N. and Manuel Cabral, and from Honduras Dr. Francisco Bertrand. Thus fulfilling the last paragraph of the fifth basis of the convention mentioned I am pleased to offer to your excellency the sentiments of my special appreciation.

"SAMUEL VALENZUELA."

Which I have the honor to transcribe to your excellency with the request that it be brought to the knowledge of your Government and that you accept the acknowledgments of

Your obedient servant,

SAMUEL VALENZUELA.

Chargé Brown to the Secretary of State.

AMERICAN LEGATION,
Guatemala, August 7, 1906.

SIR: I have the honor to confirm on the overleaf cables exchanged between President Bonilla and Mr. Combs, as representing the diplomatic corps accredited to Honduras on the occasion of the signing of peace between Honduras, Guatemala, and Salvador.

I have, etc.,

PHILIP BROWN.

[Inclosure 1.—Telegram.]

Minister Combs to President Bonilla.

GUATEMALA, July 26, 1906.

In the name of the diplomatic corps and the governments here represented I congratulate your excellency and the people of Honduras upon the honorable peace that has been achieved, the terms of which have been officially announced.

That it may be lasting, and that it may be followed by a long period of progress, prosperity, and happiness, is our united desire.

LESLIE COMBS.

[Inclosure 2.—Telegram—Translation.]

President Bonilla to Minister Combs.

TEGUCIGALPA, July 27, 1906.

Through your excellency's worthy medium it is pleasing for me to present to the honorable diplomatic corps accredited in that Republic the sentiments of my deepest gratitude for the cordial congratulation which you were pleased to favor me with, begging of you to extend them to the Governments which they represent. Peace being established, my Government has the confidence that it will be lasting for the benefit of civilization and it will take great pleasure in continuing cultivating the same as till now the most intimate relations of friendship with the countries whose representatives from the corps of which your excellency is dean. On expressing to your excellency personally my most ardent gratitude I renew to you, etc.,

MANUEL BONILLA.

Minister Merry to the Secretary of State.

No. 1180.]

AMERICAN LEGATION,

San José, Costa Rica, August 18, 1906.

SIR: I have the honor to inform you that the Government of Costa Rica, having in view the fourth article in the *Marblehead* treaty of peace which provides for the meeting of Commissioners from the Republics of Guatemala, Salvador, and Honduras to celebrate a treaty of peace, amity, and commerce, within two months from July 20th, 1906, at this capital, has invited the delegates from the said Republics to meet at this city on Saturday, September 15th, the anniversary of Central American Independence. The Government of Costa Rica also invites the delegates to accept the hospitality of the Government while engaged in their official duties here. Arrangements will be made to treat these guests of the Republic with all the courtesy and attention possible. I am to-day in receipt of a telegram from the Government of El Salvador advising that the invitation from the Government of Costa Rico has been accepted and that the delegates from the Republic intend to leave Acajutla on the 2nd of September next on the Pacific Mail steamer for Puntarenas.

With assurances of my highest consideration, I remain, etc.,

WILLIAM LAWRENCE MERRY.

The Acting Secretary of State to Senhor J. F. de Assis Brasil.

DEPARTMENT OF STATE,
Washington, August 24, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 26th ultimo, by which you communicate to the department the gratifying information of the Third Pan-American Conference's approval by acclamation of a motion of the Argentine delegation that the conference manifest the satisfaction with which it viewed the successful mediation of the President of the United States of America and the President of the United States of Mexico in the recent hostilities between the Republics of Guatemala, Honduras, and Salvador.

The action of the conference and the initiative of the Argentine delegation are highly appreciated by the department; and I have taken pleasure in communicating your note to the President, agreeably to your request.

Accept, etc.,

ROBERT BACON,
Acting Secretary.

Chargé Brown to the Secretary of State.

No. 444.]

AMERICAN LEGATION,
Guatemala, August 29, 1906.

SIR: I have the honor to state that the commissioners from Guatemala to the treaty conference of the Central American Republics, which is to assemble in Costa Rica on the 15th of September, are leaving by to-morrow's steamer for Punta Arenas.

The commission is composed of Hon. Francisco Anguiano, formerly minister to Washington, now First Vice-President of Guatemala, Hon. José Flamenco, minister of public works, and of Mr. Tejada as secretary and Mr. Duran as military attaché.

I have, etc.,

PHILIP BROWN.

Minister Merry to the Acting Secretary of State.

[Extracts.]

No. 1186.]

AMERICAN LEGATION,
San José, Costa Rica, September 8, 1906.

SIR: I have the honor to inform you regarding some matters connected with the proximate meeting here of the commissioners from Salvador, Honduras, and Guatemala to arrange a treaty of peace, amity, and commerce between those Republics. When their coming was known to the Costa Rican Government, the Nicaraguan President was invited to also send a commissioner with such instructions as he might deem proper, the intent being mainly to give special significance to the anniversary of Central American independence on September 15. This invitation he accepted, but subsequently withdrew on the ground that, not being one of the belligerents, he had no connection with the proposed treaty. It was then indicated to him

that there was no necessity for either Nicaragua or Costa Rica to become parties to said treaty, but that the representation here of all the Republics on such an anniversary would lead to better acquaintance and tendency to the peace of Central America. To this no reply has been received, and it is now understood that Nicaragua will not be represented.

With assurances of my highest consideration, etc.,

WILLIAM LAWRENCE MERRY.

The Costa Rican Minister to the Secretary of State.

[Translation.]

COSTA RICAN LEGATION,

Washington, October 27, 1906.

SIR: The Government of Costa Rica, interpreting the national sentiments of the Costa Rican people, who have always by their pacific and industrious habits, as well as by their desire for progress and advance, viewed with profound interest the welfare of their sisters in Central America, duly appreciates the distinction of having had its capital selected for the negotiation of the general treaty convened on board the *Marblehead*; and, as an act of courtesy, to the Government of the United States of America for an equal interest in the welfare of the Central American States, shown, once more, during the recent conflict between Guatemala and Salvador and Honduras, has instructed me to inform your excellency's Government, through the honorable medium of your excellency, of the successful outcome of the Central American peace conference held in San José, Costa Rica, from the 15th to the 25th of last September, in which Costa Rica, Salvador, Guatemala, and Honduras were represented.

Therefore, I have the honor to send your excellency, herein inclosed, two copies of the official report of the work of the conference, as follows:

Proceedings of the inaugural meeting;

Protocol;

General treaty of peace and amity, arbitration, extradition, commerce, etc.;

Convention for the establishment of an International Central American Bureau in the city of Guatemala;

Convention for the establishment of a Central American Pedagogical Institute in San Jose, Costa Rica.

I also send a translation into English of said treaty and conventions, the contents of which documents will inform your excellency of the notable success achieved, which I deem as a genuine demonstration of the spirit of conciliation and fraternity which unites the signatory States, having had in mind the absence of representatives from Nicaragua, in order to obtain in the near future, it is to be hoped, the adherence of that sister republic.

The undersigned enjoyed the honor of having been chosen to be the secretary of the conference, and in compliance with the instructions of his Government, as his first act upon resuming his duties

near the illustrious Government of Washington, it is a great pleasure, as it is a high honor, for him to renew to your excellency the expression of his sentiments of the highest and most distinguished consideration.

J. B. CALVO.

GENERAL TREATY OF PEACE AND AMITY, ARBITRATION, COMMERCE, ETC., BETWEEN
THE REPUBLICS OF COSTA RICA, SALVADOR, GUATEMALA, AND HONDURAS.

The Governments of the Republics of Salvador, Guatemala, and Honduras, in conformity with the stipulations of the treaty of July 20th of the current year, concluded on board of the American cruiser *Marblehead*, and the Republic of Costa Rica acting on invitation of said countries, and desirous to be present at this act which concerns the entire Central American Fatherland, for the purpose of establishing peace on firm and stable foundations and binding closer their family relations and the ties which must unite them because of their common destiny, through the delegates hereafter to be named, have held various meetings in conference spreading upon the several minutes of the Protocol thus formed the conclusions reached on such an important subject; and all being desirous to give said agreements a more solemn form, they have concluded to embody them in a general treaty.

The representatives were, on behalf of the Republic of Costa Rica, His Excellency, Licentiate Don Luis Anderson; on behalf of Salvador, their Excellencies, Drs. Don Salvador Gallegos and Don Salvador Rodríguez González; on behalf of Guatemala, their Excellencies, Dr. Francisco Anguiano and Licentiate Don José Flamenco, and on behalf of Honduras, His Excellency, General Sotero Barahona, who after having presented their respective Full Powers, found to be in good and due form, have agreed to the following articles:

ARTICLE 1.

There shall be perpetual peace and a frank, loyal, and sincere friendship among the Republics of Costa Rica, Salvador, Guatemala, and Honduras, each and every one of the aforesaid Governments being in duty bound to consider as one of their principal obligations the maintenance of such peace and the preservation of such friendship, by endeavoring to contribute every means to procure the desired end, and to remove, as far as lies in their power, any obstacles, whatever their nature, which might prevent it. In order to secure such ends they shall always unite when the importance of the case demands it, to foster their moral, intellectual, and industrial progress, thus making their interests one and the same, as it becomes sister countries.

ARTICLE 2.

In the event, which is not to be expected, that any of the high contracting parties should fail to comply with or cause any deviation from any of the subjects agreed to in the present treaty, such event, as well as any particular difficulty which may arise between them, shall necessarily be settled by the civilized means of arbitration.

ARTICLE 3.

The Governments of Salvador, Guatemala, and Honduras, in conformity with the stipulations of the treaty executed on board the *Marblehead*, hereby appoint as umpires, Their Excellencies the Presidents of the United States of America and of the United Mexican States, to whom all particular difficulties arising among said Governments shall be submitted for arbitration.

For the purpose of agreeing on the manner to effect such arbitration, the above-mentioned Republics shall accredit, at the latest within three months from this date, their respective legations near the Governments of the United States of America and Mexico, and in the meanwhile arbitration shall be ruled according to the stipulations of the treaty of compulsory arbitration concluded in Mexico on the 29th of January, 1902.

ARTICLE 4.

Guatemala not having subscribed to the Corinto convention of January 20, 1902, Costa Rica, Salvador, and Honduras do hereby respectively declare, that said Corinto convention is to continue in force, and that any particular difference which may arise among them shall be settled in conformity with the aforesaid convention and with the regulations established by the Central American court of arbitration on the 9th of October of that year.

ARTICLE 5.

Citizens of any of the high contracting parties, resident in the territory of any of the other parties, shall enjoy the same civil rights as native citizens, and shall be considered as naturalized citizens of the country of residence, provided they possess the qualifications required by the respective constitutional laws and have declared before the respective departmental authorities their intention of becoming citizens; or that they accept any public office or charge, in which case such intention is presumed. Nonnaturalized citizens shall be exempt from obligatory military service, either by sea or land, and from all forced loans, levies, or military requisitions, and under no circumstances shall they be obliged to pay more assessments, ordinary or extraordinary taxes, than those to which native citizens are subject.

ARTICLE 6.

The diplomatic agents of each of the high contracting parties shall exercise their good offices in order that due justice shall be administered their fellow citizens. It is well understood, however, that in the defense and protection of their rights and interests, and in their claims and complaints against the nation or private individuals, no other proceedings shall be resorted to than those which the laws of each signatory Republic may provide for their respective citizens, and they must conform to the final decision of the courts of justice.

ARTICLE 7.

Those who may have acquired a professional, literary, artistic, or industrial title in any of the contracting Republics shall be free to practice in any of the other countries, without any restraint whatever, their respective professions, arts, or trades, in conformity with the laws of the country of their residence, and without any other previous requirements than the presentation of the proper title or diploma, duly authenticated, and, in case of need, to establish the identity of the person and to obtain the approval of the executive power in case the law should so require.

Scientific or literary studies made in the universities, technical schools, institutes of secondary education in any of the contracting countries, shall also be valid after presentation of the proper authenticated documents certifying to such studies and corresponding identification.

ARTICLE 8.

Citizens of any of the signatory countries residing within the territory of any of the others, shall enjoy the right of literary, artistic, or industrial property (copyright) on the same terms and subject to the same requirements as those applying to their native-born citizens.

ARTICLE 9.

Commerce between the republics of Salvador, Guatemala, and Honduras of articles of their growth, produce, or manufacture, whether by sea, or through their land frontiers, shall be exempt from all fiscal duties, and shall not be burdened with any local or municipal import dues. In case of Salvador and Guatemala this exemption does not apply to their export duties. Products manufactured in the country with foreign raw material are excepted, and they shall only pay 50 per cent of the duty assessed upon them on their reciprocal importation from one country to another.

Notwithstanding the stipulations contained in the foregoing paragraph, the governments of the high contracting parties shall frame, of common accord, all such measures as may tend to prevent fraud under the exceptions herein stipulated.

ARTICLE 10.

In order that such national products, either natural or manufactured, may enjoy the exemption aforesaid, the political authority from the country of origin shall be required to certify to the origin of said article; and custom-house collectors, at the port of shipment, shall certify in a similar manner, that such product is a natural product of the respective country and that its origin is genuine.

ARTICLE 11.

The exemptions contained in the foregoing article shall not apply—

1. In respect to Guatemala and Salvador, to salt and sugar.
2. To the natural or manufactured products the monopoly of which actually is or may hereafter be established in each of the contracting republics for the benefit of the state.
3. To articles of illicit commerce and, in general, to all such articles that the governments may agree to exempt.

ARTICLE 12.

Whosoever in any manner defraud, or intend to defraud, the public treasury of any of the contracting parties under cover of any of the provisions of this treaty shall be prosecuted and punished as the fiscal laws of the respective countries may prescribe.

ARTICLE 13.

In respect to the commercial relations between the above-mentioned republics and Costa Rica, it is agreed, as a general proposition, that free importation shall be limited, for the present, only to such national products as can not be obtained in any of the other countries in quantities sufficient to meet the necessities of consumption, such articles to be freely designated and the extent of the exemptions established for each year by correspondence between the respective departments during the next preceding year.

ARTICLE 14.

The merchant vessels of any of the four contracting parties shall be regarded as national (home) vessels while on the seas, coasts, and ports of any of the other countries. They shall enjoy the same exemptions, franchises, and concessions accorded to such vessels, and shall pay no other dues, nor be burdened with other charges than those affecting vessels of the respective countries.

ARTICLE 15.

Diplomatic and consular agents of the contracting republics in foreign cities towns, or ports shall extend to the persons, vessels, and other property of the citizens of any of the aforesaid republics the same protection due to the persons, vessels, and other property of their respective fellow-citizens, and they shall not ask for such services, any other, or higher fees than those usually charged in the case of their own fellow-citizens.

ARTICLE 16.

With a view to encourage commerce among the contracting republics, their respective governments shall take the necessary steps tending to an agreement for the establishment of a national merchant marine for the coastwise trade, or to make contracts with, or grant subsidies to the steamship companies carrying on the trade between San Francisco, Cal., and Panama, and between Colon and Puerto Barrios.

ARTICLE 17.

The high contracting parties, recognizing the necessity and great advantage of promoting and supporting the establishment of the best means of communica-

tion between the respective States, hereby agree to grant, as each country may determine within its own territory, the necessary concessions for the construction of railroads and the establishment of new submarine cables and wireless telegraph stations.

They equally bind themselves to improve as much as possible their telegraphic and telephonic means of communication, it being agreed that telegraphic communication shall not be subject to any higher rates than those established by the respective tariffs for interior service in each republic.

ARTICLE 18.

There shall exist among the contracting governments a complete and regular exchange of official publications of all kinds. This exchange also applies to all scientific and literary publications made within their respective territories by private individuals, and to this end every publisher, and owner of a printing establishment, shall be bound to supply their respective department of foreign relations, immediately after publication, with the necessary copies for the exchange. For the purpose of due preservation and easy consultation, each government shall deposit one copy of said publications in such public library as it is deemed convenient.

ARTICLE 19.

Public instruments delivered in one of the contracting republics shall be valid in the others, when duly authenticated and made in accordance with the laws of the republic where they originate.

ARTICLE 20.

The judicial authorities of the contracting republics shall execute all requisitions in civil, commercial, or criminal matters relating to summons, examinations, and other legal proceedings.

Other judicial acts in civil or commercial matters growing out of personal actions shall have within the territory of any of the high contracting parties the same force as in the respective local courts, and shall be executed as in the latter when duly authorized by the supreme tribunal of the republic wherein they are to be executed. Such authorization exists when the essential conditions required by each particular legislation, as well as the rules governing in each country the execution of sentences, have been complied with.

ARTICLE 21.

The contracting republics, desirous that crimes and offenses committed within their respective territories shall not be left unpunished, and in order to prevent that criminal responsibility should be evaded by the escape of the offender, do hereby agree reciprocally to surrender persons seeking refuge within their respective territories, charged with, or convicted of, having committed in any of the countries, either as principals or as accessories, any of the following crimes, to wit: Homicide, arson, robbery, piracy, embezzlement, abigeat (cattle stealing), counterfeiting of money, forgery of public documents, breach of trust, malversation of public funds, fraudulent bankruptcy, perjury, and, in general, any crime or offense that can be prosecuted without the necessity of a formal accusation, and which the common penal code of the country wherein the crime was committed punishes by imprisonment for a period exceeding two years, even when the penalty for that particular crime is less, or different, in the country where the criminal has taken refuge.

ARTICLE 22.

The penalty of two years' imprisonment establishes the nature of the extraditable crime or offense when such extradition is requested during the judicial proceedings, but does not limit the effects of the proceedings if, either by extenuating circumstances or other evidence favorable to the accused person, he will be condemned to a lighter penalty.

Should extradition be requested by virtue of the sentence of a court, the accused person shall be surrendered in case the penalty inflicted be no less than imprisonment for one year.

ARTICLE 23.

No extradition shall be granted in the case of a person under sentence for, or charged with a political crime, or offense, even when such crime or offense may have been committed in connection with another crime or offense calling for extradition.

It devolves upon the courts of justice of the republic where the fugitive is found to determine the nature of political crimes or offenses.

The person surrendered can not be tried or condemned for political crimes or offenses, or other acts in connection thereof, committed prior to the extradition.

ARTICLE 24.

Extradition shall not be granted:

1. If the offender whose extradition is requested has already been tried and sentenced for the same act committed in the republic where he resides.

2. If the act for which extradition is demanded is not considered as a crime or offense in the republic where he resides; and

3. If in conformity with the laws of the claiming republic, or that of refuge, the action or penalty has prescribed.

If the person whose extradition is requested has been charged with or condemned in the country of refuge for an offense or crime committed within its territory, he shall not be surrendered until acquitted by sentence of the court, or, in case of having been condemned, not until such sentence has been filled, or he has been pardoned. In case of urgency, temporary detention of the accused may be requested by telegraphic or postal communication to the minister of foreign relations, or through the respective diplomatic agent or consul, in default of the former. Such temporary arrest shall conform with the rules established by the laws of the country, but, if within a month, reckoned from the day when the arrest was effected, no formal demand of the prisoner has been made, such temporary arrest shall cease.

ARTICLE 25.

The high contracting parties are not bound to surrender their respective citizens, but they shall prosecute them for violations of the penal code committed in any of the other republics, and the government in whose territory such violation was committed shall transmit to that of the nationality of the accused all such proceedings, information, and documents in the case, as well as the objects constituting the corpus delicti, and all other evidence necessary to establish the guilt and to expedite the action of the court. This being done, the trial shall proceed to its end, and the government of the country of trial shall inform the other interested governments of the final disposition of the case.

ARTICLE 26.

Extradition shall always be granted, even in case the alleged offender may fail, because of his surrender, to discharge contractual obligations. In such cases the interested parties shall have the right to bring the proper action before the competent judicial authorities.

ARTICLE 27.

The surrender shall always be made on condition that if the penalty attached to the crime or offense for which the extradition is requested is not the same in the claiming nation as in the nation of refuge, the lower penalty shall be applied to the offender, and in no case the death penalty.

ARTICLE 28.

If the accused or condemned person whose extradition is requested should be equally claimed by one or more of the governments for crimes committed by him within their respective jurisdiction, he shall be surrendered in preference to the government having first demanded his extradition.

ARTICLE 29.

For the extradition of criminals the respective signatory governments shall negotiate either directly or through diplomatic channels. In submitting the

request for extradition specification shall be made of the evidence or the principle on which the proof that, in accordance with the laws of the republic where the offense or crime was committed is sufficient to justify the arrest and trial of the accused.

The sentence, accusation, warrant of arrest, or any other equivalent legal proceedings shall also be submitted, stating the nature and gravity of the alleged offenses and the penal dispositions applicable thereto. In case of escape of the offender after sentence has been passed, or before the penalty has been fully completed, the requisition shall relate such circumstances and be accomplished only by the sentence.

ARTICLE 30.

In order to facilitate proof of ownership of the property stolen or taken from one of the republics to any of the others, the authorization and authentication of the proper documents may be made by the highest political authorities of the department wherein the crime has been committed, and pending the appearance of the interested parties the judicial authority of the country where such property is found shall direct it to be deposited, and to this end a telegraphic request from any of the authorities above mentioned shall be sufficient. Upon the establishment of the right ownership of said property it shall be delivered to the proper owners, even when the offender is not amenable to extradition, or when such extradition has not been decreed.

ARTICLE 31.

In all cases when the detention of the fugitive is demanded, he shall be informed within twenty-four hours that extradition proceedings shall be instituted against him, and that within the peremptory term of three days from notification he may oppose such extradition by alleging—

1. That he is not the person whose extradition is requested;
2. Any material defects that may exist in the submitted documents; and
3. That the request for extradition is contrary to law.

ARTICLE 32.

In case the proof of the alleged facts is needed, proceedings shall be had in accordance with the prescriptions contained in the laws of procedure of the republic to which the request has been made.

When the proof has been established, judgment shall be passed, without further proceedings, within ten days, establishing whether extradition shall be granted or not.

Against such decision, and within three days following its notification, the legal remedy granted by the laws of the country where the fugitive is found shall be granted, but five days at the latest, after the expiration of this term, final judgment shall be passed.

ARTICLE 33.

Expenses incurred by reason of the arrest, support, and transportation of the person whose surrender is requested, as well as the expenses incurred in the delivery and transportation of the property to be returned or forwarded because of its connection with the crime or offense, shall be defrayed by the republic making the request.

ARTICLE 34.

The high contracting parties do hereby solemnly declare that they do not hold themselves, nor do they hold the other Central American Republics, as foreign nations, and that they shall continuously endeavor to preserve among them all their family ties and the greatest cordiality in their reciprocal relations, uniting in a common cause in case of war or difficulties with foreign nations, and amicably and fraternally mediating in case of private disturbances.

ARTICLE 35.

In their endeavor to maintain peace and to forestall one of the most frequent causes of disturbance in the interior of the republics and of restlessness and distrust among the Central American people the contracting governments shall not allow the leaders of principal chiefs of political emigrations, nor their agents, to reside near the frontier of the countries whose peace they seek to disturb. Neither shall they employ in their respective armies emigrants from any of the other republics and, should the interested governments so request, such emigrants shall be concentrated at one point. Should the political emigrants resident in any of the contracting republics incite or encourage revolutionary work against any of the other republics, they shall forthwith be exiled from the respective territory. All these measures shall be enforced irrespective of the nationality of the person against whom issued; but any government issuing such orders shall weigh the burden of the proof submitted or the evidence obtained by such government.

ARTICLE 36.

The present treaty is of a perpetual nature and always obligatory as regards peace, friendship, and arbitration, but as regards commerce, extradition, and other stipulations it shall remain in full force for a term of ten years from the date of exchange of the ratifications. If, however, one year before the expiration of such term none of the high contracting parties should have officially notified the others of its intention to terminate the treaty as stated, it shall continue to be obligatory for one year after the said notification.

ARTICLE 37.

This treaty shall be ratified and the ratifications exchanged in the city of San Salvador within two months from date of the last ratification.

ARTICLE 38.

As the principal stipulations contained in the treaties made heretofore between the contracting countries are condensed or properly modified in the foregoing treaty, it is hereby declared that all such former treaties shall remain without effect and be abrogated when the present treaty is duly approved and the exchange of ratifications has been made.

In faith whereof the respective plenipotentiaries have signed and sealed the foregoing treaty in the city of San José de Costa Rica on the twenty-fifth day of the month of September, one thousand nine hundred and six.

(Signed)	LUIS ANDERSON.
(Signed)	SALVADOR GALLEGOS.
(Signed)	SALVADOR RODRIGUEZ G.
(Signed)	F. ANGULANO.
(Signed)	JOSÉ FLAMENCO.
(Signed)	SOTERO BARAHONA.

CONVENTION FOR THE ESTABLISHMENT OF A CENTRAL-AMERICAN INTERNATIONAL BUREAU.

The Governments of the Republics of Costa Rica, Salvador, Guatemala, and Honduras, desirous of promoting the common interests of Central America, have agreed to establish an international bureau whose duty shall be to guard and look after such interests; and in order to attain such important object, they have entered into a special convention, and for this purpose the following plenipotentiaries have been appointed:

By Costa Rica, His Excellency Licentiate Don Luis Anderson.

By Salvador, Their Excellencies Drs. Salvador Gallegos and Salvador Rodriguez Gonzalez.

By Guatemala, Their Excellencies Dr. Francisco Anguiano and the Licentiate José Flamenco.

By Honduras, His Excellency Gen. Sotero Barahona.

Who, after presentation of their respective full powers, found in good and due form, have agreed to carry into effect the aforesaid purpose in the following manner:

ARTICLE 1.

The signatory governments hereby agree to establish an International Central American Bureau, composed of one delegate from each government.

ARTICLE 2.

The presidency of the bureau shall be alternately discharged by the respective members, and to this end the alphabetical order of the names of the contracting nations shall be followed.

ARTICLE 3.

The duties of the bureau shall be those deemed necessary and expedient for the realization of its object as provided in this convention. The bureau, however, shall specify said duties in the regulations to be drawn, and is authorized to frame such rules relating to its internal organization as may lead to the successful discharge of its mission, which is to preserve and encourage the Central American interests under its care and supervision.

To obtain this end the contracting Governments bind themselves to give the bureau all the support and protection necessary for the proper discharge of such important purposes.

ARTICLE 4.

The bureau shall submit, every six months, to each of the signatory governments a detailed report of the work accomplished during the elapsed six months.

ARTICLE 5.

The bureau shall be located in the city of Guatemala, and must be established not later than the 15th of September of the coming year, 1907.

ARTICLE 6.

The diplomatic and consular agents of the contracting governments shall give the bureau all the support requested from them, furnish the bureau with such data, information, and news as may be needed, and comply with such other requests the bureau may deem it proper to make.

ARTICLE 7.

The expense for the maintenance of the bureau shall be paid on equal shares by the signatory nations.

ARTICLE 8.

The bureau shall have an organ of publicity for its work, and shall endeavor to maintain relations with other institutions of analogous nature, particularly with the International Bureau of the American Republics in Washington.

ARTICLE 9.

The bureau shall be a means of intercourse among the signatory countries, and shall communicate to the respective governments such information and reports as may be deemed necessary for the development of the relations and interests intrusted to the bureau.

ARTICLE 10.

The life of this convention is indefinite and shall last while the contracting parties do not deem it proper to terminate it, but in case of denunciation the ordinary procedure shall be followed.

In witness whereof the respective plenipotentiaries have subscribed the foregoing convention in the city of San José de Costa Rica on the twenty-fifth day of September, one thousand nine hundred and six.

(Signed)	LUIS ANDERSON.
(Signed)	SALVADOR GALLEGOS.
(Signed)	SALVADOR RODRIGUEZ G.
(Signed)	F. ANGUIANO.
(Signed)	JOSÉ FLAMENCO.
(Signed)	SOTERO BARAHONA.

CONVENTION FOR THE ESTABLISHMENT OF A CENTRAL AMERICAN PEDAGOGICAL INSTITUTE.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, and Salvador, recognizing the great importance and transcendency of inspiring in a spirit of Central Americanism, and uniformly develop it along the lines established by modern pedagogy; and being animated by the desire of putting into practice and effect such principle, have agreed to enter into a convention, and to this effect have appointed the following delegates: Costa Rica, His Excellency Licentiate Don Luis Anderson; Salvador, Their Excellencies Drs. Salvador Gallegos and Salvador Rodriguez Gonzales; Guatemala, Their Excellencies Dr. Francisco Anguiano and the Licentiate José Flamenco; Honduras, His Excellency Gen. Sotero Barahona; who after presentation of their respective full powers, found in good and due form, have agreed to the following convention:

ARTICLE 1.

The Republics of Costa Rica, Salvador, Guatemala, and Honduras, prompted by the desire to establish a common educational system, essentially homogeneous, tending to effect the moral and intellectual unification of the sister countries, have agreed to establish at the expense of and for the benefit of all, a Pedagogical Institute, having departments for men and women, for the technical education of teachers. Costa Rica shall be the seat of such institute.

ARTICLE 2.

It is understood that as regards personnel of instructors, buildings, furniture, and scientific materials, the Pedagogical Institute of the four associated republics shall be on a level with the best of its kind.

ARTICLE 3.

The installation, organization, and financial administration, as well as the general control of the institute, devolves upon the Government of Costa Rica, but the other interested governments may, whenever deemed proper, appoint a delegate to the governing board of the institute. The Government of Costa Rica shall report annually to the other governments on the progress and conditions of the institute.

ARTICLE 4.

The personnel of instructors, as well as all laboratory, library, and other scientific materials, shall be selected in Europe by a competent person.

ARTICLE 5.

Each Republic is entitled to keep as many as one hundred normal school pupils in the Pedagogical Institute, fifty of each sex, but they shall never send less than twenty of each sex.

ARTICLE 6.

When the estimate is made of the extraordinary expenses of installation, including buildings, furniture, and scientific materials, as well as the expenses for bringing in the personnel of instructors, such estimate shall be transmitted

to the interested governments, who will place at the disposal of Costa Rica their respective share in such expenses.

In view of the progressive extension and development of the Central American Pedagogical Institute, the Government of Costa Rica is authorized to construct special buildings, outside of the large centers of population, in healthy, cool places, appropriate for mental work.

ARTICLE 7.

Ordinary expenses for salaries, boarders, management, etc., shall be defrayed by Costa Rica at the beginning of each school year.

ARTICLE 8.

The pedagogical league herein agreed upon, which is the first step toward the unification of the systems of education, shall be in force for the term of twenty-five years, to be extended at the will of the high contracting parties.

ARTICLE 9.

The present convention shall be ratified by correspondence between the interested governments, and once ratified it shall become operative forthwith.

ARTICLE 10.

The Republic of Nicaragua shall be invited to become a party to this Central-American Pedagogical Union.

Done at the city of San José de Costa Rica, on the twenty-fourth day of September, one thousand nine hundred and six.

(Signed)

LUIS ANDERSON.

(Signed)

SALVADOR GALLEGOS.

(Signed)

SALVADOR RODRIGUEZ G.

(Signed)

F. ANGUIANO.

(Signed)

JOSÉ FLAMENCO.

(Signed)

SOTERO BARAHONA.

DEATH OF THE MINISTER OF GUATEMALA TO THE UNITED STATES.

The Secretary of the Guatemalan Legation to the Secretary of State.

[Translation.]

LEGATION OF GUATEMALA,

Washington, October 22, 1906.

MOST EXCELLENT SIR: Licentiate Don Jorge Muñoz, envoy extraordinary and minister plenipotentiary of the Republic of Guatemala to your excellency's Government, died in this city at 12 m. on the 22d day of the current month.

In accomplishing the painful duty of informing your excellency of the death of Mr. Muñoz, I beg you to accept the assurances of my highest consideration and appreciation, with which I subscribe myself your most devoted and faithful servant.

R. BENGOCHEA,
Secretary of the Legation.

The Acting Secretary of State to Señor Bengoechea.

No. 16.]

DEPARTMENT OF STATE,
Washington, October 22, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 22d instant, informing the department of the death of Señor

Don Jorge Muñoz, envoy extraordinary and minister plenipotentiary of Guatemala to the United States.

In acknowledging the receipt of your note making the sad announcement, I assure you that the President and Government of the United States have learned with sincere sorrow and regret of the death of Señor Muñoz, whose high abilities and sympathetic personal qualities won for him the esteem of all who were associated with him, and whose statesmanship contributed so largely to the strengthening of the bonds of peace and friendship between the Governments of the United States and Guatemala.

Accept, sir, etc.,

ROBERT BACON.

The Secretary of State to the Guatemalan Minister of Foreign Affairs.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 22, 1906.

Death of Minister Muñoz has occasioned deep sorrow and sympathy. Secretario Bengoechea received this morning as chargé interim.

Root.

The Acting Secretary of State to the Secretary of War.

DEPARTMENT OF STATE,
Washington, October 22, 1906.

SIR: I have the honor to request that you will be pleased to assign four officers of the army, the customary escort, and body bearers for services at the funeral of Señor Muñoz, the late minister of Guatemala to the United States.

The funeral services will be held at St. Matthew's Church, this city, on Wednesday, the 24th instant, at 10 o'clock in the morning.

I have, etc.,

ROBERT BACON.

The interment will be made at Oak Hill Cemetery.

The Acting Secretary of State to the Ambassador of Austria-Hungary.

DEPARTMENT OF STATE,
Washington, October 22, 1906.

DEAR MR. AMBASSADOR: Will you, as dean of the diplomatic corps, be so kind as to name the honorary pallbearers to act at the funeral of the late Don Jorge Muñoz, minister from Guatemala?

The funeral will take place at 10 o'clock a. m. on Wednesday, the 24th instant, at St. Matthew's Church

Faithfully, yours,

ROBERT BACON.

The Secretary of War to the Secretary of State.

WAR DEPARTMENT,
 Washington, October 23, 1906.

SIR: I have the honor to acknowledge the receipt of a communication of October 22, requesting the assignment of four officers of the army, the customary escort, and body bearers for service at the funeral of Señor Muñoz, the late minister of Guatemala to the United States, which will be held at St. Matthew's Church, this city, on Wednesday, the 24th instant, at 10 o'clock in the morning.

The necessary instructions have been given for compliance with the request, the four officers for duty as ushers being selected from the General Staff corps. The escort and body bearers will report to the representatives of the State Department on arrival at St. Matthew's Church on Wednesday morning.

Very respectfully,

WM. H. TAFT.

The Guatemalan Minister of Foreign Affairs to the Secretary of State.

[Telegram.]

GUATEMALA, October 23, 1906.

The President and Government of Guatemala sincerely thank you for expression of condolence and immediate acceptance Chargé Bengoechea.

JUAN BARRIOS.

President Roosevelt to the President of Guatemala.

[Telegram.]

WASHINGTON, October 26, 1906.

I thank you for your kind message. On behalf of this nation I paid sympathetic respects to the distinguished deceased.

THEODORE ROOSEVELT.